RE | SHAPING CULTURAL POLICIES

A Decade Promoting
the Diversity of Cultural
Expressions for Development

2015 **2005 Convention
Global Report**

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Foreword

For the first time at the global level, the recently adopted United Nations Sustainable Development Agenda for 2030 acknowledges the key role of culture, creativity and cultural diversity to solving sustainable development challenges. This recognition resonates with the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions, the 10th anniversary of which we celebrate in 2015.

Over the last decade, this landmark Convention – now ratified by 140 Parties – has changed the overall approach on culture and cultural goods and services. It recognized the sovereign right of governments to introduce policies to protect and promote the diversity of cultural expressions. It highlighted the dual nature of cultural activities, goods and services: they have both an economic and a cultural dimension – providing jobs and revenues, driving innovation and sustainable economic growth, and at the same time conveying identities and values, fostering social inclusion and sense of belonging. Today, we can witness the multiple advantages of this combination, as a force for both social and economic sustainability, as a driver to promote human rights and fundamental freedoms.

The new 2030 Agenda raises high expectations, and this is the importance of this first-ever UNESCO monitoring Report, to collect, analyse and disseminate information on the many different ways in which countries across the world are integrating culture into sustainable development policies and programmes. This report comes in timely support for the implementation of the new Agenda, to ensure effectiveness and maximize impact, helping countries to evaluate goals, resolve policy questions, and devise new measures that meet people's demands and needs.

It provides in-depth analysis of current trends, advances and challenges faced by all relevant policy actors – with examples of innovative policies and measures that address contemporary issues including: transnational mobility, artistic freedom, access to international marketplaces, the digital environment. It also provides – for the first time – an integrated monitoring framework in the field of culture with proposed indicators of change and progress.

My special thanks go to the Swedish Government and the Swedish International Development Cooperation agency for their generous support. Almost 20 years after the 1998 Stockholm Intergovernmental Conference on Cultural Policies for Development, this is another breakthrough contribution by Sweden to broaden the scope of global cultural policy analysis. This first biennial report makes a compelling case for placing the diversity of cultural expressions at the heart of sustainable all development efforts. With further support from Parties, donors and development partners, it is my intention to continue this publication on a regular basis.

New discourses and approaches are needed to guide cultural policy. These must be accompanied by commitments to institutional and structural change in all areas of governance and management of culture. They must build on reliable planning, data collection and analysis, monitoring and evaluation, as well as on evidence-based, participatory and transparent policy-making at the national level. This will require more integrated capacity development including through South-South and triangular cooperation. This report is a contribution to this global effort, and I am convinced it will inspire more actors to take action. Now is the time.

Irina Bokova
Director-General of UNESCO

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Executive summary

This Report presents the work of fourteen independent experts, as well as the Secretary of the Convention and the Principal Editor, who have analysed the implementation of the *Convention on the Protection and Promotion of the Diversity of Cultural Expressions*. Its purpose is to move forward the process of monitoring the Convention's implementation that was put in place by a mechanism of Quadrennial Periodic Reports (QPRs) approved by the Convention's Conference of Parties in 2011. The contributors have consulted the 71 reports submitted by Parties, but have also used data derived from other, non-official sources and have drawn upon their own expert experience.

The Introduction by the Secretary of the Convention explains the objectives of the Report, presenting the guiding principles and values that underpin the Convention as well as the main lines of a methodology to monitor its long-term impact. The Introduction is followed by a contribution from experts that places the present exercise in the context of five decades of cultural policy research and evaluation, beginning with UNESCO's efforts in the late 1960s, and considers that the Report 'is likely to be a milestone in the advancement of cultural policy research across the world'. The second chapter proposes a conceptual framework for an indicator system to monitor the implementation of the Convention. It proposes the following four implementation goals, each derived from the Convention's guiding principles:

❶ **Support sustainable systems of governance for culture**

❷ **Achieve a balanced flow of cultural goods and services and increase the mobility of artists and cultural professionals**

❸ **Integrate culture in sustainable development frameworks**

❹ **Promote human rights and fundamental freedoms**

The order of the sections that follow corresponds to the above. The first and paramount goal being to **support sustainable systems of governance for culture**; this challenge is addressed in the four chapters that make up the first section. The first of these chapters focuses on *policies and measures* to promote the diversity of cultural expressions. It underlines that Parties increasingly aim to strengthen the value chain of creation, production, distribution, dissemination and enjoyment of cultural goods and services. Technology is opening up channels for new voices and talent as well as new forms of citizen participation that are redrawing the boundaries between these links in the value chain and raising new questions for the design of new policies and measures. Yet many Parties also continue to report on policies and measures on domains that do not fall within the remit of the Convention, such as heritage. While many have reformed or revisited their cultural policies and have created new measures and mechanisms as a result, still more progress is required if the ambitious goals of the Convention are to be achieved. In particular, the establishment of participatory models between civil society and public sector officials to produce solid evidence for policy monitoring and impact assessment.

Chapter 2 is devoted to the *public service media* as producers, commissioners, distributors, disseminators and mediators of high-quality cultural content. There can be no media diversity without media freedom. Hence, freedom of information laws and their effective implementation are crucial. With the rise of digital networks and online platforms, fostering freedom online becomes vital as well. The quantum leap in access to media outlets and greater choices does not mean that the media content available via those outlets is necessarily freer, nor is a large number of platforms in itself a guarantee of diversity of content and expressions. Technology is opening up channels for new voices and talent, including those of citizen journalists and amateur film producers, who are redrawing the boundaries of journalism, and these need to be encouraged. Women are among these many voices, but gender equality has not increased in either media content or decision-making, where women remain excluded to greater or lesser degrees; it is therefore essential to take steps to remedy the situation.

The technological revolution has had profound impacts on the media as well as all aspects of the cultural value chain, hence Chapter 3 explores the implications of the rapidly evolving *digital environment*. Developing countries still have a long way to go before they reach the levels of digital access enjoyed by developed countries. However, over the last decade, there has been remarkable progress, particularly in terms of mobile connectivity. An increasing number of creators are using new technologies to generate online content. E-commerce is growing very rapidly – this can be an advantage for local cultural industries, but is also a risk for small and medium-sized players, given the advance of the big platforms. The boom in social networks since 2004 constitutes an opportunity for civil society participation, especially when it comes to sharing cultural content.

The Convention is a pioneer treaty for the importance it attaches to the contribution of *civil society* actors to its implementation. Chapter 4 analyses this dimension. The key finding is that a clear majority of Parties include civil society organizations in the policy making process. Yet there are insufficiencies in the capacity of both governments and civil society organizations to cooperate effectively. While many civil society organizations did participate in the preparation of the Quadrennial Periodic Reports, more civil society voices need to be involved. The 'cultural watchdog' role of civil society remains underdeveloped but the national Coalitions for Cultural Diversity, which already operate in 43 countries, could become a driving force to fill the gap.

The second section of the report relates to the goal of **a balanced flow of cultural goods and services and increase the mobility of artists and cultural professionals** worldwide. The mobility of artists and other cultural professionals (Chapter 5) is crucial to maintaining a heterogeneous world of ideas, values and worldviews. Access to international markets for artists and cultural professionals is also crucial to the promotion of sustainable cultural and creative industries and their potential contribution to human, social and economic development. Yet there is a big gap between the principles and ideals of the Convention and the reality as regards the mobility of artists and cultural professionals from the global South. The obstacles include increasing security, economic and political constraints, particularly in the global North. The Convention needs to be used more effectively in overcoming these constraints.

Chapter 6 analyzes the flows of cultural goods and services and argues that an equitable balance has not yet been achieved. However, from 2004 to 2013, the share of developing countries in the export of cultural goods increased continuously, especially in the visual arts, in which field the share imported from developing countries to developed countries almost doubled from 2004 to 2013. While fewer musical and audiovisual goods were imported, the share of books and press imported from developing countries increased during the same period. Flows of cultural services such as audiovisual media are still largely dominated by developed countries. The United States ranked first and accounted for 52.4% of global exports of cultural services in 2012, slightly lower than in 2004, at 58%. The remaining countries in this category are all developed countries in Europe and North America. The share of US exports of audiovisual and related services and reproducible rights to developing countries increased from 11.34% to 20.28% between 2004 and 2013. Over the same period, there was a slight increase in the intra-group export of cultural goods among the Andean Community (ANDEAN) member countries (12.3% – 18%) and a significant increase in trade among countries that are member of the Pan-Arab Free Trade Area (PAFTA), from 15% – 58%. But there was little exchange of cultural goods and services among members of the Economic Community of West African States (ECOWAS) or the South Asian Free Trade Agreement (SAFTA).

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. The subsequent chapter (Chapter 7) underlining this dimension finds that seven trade agreements concluded by the European Union since 2005 incorporate one or more explicit references to the Convention. There has also been an increase in the use of the 'cultural exemption' measure to exclude some cultural goods and/or services from trade agreements. Furthermore, the Protocols for Cultural Cooperation annexed to trade agreements have recognized the specificity of cultural goods and services (and also provide for preferential treatment as regards artists and cultural professionals, especially from the global South). Beyond the trade arena, since 2005 the Convention has been referenced in over 250 texts in dozens of international, regional and bilateral organizations.

Chapter 8 analyses how the Convention has had a positive impact on policies, plans and programmes for the benefit of culturally sustainable development: while clear progress has been made, many challenges remain with regard to **integrating a cultural dimension in sustainable development frameworks**. The chapter argues that the cultural and creative industries should be a major target for policy leading towards development that is both economically and culturally sustainable. There is considerable scope for donor countries to promote this objective through their Official Development Assistance (ODA) strategies and programmes. Every effort needs to be made to persuade planners to recognize the cultural context within which development plans are put into effect, as well as the dynamic role that the cultural and creative industries can play in meeting national economic and social objectives. An essential principle of culturally sustainable development is equity in the treatment of vulnerable groups in society; attention to this principle requires not only specifically targeted strategies to overcome disadvantage in access to cultural participation, but also vigilance to ensure that cultural policies in other areas do not have unintentional adverse side-effects.

The final section of the report is devoted to an integral principle of the Convention that has not been foregrounded in its implementation so far, namely the **promotion of human rights and the protection of the fundamental freedoms** of expression, information and communication. *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. As Chapter 9 on gender equality argues, while women are strongly represented in the creative sector in most parts of the world, they remain poorly represented in a number of cultural professions and in decision-making positions. This situation diminishes cultural diversity and deprives everyone of unhindered access to the creative potential of the female half of the artistic community. Many countries have taken steps to improve opportunities for women and even leverage women's contributions to the creative economy. However, the need to ensure gender equality in the cultural sector has not yet been adequately addressed. A major stumbling block is the paucity of sex-disaggregated data. Equally important is a holistic approach that recognizes the symbiotic relationship between gender equality, cultural rights and cultural diversity.

Finally, Chapter 10 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. It is a dimension of fundamental freedom that is essential to the wellbeing of citizens and societies at large. The chapter analyses the factors and forces, both governmental and non-governmental, which lead to restrictions to freedom of artistic expression and/or access to it. It reviews some of the measures cited by Parties in this domain, as well as other initiatives, both public and private, that bring succour to artists at risk. It also notes that the freedoms indispensable for artistic expression and creativity were the subject of the first UN Special Report on Freedom of Expression published by the UN Human Rights Council in March 2013.

The Report's Conclusions recapitulate the key findings of the report and chart out ways forward. Clearly, the 2005 Convention has enriched the panoply of policy making for the benefit of the diversity of cultural expressions, even in the case of Parties that already had well-defined cultural policy frameworks in place before it entered into force. Yet the imperatives of implementing the Convention have undoubtedly led to the development of new frameworks and/or mechanisms. These advances and innovations are promising, but they are insufficient. Considerable progress needs to be achieved. Such progress is well within the grasp of all the stakeholders, provided the lessons learned through the present exercise are applied, in particular the proposals put forward for data collection and indicator building that will make possible in the near future ever more meaningful monitoring, assessment and evaluation.

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UNESCO stands for freedom of expression

Freedom of expression is a prerequisite for a living democracy. As such, democracy constitutes the basis for cultural diversity and the way we interact across borders and between cultures and peoples.

In today's world, the media landscape changes at a pace never seen before. The free flow of information and ideas is as significant as ever. This exchange of new ideas and perspectives enables different and diverse sources and voices to be heard and, as a result, helps ensure a proper setting for sustainable development.

Intergovernmental work undertaken through the UNESCO 2005 Convention is one way to further strengthen the global role of cultural policies for cultural diversity. This work is of paramount importance in the fight to keep a constructive intercultural dialogue alive.

Sweden's support to the UNESCO programme Enhancing Fundamental Freedoms through the Promotion of the Diversity of Cultural Expressions – of which this Global Monitoring Report is one part – reflects Swedish commitment to the work of UNESCO and our trust in the organization.

This global report highlights best practices, identifies areas for improvement and calls attention to current global trends. It is a tool for national work in the field of cultural policies. My hope is that the findings of the report will increase our common knowledge and advance applicable solutions that can be used in a broader context.

Sweden's support also reflects the conviction that the work of UNESCO is best carried out through its core programmes and conventions.

The UNESCO 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expression is the only cultural policy instrument at global level which deals with policy development for the promotion of diversity of cultural expressions. As such, the Convention builds on the principle of respect for human rights and fundamental freedoms – in other words, freedom of expression – which is a prerequisite for true cultural diversity.

In this context my most difficult – and yet also most honourable – task as Minister for Culture and Democracy is to work for the independence of, and equal participation in, cultural life.

Alice Bah Kuhnke

Minister for Culture and Democracy, Sweden

Introduction

Danielle Cliche[1]

Anniversaries are a time for reflection and planning.

The 10th anniversary of the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005) provides its Parties and non-governmental stakeholders with a significant opportunity to recall its origins, critically review the achievements that have been made under its aegis and, on this basis, form an ambition for the implementation of the Convention for the next ten, twenty, even thirty years.

One of the questions asked during this anniversary year is whether or not the implementation of the Convention reflects the vision of its authors. In other words, has it led to the positive changes its drafters envisaged? Or, has the vision itself been modified in the light of experience? If so, how has this vision been modified, and what are the wider political, social economic and cultural developments that have influenced this change?

These are some of the broad issues that this new global report series to monitor the implementation of the Convention attempts to address. This maiden edition is a first effort to take stock, on the basis of what we have learned so far. To share information from all countries on the measures they have taken to promote the diversity of cultural expressions within their territories and internationally. To recognize achievements and through the sharing of experiences, determine how cultural policies may have been re-shaped as a result of efforts to implement the Convention. This Report is also intended to generate further debate on shaping cultural policies for the future – so that by the time the second monitoring report is published in 2017, we may find ourselves even closer to supplying answers to all the questions that need to be raised.

ORIGINS

Recalling the origins of the Convention is indispensable if we are to correctly understand the impact it has had, ten years after its adoption.

The first substantive work published following the adoption of the Convention that documents its origins was the volume sub-titled *Making it Work*, edited by Nina Obuljen and Joost Smiers and published by *Culturelink* in 2006. In their introduction, Obuljen and Smiers (2006), recapture the state of thinking at the time and some of the reasons why the Convention was deemed necessary in the first place:

Cultural production, distribution, exhibition and promotion worldwide are increasingly monopolised; fewer owners than ever before dominate the cultural market. At the same time, the choice available to consumers in many fields of the arts is less diversified. Cultural life is diminished when the variety of artistic expressions that can reach audiences and buyers of works of art is reduced. From a human rights perspective this is not a sound development. This reduction in the number of owners and the diversity of choices is also a threat to democracy, since a rich diversity of voices and images is essential for democratic discourse.

In addition, prior to the drafting of the Convention text, not only was the degree of public intervention in the field of culture being debated in increasingly focused terms, but the sovereign rights of States to adopt cultural policies was at stake as well. Obuljen observed that there was a need 'to design new ways to give adequate support to contemporary cultural creations at all stages of the process, including production, distribution, consumption and preservation of cultural goods and services... This is why the Convention on the Protection and Promotion of the Diversity of Cultural Expressions had to be more than just a battle to preserve existing policies; it had to be an inspiration to create space to look for alternative policy solutions' (Obuljen, 2006).

These potential 'alternative policy solutions' would benefit from new thinking on concepts such as 'cultural diversity' and 'culture and development' that were opened up by the work of the World Commission on Culture and Development and its report, *Our Creative Diversity*. The World Commission argued that cultural diversity is not just tied to individual or group differences but can be a source of creativity. Public support for new emerging, experimental art forms and expressions should therefore not be considered mere subsidy to consumption but an investment in human development. The Intergovernmental Conference on Cultural Policies for Development, organized by UNESCO in Stockholm (1998), with a view to mainstreaming the key ideas of the World Commission, recognized that cultural diversity could transversally strengthen economic, social and human development processes. The 'Stockholm Action Plan' that the Conference adopted called upon governments to recognize the essential contribution of creativity to development. It also promoted the idea that while the works of cultural professionals and artists – that is, those works materialized as cultural goods and services – have important economic value; they are not merely commodities or consumer goods that can be regarded as objects of trade.

The messages emerging from both the World Commission and the Stockholm Conference served as the foundation for the 2001 Universal Declaration on Cultural Diversity, unanimously adopted in Paris during UNESCO's 31st General Conference. The Declaration called for the defence of cultural diversity as an ethical imperative, inseparable from respect for human dignity, and as a capacity for expression, creation and innovation. It called upon governments to nurture and strengthen capacities for creation and dissemination of cultural goods and services worldwide.

The 2005 Convention embodies this concept of diversity as a source of creativity and a capacity for cultural expression.

> *The Convention calls for the implementation of a new system of governance for culture that is to be achieved not only through country level interventions that involve public, private and civil society stakeholders but also through international solidarity and cooperation*

It defines cultural expressions as those that result from the creativity of individuals, groups and societies, which have cultural content. These expressions are manifested as cultural goods, services and activities and constitute significant input to 'creative economies' worldwide. Regardless of the economic value they may have or the means and technologies used in their creation, production or distribution, cultural expressions are understood in the Convention as vehicles of identity, values and meaning that distinguish them from other commodities or consumer goods for sale or trade.

To promote diverse cultural expressions, Parties are called upon to introduce an enabling environment that encourages individuals and social groups to create, produce, disseminate, distribute and have access to their own cultural expressions, as well as from other countries of the world. While the Convention does not define a list of cultural expressions or cultural goods and services, they are understood as those at the heart of the cultural and creative industries and their sub-sectors, namely, books, films, sound recordings, radio and television programmes, etc.

Before addressing the ways and means of monitoring, it is important to recognize that the Convention on the Protection and Promotion of the Diversity of Cultural Expressions is an instrument of international law that sets standards and parameters for its Parties in the design and implementation of policies. This does not imply the creation of one global policy that can be replicated by all countries around the world, but rather encourages governments to introduce policies for culture that reflect the commitment to protect and promote the diversity of cultural expressions within their territories.

The Convention is not an invention of UNESCO acting alone, but is a text that was negotiated between public authorities and civil society groups around the world between 2000 and 2005. Today, there are 140 Parties to the Convention (139 countries plus the European Union). The recent ratification of Samoa in October 2015 makes it the first Pacific Island country to join the community of Parties. Through ratification of the Convention, the Parties commit to uphold principles of human rights and fundamental freedoms, equitable access, openness and balance in the flow of cultural goods and services at the international level. They also affirm their right and responsibility to develop policies and measures at the country level to support creativity, to provide opportunities for cultural goods and services to have access to markets worldwide while ensuring that they are also available to a local audience. The Convention recognizes the contribution of the cultural and creative industries to economic and social development and promotes the integration of culture in international development assistance programmes. Finally, the Convention encourages international cooperation to facilitate the free movement of artists and cultural professionals, especially for those in the global South.

The Convention acknowledges that all these commitments require an integrated approach to policy making which includes the participation of various government ministries/departments, not just the ministries responsible for culture. This means ministries of education, social affairs, employment, tax, trade and competition, enterprise development and so on through, for example, the creation of interdepartmental working groups.

This does not imply a shifting of responsibility from one ministry to the other but rather the adoption of a culture-centred approach to joined-up policy development to promote diversity.

They also require strategies aimed at promoting a diversity of cultural expressions that originate from within a specific territory as well as those that originate from a variety of world regions. In this context, multilateral, regional and bilateral treaties as well as international cooperation agreements and strategies combining trade and culture dimensions should focus not only on promoting cultural goods and services abroad through export-driven strategies, but also on enabling the distribution of diverse cultural expressions from different world regions within their respective markets through import-driven strategies.

In short, the Convention calls for the implementation of a new system of governance for culture that is to be achieved not only through country level interventions that involve public, private and civil society stakeholders but also through international solidarity and cooperation. A system of governance that is multifaceted and is based on principles that guide activities and measures so that the cultural and creative industries and their sub-sectors from all parts of the world, can emerge and develop to their fullest potential. The quality and functioning of this system of governance for culture is as important as its establishment and will depend on several factors such as the following:

- political will and the level of priority given to the cultural sector by public authorities and society in general;

- engagement of civil society and professional operators;

- availability of human and financial resources in the sector;

- capacities and skills of the various public institutions and stakeholders in formulating relevant and effective action-orientated strategies and policy; and

- availability of information and data that can contribute to facilitating informed and transparent governance.

Among the questions raised are whether or not the Convention has made a positive impact on any of these issues. This is one of the main challenges we face as we go forward to implement the Convention worldwide.

MONITORING THE IMPACT OF THE CONVENTION

When an international legal instrument contains few obligations, legally binding enforcement mechanisms or dispute settlement procedures, compliance can nevertheless be monitored – and should be. The objective of setting up a monitoring mechanism is to collect information on what Parties are actually doing to implement their commitments; the fact that a country has ratified an international law does not guarantee that it will be implemented. The process would require the regular collection of information and data, statistics and best practices on policies and measures adopted by Parties. It would also require the *full participation of both governmental and civil society actors*; even though they will have different frames of reference and expectations of *what* is to be monitored and *how*.

This is key to determining how the fundamental principles and concepts of an international standard-setting instrument are translated into actual policies and measures, how they have developed over time in different countries and how the Parties have (or have not) found policy solutions to the challenges faced by the stakeholders. The accumulation and dissemination of such information is also essential to evaluate goals, resolve strategic policy questions, improve upon existing policy instruments, devise new measures or make pertinent management decisions that meet the needs of its stakeholders; a cyclical process of *knowledge production, transfer and uptake*.

The 2004 draft of the Convention (whose title at that time was 'Convention on the Protection of the Diversity of Cultural Contents and Artistic Expressions') included an article that proposed the establishment of a global observatory to collect, analyse and disseminate relevant information, statistics and best practices on policies and measures of relevance to the Convention. This proposal was met with resistance from both governments and civil society actors alike, who argued against the creation of a new and potentially expensive administrative structure. Calls were made rather to strengthen existing regional and national exercises to collect and analyse relevant information and data and to promote cooperation among them at the international level. While the article in question was indeed removed, the goal of producing and sharing information on policies and measures to promote the diversity of cultural expressions was not abandoned. In fact, it was included in various articles of the Convention that were eventually adopted. The main ones are Article 9 (a) which calls on Parties to provide appropriate information in their reports to UNESCO every four years and Article 19 (1) which calls for the exchange, analysis and dissemination of information including best practices. Several Articles of the Convention and their accompanying Operational Guidelines indicate the types of polices and measures for which this information is to be collected. While the adopted text is not explicit in its language about specific monitoring activities, it does provide an opportunity for a monitoring process to be put in place, to be carried out with the active participation of civil society actors.

Experience shows that creating a large-scale statistical monitoring system is difficult to achieve. This is due primarily to differences in the way definitions of culture are constructed and data is collected (or sometimes not collected). Therefore, the development of a comprehensive comparative statistical framework in the classical sense appeared undesirable from the outset. The adoption of a mixed methodological approach to begin mapping available information and data and to accept the blanks in between could help overcome the existing lacunae.

Another fundamental challenge is the lack of both official and independent cultural policy information and data collection infrastructures in many countries.

Any global system of monitoring would also need to be able to use data from one country and stories from another to assess the impact of policies and measures within a common framework. The main objective for creating this type of system is to attract and present different views and engage as many actors as possible in the quest for transparency and participation. Comparative observations can be drawn from the information and data collected and a new set of questions and indicators for monitoring trends over a certain period of time could be introduced.

As discussed in the *Evaluating cultural policies: A retrospective* chapter, several models to evaluate cultural policies and monitor the implementation of standard setting instruments have emerged. Among the lessons they offer is the importance of:

- establishing clearly defined goals to monitor, with standard questions and indicators to guide the collection of information and data on a regular basis over a certain period of time;

- involving the participation of inter-governmental, national government and civil society actors as equal partners;

- combining qualitative information and quantitative data methodologies to monitor and evaluate the articles of a standard-setting instrument around different types of information, for example, narrative, legal, infrastructure, policies, basic facts;

- designing a framework that is flexible enough to take account of different political, economic and social realities and legislative traditions around the world;

- providing capacity-building and training opportunities to overcome the challenges many countries face in collecting information and data; and

- creating mechanisms to widely disseminate the results collected to promote transparency and encourage debate among interested stakeholders.

DESIGNING A FRAMEWORK TO SHARE, NOT COMPARE

Opportunities for meaningful monitoring exercises to succeed have greatly improved in recent years, thanks to the increased access that new information technologies provide to diverse sources of information and the possibility of involving a higher number of actors in data verification processes. It was with these realities in mind that the third ordinary session of the Conference of Parties to the Convention (June 2011) adopted Operational Guidelines for Article 9 and a Framework for Quadrennial Periodic Reporting (QPR). In deciding upon the Framework, a thematic approach was pursued, rather than requesting Parties to report on each Article one by one. It was also stressed that the QPRs are working tools expected to evolve over time and acknowledged that not all Parties would be able to answer all the questions at the same level of detail. It was agreed that Parties would report on measures that have contributed to the implementation of the Convention regardless of whether they were introduced after ratification or were already in effect prior to ratification of the Convention, acknowledging that it may be difficult to find examples in all countries so soon after ratification. It was determined that the reports should include both qualitative and quantitative information (including an optional statistical annex) and be illustrated with examples from which an inventory of good practice would be compiled. Finally, the framework was designed to provide a space for reporting by civil society actors on the activities they have undertaken not only in promoting the objectives of the Convention at the global level but also their participation in policy design and implementation at the national level. Against this background, the objective of the QPR exercise is to share information and identify global trends and challenges, rather than to compare or rate Parties with regard to the state of implementation of the Convention.

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THE FIRST REPORTS

The first QPR cycle was launched in 2012 and the second is scheduled to begin in 2016. At the end of 2015, 61% of the Parties had submitted their first reports. These were analysed by a group of international experts and the Convention Secretariat and examined by the Intergovernmental Committee at each of its sessions (December 2012, 2013 and 2014). The reports submitted during the 2012-2015 cycle offer the first critical mass of data and information available to analyse key trends and identify the main challenges faced by countries in implementing policies and measures that promote the diversity of cultural expressions. Key trends confirm what the *UN Creative Economy Report 2013 Special Edition* revealed: countries in all parts of the world are taking action to support the development and growth of their creative sectors. They have begun to introduce a panoply of new policies, especially countries of the global South, whose strategies are increasingly in tune with human development thinking, whether through coherent creative economy strategies or sector specific initiatives (UNESCO-UNDP, 2013).

Yet, a range of challenges also arose, particularly from Parties that did not submit their reports. They indicated that platforms for dialogue between government and civil society actors were not created or were fragile; reliable information or data resources in this emerging field were not available and that there is a lack of awareness, both in governmental circles and among the public at large, of the policy issues surrounding the promotion of the diversity of cultural expressions.

In order to address these issues, Parties expressed the need to strengthen their reporting capacities and build the necessary human and institutional skills to fulfill not only their reporting obligations but also contribute to informed, transparent and participatory systems of governance for culture – the ultimate goal of the Convention.

THE MONITORING FRAMEWORK AND FOUR GOALS

In this anniversary year, it is worth reiterating in some more detail than above, the guiding principles and values that underpin the Convention. These are the following:

- 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;

- The equitable access, openness and balance in the flow of cultural goods and services as well as the free movement of artists and cultural professionals;

- The recognition of the complementary economic and cultural aspects of sustainable development; and

- The 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.

In this Report, these guiding principles and values are presented as implementation goals for the Convention. The second chapter of the Report, 'Towards a Monitoring Framework', elaborates an indicator system developed on the basis of these goals, identifying expected results, key areas for monitoring, core indicators and means of verification. The chapters that follow are organized into four sections, each relating to themes connected to the respective four goals.

In the first section, four chapters will address the first goal identified above. The opening chapter examines the cultural policies and measures Parties have adopted over the past ten years to support the creation, production, distribution and access to diverse cultural goods and services. What measures have Parties introduced to nurture creativity? Do they provide direct support to artists and creators, including for the creation of new works or do they provide indirect support to enable the time, space and opportunities for the development of new ideas and visions? Which strategies have they adopted to support independent producers and distributors working in the cultural industries or that provide access to the public at large to diverse cultural expressions?

The two following chapters (Chapter 2 and 3) address policy areas of priority identified by the Parties, namely public service media and digital technologies that can have an important impact on promoting the diversity of cultural expressions and that future policy strategies to implement the Convention must take into account. This means recognizing not only the new routes that artists and cultural professionals, institutions and enterprises may take, bypassing traditional intermediaries and/or channels along the value chain, but also new voices and talents.

At the heart of the goal for achieving sustainable systems of governance is the participation of multiple civil society stakeholders. Chapter 4, on partnering with civil society, investigates the ways and means civil society has been engaged in the implementation of the Convention in general, and in policy design and implementation in particular. The question to be addressed over the long term is whether or not the expected results have been achieved. Have policies and measures implemented in the domain of concern to us here contributed to informed, transparent and *participatory* systems of governance for culture?

The three following chapters, devoted to the second goal, question how Parties have or have not applied preferential treatment measures to address these asymmetrical conditions in order to meet the Convention's guiding principles of equitable access, openness and balance in the flow of cultural goods and services and the free movement of artists and cultural professionals around the world. This unique feature of the Convention, provided for in Articles 16 and 21, is indeed an innovative approach to the development of cultural cooperation. It also takes into account current global issues related to electronic commerce that pose new challenges to the flow of cultural goods and services on the one hand and to migration and related border security issues on the other hand, that have an impact on the free movement of artists and cultural professionals. Given that the concept of preferential treatment is traditionally applied in the field of trade, a new methodology for understanding how Parties are to implement preferential treatment policies and measures that promote a diversity of cultural expressions is required. Keith Nurse has thus suggested that it is necessary to understand preferential treatment policies and measures:

- *at the individual level*, to facilitate the mobility and exchange of artists and cultural professionals, particularly from the global South through, for example, simplifying procedures for visas or lowering visa costs (see Chapter 5);

- *at the organizational level*, to improve market access for cultural goods and services of developing countries through building capacities of cultural entrepreneurs and organizations in promoting the economic and trade dimension of the sector and through specific support schemes to open up market access such as co-distribution agreements (see Chapter 6); and

- *at the industry environment level*, to promote the objectives and principles of the Convention in other international forums in general and through bilateral, regional, multilateral trade agreements in particular (see Chapter 7).

The third goal of integrating culture into sustainable development frameworks is as relevant today as it was when the Convention was adopted. Sustainable development is understood in the Convention as a kind of development that 'widens people's choices and builds their capabilities to lead the lives they have reason to value. In this perspective, creativity and culture are recognized for the multiple contributions they make to development, including generating social energy, confidence and engagement, enabling both individuals and groups to aspire to and imagine alternative futures' (UNESCO-UNDP, 2013).

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As more Parties engage with the reporting requirements of the Convention and involve more stakeholders in this process, the more representative the data and information will be

The commitment made by the Parties in 2005 to achieve sustainable development in its three dimensions — economic, social and environmental — in a balanced and integrated manner is at the heart of the 2030 Sustainable Development Agenda. Both the Convention and the new 2030 Agenda make a commitment to create conditions for inclusive and sustained economic growth, shared prosperity and decent work for all. In this context, the Convention specifically calls upon Parties to support cooperation for sustainable development and poverty reduction by strengthening the cultural sectors in developing countries and introducing programmes to develop national capacities, transfer technology and provide support for small and medium sized creative enterprises. It also calls upon the international community to engage in new forms of partnership with the private sector and civil society representatives in order to achieve their development cooperation objectives and emphasizes the importance of

timely and reliable disaggregated data to help measure progress and provide evidence for transparent and informed decision-making.

Chapter 8 addresses these issues and examines the ways that Parties have integrated culture into national development policies as well as international development assistance into programmes, demonstrating that 'development is not a matter for the South alone; it is a truly global challenge' (UNESCO-UNDP, 2013). As regards the recognition of the complementary economic and cultural aspects of development (cf. the guiding principles of the Convention), the author proposes the monitoring of how national development policies and measures introduced by Parties address the three following areas: the *growth* of the cultural industries that generate not only economic but also social, cultural and environmental outcomes; *equity* in the distribution cultural resources; and fairness, justice and non-discrimination in *access* to cultural participation.

The fourth goal can be understood as underpinning the preceding three goals, since the promotion of human rights and the protection of the fundamental freedoms of expression, information and communication are pre-requisites for the creation, distribution and access to a diversity of cultural expressions. In this context, the Parties are called upon to ensure that international and national legislation related to human rights and fundamental freedoms is implemented.

They also need to ensure that it promotes artistic freedom and the social and economic rights of artists (see Chapter 10) and promotes women as creators and producers of cultural goods and services and their access to cultural activities goods and services (see Chapter 9). The question of the results expected from implementing this fundamental goal is aligned with the results expected in 2030 following the implementation of the UN Sustainable Development Goals (SDGs) addressing the promotion of human rights and the achievement of gender equality. The 2030 Agenda targets that are relevant to achieving this goal of the Convention are: 'to ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements' (Target 16.10); 'to ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life' (Target 5.5); and to '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' (Target 5c).

The data and information contained in this Report have been culled primarily from the QPRs that the Parties have submitted to UNESCO on the ways they have implemented the Convention. The cases found throughout the Report are also mainly from this source. There are many other cases across the world that could equally serve as examples of what the Parties and non-governmental stakeholders are doing.

As more Parties engage with the reporting requirements of the Convention and involve more stakeholders in this process, the more representative the data and information will be.

This Report, the monitoring framework and its proposed indicators and the evidence presented in each of the Chapters, are to be understood as a first step towards better understanding the impact of this young international legal instrument. The Report is thus designed – as the Parties's QPRs themselves – as a working tool to generate debate and engage stakeholders around the world in a discussion about the effectiveness of measures adopted at the national as well as the global level. The debate initiated in the wake of the present Report will be intensified during the preparation of the second Report that will be published in 2017.

Determining the impact or success of the Convention will not, however, be solely governed by the implementation of legal procedures, the establishment of information or statistical monitoring exercises or the degree to which governmental and non-governmental actors cooperate to bring its Articles to life. Its real and sustainable achievement will be to bring ever-increasing numbers of citizens to understand the Convention and inspire them to take concrete action to promote the diversity of cultural expressions.

2005
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2006
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2007
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2008
16

2009
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2010
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2011
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2012
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2013
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2014
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2015
05

140
Parties

2015   1st Global Report to monitor the Convention
2015   UNESCO Manual on Culture for Development Indicators
2014   IOS study on policy impact of the Convention
2013   UN Creative Economy Report
2013   Global capacity building strategy approved
2012   1st Quadrennial Periodic Reports
2010   International Fund for Cultural Diversity launched
2009   1st Operational Guidelines adopted
2008   1st exchange session held with civil society
2007   Entry into force of the Convention
2005   Convention is adopted

1970s 1980s   UNESCO publishes first national cultural policy monographs

1967   Monaco Round Table on Cultural Policies

1970   Intergovernmental Conference on Institutional, Administrative and Financial Aspects of Cultural Policies

1982   MONDIACULT: First World Conference on Cultural policies

1985   Methods for evaluation of national cultural policies (CoE)

1988 – 1997   UNESCO World Decade for Cultural Development

1987   Our Common Future: UN Report of the World Commission on Environment and Development

1992   Guide to the Current State and Trends in Cultural Policy and Life in the UNESCO Member States (Cullturelink)

1995   Our Creative Diversity: Report of the UN-UNESCO World Commission on Culture and Development

1998   UNESCO Intergovernmental Conference on Cultural Policies for Development (Stockholm)

1999   Compendium of Cultural Policies and Trends in Europe (CoE, ERICarts)

2001   UNESCO Universal Declaration on Cultural Diversity

Evaluating cultural policies

A retrospective

Carl-Johan Kleberg[1] and Mikael Schultz[2]

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The present report on the implementation of the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions (hereafter the Convention) is likely to be a milestone in the advancement of cultural policy research across the world. For the focus it places on *evaluating the impacts* of the Convention is both new and crucial. The last five decades have seen a number of reports and surveys, many of which have had a comparative purpose. However, there is still no framework in place to provide robust evaluations of national cultural policy making and implementation. Despite their shortcomings, these earlier efforts have created a corpus of experience and knowledge that can productively inform the work that has been initiated under the aegis of the Convention, in other words a new knowledge building process that will enable Parties to identify and pursue their own pathways towards cultural policies that protect and promote the diversity of cultural expressions. These retrospective reflections, therefore, will present successive knowledge building exercises in which the authors of this article have individually been involved and underline their key features.

THE FIRST STEPS

In most countries, the research infrastructure needed to provide a robust evidence base for policy making is still lacking. Yet right from the emergence of cultural policy as a distinct domain in the 1960s, the need was recognized for an evidence base derived from in-depth research. But such research is time-consuming and therefore onerous, especially when comparisons among different countries are also being sought.

UNESCO took the founding initiative by organizing a Round Table on Cultural Policies in December 1967 (UNESCO, 1968). This meeting of experts, held in Monaco, brought together famous artists, academics and officials. Among the civil servants was Augustin Girard, the first director of the Department of Studies and Research in the French Ministry of

Culture, who played a key role in drafting the meeting's conclusions in a Final Report. This was presented and supplemented in a volume entitled *Cultural Policy – a preliminary study*, published in 1969 (UNESCO, 1969). As the Final Report identified the key requirements for good cultural policy research that remain fully valid today, particularly in a comparative perspective, it should be seen as an important founding text.[3] It recommended an evaluation of the real cultural needs of different sectors of society. While presenting selected cultural statistics, the Final Report noted that they 'do not permit qualitative comparisons but provide *indications* for administrators or local councillors who wish to promote culture.'

One of the Monaco recommendations subsequently taken up by UNESCO was the publication in the 1970s and 1980s of over 50 booklets on national cultural policies. The purpose of the series was to reveal how cultural policies were conceived and implemented in various Member States. Each account was, in fact, an exercise in national representation, since no comparative grid was provided for analytical purposes, nor was there any attempt to develop any kind of indicator system. Nevertheless, these reports did serve a useful purpose in providing an overview of the many different national approaches. During this early stage, another important contribution to the development of cultural policies was the publication by UNESCO in 1972 of the volume entitled *Cultural Development: Experience and Policies*, which offered the overall survey of the complex ideological and methodological aspects of cultural policy (Girard, 1972).

The Monaco Round Table was organized as an expert meeting, yet all the participants agreed that issues of cultural policy had to be aired and discussed at the political level; they called therefore for the organization by UNESCO of a conference of ministers of culture.

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3. The role of Augustin Girard as a key promoter of cultural policy development, notably in research, is developed more fully in Martin, L. (2013) and Comité d'histoire du Ministère de la Culture (2011).

This recommendation was followed up by the organization of the 'Intergovernmental Conference on Institutional, Administrative and Financial Aspects of Cultural Policies' in Venice in 1970 (with Augustin Girard as the Rapporteur of Commission II that covered the topic of research). Policy-relevant research was targeted in the resolutions adopted by the conference, notably Resolution 11 that called upon UNESCO to 'give greater emphasis in its cultural programme to matters of cultural policy and assist Member States… to formulate and establish adequate institutional, administrative and financing policies… and to pay increasing attention to the collection of comparable data on the promotion of cultural policy, planning methods and legislation.'

Similar proposals emerged as well from the series of ministerial conferences held subsequently in each of UNESCO's geographical regions (Helsinki 1972, Yogyakarta 1973, Accra 1975, Bogotá 1978). In 1982, a second world-scale conference was organized in Mexico City, the World Conference on Cultural Policies known as 'Mondiacult'. Among its outcomes was the World Decade for Cultural Development, launched in 1988, but which did not advance the cause of evaluative cultural policy research.

THE COUNCIL OF EUROPE'S NATIONAL CULTURAL POLICY REVIEW PROGRAMME

In the 1980s, a sentiment of self-criticism emerged within a group of European cultural officials. 'Have we really fulfilled the cultural policy goals we set up?' they asked. 'Are the increasing sums governments are devoting to cultural activities well spent?' They began to consider evaluation methods that had begun to be used in domains other than the cultural, notably the field of education.

In 1985, the Council of Europe organized a seminar, on the topic *Methods for evaluation of national cultural policies* (Swedish Ministry of Education and Cultural Affairs, 1986).

One of the conclusions was that methods and experience needed to be exchanged and compared. Another was that statistical indicators of cultural development needed to be developed. Most important was the proposal to commence a review of national cultural policies on an experimental basis. France and Sweden volunteered to be the first countries to devote themselves to this new effort, which drew inspiration from the education policy review process put in place by the Organisation for Economic Cooperation and Development (OECD). The model consists of three steps: a national report, a report prepared by a team of foreign examiners and an exchange between the examiners and the responsible minister.

Shortly thereafter, the process was launched by the Council of Europe. More than thirty European countries undertook cultural policy reviews during two and a half decades. There was no single model for evaluation; furthermore, the quantitative basis differed very much and was often imperfect. Each Council of Europe member state valued the information on the aims and methods of cultural policies gained through these reports, particularly with regard to innovation, in other countries of the region. After the fall of the Berlin Wall, the newly-independent states were especially interested in the project – but they were motivated not by the need to evaluate but rather to muster support for the establishment of new cultural policy frameworks in their countries. For the Secretariat of the Council of Europe, the scheme offered an opportunity to develop tools for measurement and indicators to assist in the comparison of cultural policies. But this comparative requirement posed a problem for the participating governments from the very beginning. The authors of both the French and the Swedish national reports regretted that it was not possible to add international comparisons to the findings. The comparative information in the area was simply insufficient and unreliable. At the time, the Council of Europe did not have the means to elaborate comparative statistics. Despite these shortcomings, however,

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" The adoption in 2005 of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions was a historic moment. The international community had long awaited such a Convention. For the first time, governmental and non-governmental bodies, as well as cultural custodians from civil society, gathered to elaborate a treaty affirming the political will and commitment of governments to protect and promote the widest possible range of cultural expressions. I am proud to have participated, as Minister of Culture of Brazil, in this unique process which aimed to foster a better balance between trade and culture interests globally. Today, new creative societies are emerging, with new concepts and contemporary languages. The digital revolution obliges us to reinvent the way we do almost everything and re-examine the channels put in place for the creation, production, distribution, access and enjoyment of cultural goods and services. From public arts to creative districts and digital platforms, civic engagement is stimulated at all levels. In both the North and the South, artists and cultural professionals are not looking for special treatment, but for equal treatment. With the Convention, we can uphold the values of equitable access, openness and balance into the next decade. This 10th anniversary is an opportunity not to be missed.

Gilberto Gil

Former Minister of Culture of Brazil and UNESCO Goodwill Ambassador

the Council of Europe's 'model' created interest outside Europe.[4] In the light of this interest, it was also carefully examined by the UNESCO Secretariat, which in 1999 organized a workshop at Gällöfsta, Sweden, to discuss the possibility of adapting the methodology elsewhere.

The well-known researcher Christopher Gordon was asked to write a study on the review process for the workshop and in 2001 the study was published by UNESCO in a volume entitled *European Perspectives on Cultural Policy* (Gordon, 2001).

The national cultural policy reviews project is still running, but since 2011 under a new methodology that offers regionally and thematically focused reviews, carried out by joint research teams (national/international) that produce one single report with recommendations.

4. In 1999, the Swedish International Development Cooperation Agency (SIDA) responded to a request from the Vietnamese Government to fund a national cultural policy review accordingly. While this attempt could not be carried out, this process later led to both the Cultural Economy Strategy of Viet Nam (December 2013) and the Vietnamese Cultural Policy profile (December 2013). For more information, see *www.worldcp.org/*.

This methodology does not foster the kind of critical interaction between the national and international perspectives offered by the original programme. It is interesting to observe that the OECD, whose efforts had inspired the programme, has itself carried out national reviews in many fields, recurrently in many cases, which makes a longitudinal approach possible, notably with regard to follow up of earlier recommendations. One reason for its success is that the OECD can rely on adequate personnel and economic resources for carrying through these so-called peer reviews.[5]

THE IDEA OF A 'BRUNDTLAND REPORT FOR CULTURE'

In 1987, the World Commission on Environment and Development chaired by the Norwegian politician and former Prime Minister Ms Gro Harlem Brundtland published its ground-breaking report entitled *Our Common Future* (World Commission on Environment and Development, 1987). Struck by the impact of this report, several people involved in cultural policy issues in the Nordic countries put forward the idea of having a similar future-oriented report focusing on the relationships between culture and development. As is well-known, the Brundtland Report, as it was called, based its conclusions on a large number of basic environmental indicators. The idea of a 'Brundtland report for culture' was brought up during a Nordic conference in Helsinki in March 1990. Given the close ties of cooperation among the National Commissions for UNESCO in the Nordic countries, as well as among ministries and national cultural councils, the idea of a World Commission with a similar brief in the field of culture gained considerable traction in the region. Ingrid Eide, a former Under Secretary of State from Norway, who represented the Nordic group as a member of the Executive Board of UNESCO, played an instrumental role in this process.

The idea was approved in a meeting of the Nordic UNESCO National Commissions and endorsed as being both desirable and realistic; the Nordic countries accordingly proposed the establishment of an independent World Commission on Culture and Development to be established jointly by the United Nations and UNESCO. This proposal was adopted by the General Conference of UNESCO in 1991. According to this decision, the expected 'World Report on Culture and Development' would 'prepare proposals for both urgent and long-term action to meet cultural needs in the context of overall development'. The terms of reference requested the Commission to identify, describe and analyse basic questions, concerns and new challenges related to *inter alia*: (a) the cultural and socio-cultural factors impacting development, (b) the impact of social and economic development on culture and (c) the interrelatedness of culture and development models. The Commission was also requested to prepare a policy-oriented report based on the collection and analysis of information from all regions and from diverse sources. The report was to engage the general public and assist those responsible for formulating and implementing policies. The question can be raised as to why the countries of the world – many of them with an extremely low-profile or even non-existent cultural policy – took such an important decision pertaining to cultural policy. The answer no doubt lies in the explicit linking of culture and development that was sharpened by the World Decade for Cultural Development.

THE WORLD COMMISSION AND ITS OUTCOMES

In 1992, the Director-General of UNESCO established the World Commission on Culture and Development[6], which would be chaired by a former Secretary-General of the United Nations, the Peruvian diplomat Javier Pérez de Cuéllar.

This appointment secured a high level of authority for the Commission and was strengthened through its name, 'The Pérez de Cuéllar Commission'. Its members were a mix of researchers, public intellectuals, artists and politicians with experience of practical cultural policy making and represented all world regions.

The World Commission approached its task in a very ambitious manner and arranged meetings and hearings across the world, the first of which, for the European region, was held in Stockholm in 1993.[7] The World Commission's report, entitled *Our Creative Diversity*, provided a profound and provocative analysis of the complex relationships between culture and development and put forward an 'International Agenda' specifying ten Actions (World Commission on Culture and Development, 1996). The report was soon recognized as a historical event in the field of cultural policy and indeed has had long-term effects and consequences, notably in strengthening the ground for including the cultural dimension in the international public policy agenda, particularly as regards development. From the more limited perspective of this review, the most relevant proposal in *Our Creative Diversity* was Action 1 in the International Agenda, which asked UNESCO to sponsor an independent team to produce and publish an 'Annual Report on World Culture and Development', beginning in 1997.

This independent report would be (...) addressed to policy makers and other interested Parties and would be financed by voluntary contributions from the international community, including foundations and governments (World Commission on Culture and Development, 1996). It would:

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5. See *www.oecd.org/site/peerreview/ peerreviewataglance.htm*

6. The background of the World Commission and its outcomes is elaborated in The Dream of a Policy Oriented View of World Cultures (Kleberg, 2008).

7. One outcome was that the Council of Europe decided to elaborate a European report. This was published in 1997 with the title *In from the margins*. Although limited funds did not allow for the collection of comparative data, the report provided a strong analytical framing of the key issues and was widely discussed in Council of Europe circles.

- survey recent trends in culture and development;
- monitor events affecting the state of cultures worldwide;
- construct and publish quantitative cultural indicators;
- highlight good practices and policies;
- present an analysis of specific themes of general importance with policy suggestions.

This particular recommendation was proposed and initially drafted by World Commission member Mahbub ul Haq, the Pakistani economist who was the founder of UNDP's *Human Development Report* series. Indeed, had such a report emerged, it would have been particularly valuable in presenting 'an analysis of specific themes of general importance with policy suggestions'. Such an annual report could even have anticipated some of the needs identified for the future implementation of the Convention.

THE TWO *WORLD CULTURE* REPORTS

Immediately after the publication of *Our Creative Diversity*, the UNESCO Secretariat initiated the preparation of a biennial *World Culture Report*, devoted respectively to the topics 'Culture, Creativity and Markets' and 'Cultural Diversity, Conflict and Pluralism' (UNESCO, 1998b and 2000). These reports were quite unlike the format recommended by the World Commission, consisting of essays on the annual theme, together with a voluminous annex providing national statistics. These statistics did not appear to be directly related to or used in the various essays, of which only a few adopted a comparative approach derived from research. It would be safe to say that for this reason the reports did not attract broad attention in the international research community or among the ranks of the sponsors of the project. In 2001, due to a lack of financial resources and as a result of the decision taken by governing bodies to change UNESCO's policy on world reports, a decision was taken to discontinue the publication.

THE 1998 INTERGOVERNMENTAL CONFERENCE ON CULTURAL POLICIES FOR DEVELOPMENT

Our Creative Diversity had been produced by a group of experts who worked independently. Its findings were widely discussed within UNESCO as well as in cultural policy circles, but there was no mechanism by which its recommendations could be adopted by the Organization in order to guide cultural policy implementation by Member States. This was the key challenge of follow-up identified by the UNESCO Secretariat. As this concern converged with the Swedish desire to see tangible results emerge from the work of the World Commission, the authorities of that country offered to host an international conference of Ministers of Culture that would be organized by UNESCO. This event, sub-titled 'The Power of Culture', took place in the spring of 1998 (UNESCO, 1998a). Both sides recognized the fact that the many recommendations and resolutions passed by previous such conferences at regional and/or world level had not led to many concrete outcomes. Hence the organizers resolved that for Stockholm there would be a single focused outcome in the form of a short Action Plan containing specific objectives, whose pursuit would be recommended to Member States as well as to the Director-General of UNESCO. The Action Plan adopted by the Stockholm Conference was thought to constitute a significant outcome. It was the first to recognize the importance of integrating human development strategies in cultural policy and international cultural cooperation frameworks. Follow-up to it was limited, however, notably with respect to research on policy impact, the real impetus for which would only come later with the adoption of the Convention.

NEW NETWORKS

The Stockholm Conference saw lively debate around the topic of 'cultural exception' and one of its important indirect outcomes was the establishment by the Canadian Government of an international network of ministers of culture – the International Network on Cultural Policy (INCP). Sheila Copps, the then Minister of Canadian Heritage, launched this informal network with a view to generating a political discussion on the issue of cultural goods and services in the international free trade arena that could advance the cause of developing a new international normative instrument. At its peak, the INCP saw the participation of as many as 70 countries and organized gatherings across the world. The ministers or their representatives discussed a range of possible options, including the creation of a new organization – a sort of 'cultural WTO' – but eventually concluded that UNESCO would be the most appropriate location for the negotiation and adoption of such an instrument.

The Canadian Government also encouraged and supported an international civil society organization, the INCD (International Network on Cultural Diversity), whose work was to mirror and complement the efforts of the INCP. The two worked closely together, the former usually holding meetings to piggyback the ministerial gatherings. This involvement of civil society at an early stage no doubt contributed to the salience of civil society participation in the text of the Convention. While monitoring or evaluating processes did not actually occupy much space in the deliberations of the INCP and the INCD, the efforts of these two networks were to prove influential in hastening the negotiation and adoption of the Convention.

THE GROWTH OF CULTURAL POLICY RESEARCH

As these different events unfolded, the amount and quality of research devoted to policy increased markedly and the supply of policy-relevant data has gone up as a result. It is important to signal the influential model provided by the UNDP's *Human Development Report*, which in 2004 covered the topic of cultural freedom under the title *Cultural Liberty in Today's Diverse World* (UNDP, 2004). The European Union's Eurostat mechanism now offers a continually expanding base of statistical data on cultural affairs.

The Council of Europe and ERICarts' project 'Compendium of Cultural Policies and Trends in Europe', otherwise known as the *Compendium*, is a 'web-based and permanently updated information and monitoring system of national cultural policies in Europe', now in its 16th edition.[8] Both the information and the methodology are continuously updated by the researchers and officials who are behind the project, whose fact-finding and analysis are both centralized and decentralized (official and academic), bringing together both governments and the world of independent cultural policy research. The *Compendium* has inspired the creation of an international information and monitoring system of cultural policies led by the International Federation of Arts Councils and Culture Agencies, which provides the capacity to monitor and analyse global trends in key aspects of cultural policies from around the world. It allowed, in particular, the publication of country profiles for diverse countries from the South, such as Chile, India, Tunisia, Viet Nam and Zimbabwe.[9] The output of the journal *Culturelink*, produced by the Zagreb-based Network of Networks for Research and Cooperation in the Cultural Field, should also be mentioned. Academic efforts include notably the *International Journal of Cultural Policy*, under whose aegis a conference on cultural policy issues is organized biennially. These efforts have been emulated in different regions, e.g. in the form of a *Nordic Journal of Cultural Policy*. Another important academia-based initiative has been the *Cultures and Globalisation Series*, under which five key volumes were published between 2007 and 2012, each including newly generated 'indicator suites' constructed on the basis of information gleaned from a range of sources, many of them non-governmental or industry-based, and that represent considerable innovation in the realm of information graphics and data visualization (*Anheier and Isar, 2008, 2010, 2012*).

8. See *www.culturalpolicies.net*

9. See *www.worldcp.org/*

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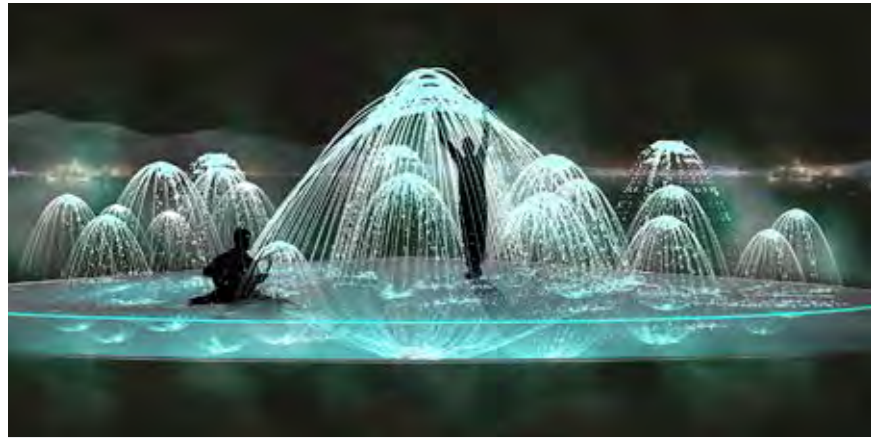
© WeWantToLearn.net, *Glowing Water*, United Kingdom

A decade has passed since the adoption of the 2005 Convention on the Protection and Promotion of Diversity of Cultural Expressions. Much has changed in that period. When I served in the national government, Canada was pursued in the World Trade Organization for offering tax incentives for domestic magazines. The WTO viewed magazines through the same commercial lens that it used for the sale of pork bellies. Facing an irreversible, wrongheaded decision, I conceived the notion of creating an international cultural instrument outside the WTO authority. UNESCO proved to be the ideal home to recognize in international law the very specific nature of cultural goods and services, having both an economic and a cultural dimension. With the expansion of international trade rules to the cultural sector, the raison d'être for the Convention is even more relevant today. The Convention views culture as a cornerstone of sustainable development, not simply another tradable good. In a fractious world, we need an enabling environment where artists and cultural professionals can create and exchange in an interconnected world, with access to diversified markets. On this tenth anniversary, let us herald those with the foresight and vision to protect the diversity of cultural expressions worldwide.

Sheila Copps
Former Deputy Prime Minister of Canada

CONCLUSION

In the light of this rapid review of the efforts we have personally witnessed over the last five decades, it is clear that the Convention's Quadrennial Periodic Review process offers the international community a significant opportunity that must be seized if at long last we are to build systematically upon on the half-century of fragmented and somewhat piecemeal efforts to promote effective cultural policy research monitoring and evaluation. The current report, which presents best practices and also analyses global trends, will add real value to the reports prepared by the Parties themselves. The formulation of shared problems identified with the help of indicators could well represent an opportunity to generate comparative information similar to that produced by the OECD peer reviews, which make longitudinal analysis possible for national reviews of cultural policy. The present report series will allow UNESCO to play an active observatory role at the international level and is likely to be a key contribution to the improvement of cultural policy across the world. Policymakers and policy planners need to be supported and governments and international organizations must be motivated to set aside resources for the complicated work demanded. Complicated it will always be, but the outcomes of such work can only improve the quality of life for us all.

Towards a monitoring framework

Helmut K. Anheier[1]

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The current report is intended to be a key first step towards the systematic monitoring of the implementation of the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions (hereafter the Convention). Essential for such a monitoring system will be the development of an evidence base of *empirical data* collected principally at the country level. In order for the systematic monitoring to actually take place, however, and for evaluative judgments of the progress of implementation to be made on the basis of the data collected, certain indicators of progress or success will also be required. In fact, an entirely new system of indicators will have to be developed.

> "
> *The implementation of the Convention is bound to be a complex process that involves multiple actors, multiple levels, multiple leverages and multiple facets*

The present chapter provides the rationale and conceptual framework for such a new indicator system. This system must reveal key trends in policy making, identify positive reforms and successful measures, as well as strengths and weaknesses, and indicate ways forward. It must do so in a manner that also fosters constructive debate and exchange of experiences among the Parties. For all these reasons, such an indicator system needs to address the following four overarching questions:

- Has the Convention induced or inspired *policy change* at the country level, in the form of new or amendments to current policy provisions and measures to protect and promote the diversity of cultural expressions?

- How *effectively* are these policies and measures being implemented?

- Have these policies and measures led directly or indirectly to *improvements in policy making* for the diversity of cultural expressions?

- Have these policies and measures created better outcomes in terms of *human development*?

These questions underpin the elaboration of the methodological principles as well as the tentative indicator framework that will be proposed below. This framework will hopefully serve to inspire Parties regarding the targets to be set and indicators to be selected. Before doing so, however, it would be helpful to define and clarify the notion of 'indicator' and 'indicator system'.

Indicators are measures of a state or a level of a given feature, characteristic or trend, be it cultural expenditure, levels of tolerance in society or artist mobility. Indicator systems are empirical portraits of the key dimensions of related phenomena under consideration. The implementation of the Convention, as the case in point, is bound to be a complex process that involves multiple actors (individuals, organizations, Parties), multiple levels (individual, institutional, national, international), multiple leverages (policies, programmes, projects), multiple facets (infrastructure, environment, capacity, creativity, markets, mobility, digitization) and so on. A proposed indicator system should capture this complexity and preserve it while representing it in both descriptive and analytic ways (Anheier and Stanig, 2013).

It is clear that delivering a robust indicator system along the lines just described is still beyond our grasp; the task of building the required information infrastructure has only just begun. A great deal of further work is going to be needed in order to measure the impact of the Convention. The system that needs to be developed can be thought of as a conceptual umbrella based on key ideas in the text of the Convention and the stipulations in the Operational Guidelines. Because of the sheer complexity of such a framework, one can indeed foresee the danger of its becoming rather unwieldy.

> "
> *The Convention and its Operational Guidelines span a broad range of policies and measures that Parties are encouraged to adopt*

To guard against this danger, the following methodological principles ought to be respected (Deutsch, 1963; Adams *et al.*, 2004; Anheier, 2004; Anheier *et al.*, 2013; Pignataro, 2003; Brown and Corbett, 1997):

- *Parsimony*, i.e. 'achieving most with least' by aiming for design simplicity;

- *Significance*, i.e. focusing on the truly critical aspects of each component element and the relationships between these key elements;

- *Conceptual focus*, i.e. developing a system that improves understanding and generates knowledge; and

- *Policy relevance*, i.e. selecting indicators useful for policy analysts and policy makers alike.

If adhered to, and once they are matched up against the key concepts in play, these criteria can provide a guide in establishing a set of core indicators without overburdening the entire system.

While the Convention itself does not define culture as such, Article 4 defines cultural expressions as 'those expressions that result from the creativity of individuals, groups and societies, and that have cultural content.' Cultural expressions are conveyed through cultural goods, services or activities irrespective of the commercial value they may have. Cultural activity may be an end in itself, or it may contribute to the production of cultural goods and services.

Therefore, an indicator system to monitor the implementation of the Convention has to focus on cultural goods, services and activities as protected and promoted by Parties through the policies and measures envisaged by the Convention. According to Article 4, *protection* means the adoption of measures aimed at the preservation, safeguarding and enhancement of the diversity of cultural expressions (whereas it does not define the notion of *promotion*).

Together, Articles 5 and 6 reaffirm the sovereign right of each Party to adopt *policies and measures aimed at protecting and promoting the diversity of cultural expressions within its territory and to strengthen international cooperation to achieve the purposes of the Convention* (emphasis added). Articles 6 and 7 further list a wide range of measures that have an effect on the creation, production, dissemination, distribution of and access to cultural goods, services and activities.

Table 0.1

Goals, guiding principles and expected results of the 2005 Convention

	Goals	Guiding principles	Expected results
	SUPPORT SUSTAINABLE SYSTEMS OF GOVERNANCE OF CULTURE	Sovereign right of States to adopt and implement policies to promote the diversity of cultural expressions within their territory, based on informed, transparent and participatory processes and systems of governance	National policies and measures are implemented that effectively promote the creation, production, distribution and access to a diversity of cultural goods and services and contribute to informed, transparent and participatory systems of governance for culture
	ACHIEVE A BALANCED FLOW OF CULTURAL GOODS AND SERVICES AND INCREASE THE MOBILITY OF ARTISTS AND CULTURAL PROFESSIONALS	Equitable access, openness and balance in the flow of cultural goods and services as well as the free movement of artists and cultural professionals	Preferential treatment measures are granted at the individual, institutional and industry levels to facilitate a balanced flow of cultural goods and services and to promote the mobility of artists and cultural professionals around the world
	INTEGRATE CULTURE IN SUSTAINABLE DEVELOPMENT FRAMEWORKS	Complementarity of economic and cultural aspects of sustainable development	Sustainable development policies and international assistance programmes integrate culture as a strategic element
	PROMOTE HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS	Respect for human rights and the fundamental freedoms of expression, information and communication as a prerequisite for creation and distribution of diverse cultural expressions	International and national legislation related to human rights and fundamental freedoms are implemented and promote both artistic freedom and the social and economic rights of artists

A FRAMEWORK FOR AN INDICATOR SYSTEM

The Operational Guidelines adopted by the Convention's Conference of Parties between 2009 and 2015 expand on the key concepts mentioned above and elaborate measures that might facilitate policies and measures that 'aim at supporting the creation, production, distribution, dissemination and access to cultural goods, services and activities with the participation of all stakeholders, notably civil society.' Taken together, the Convention and its Operational Guidelines span a broad range of policies and measures that Parties are encouraged to adopt. They concern primarily governments and/or governmental agencies operating at the national level. However, given the prominence accorded to civil society participation (a key innovation of the Convention) civil society organizations are also expected to play a key role and Article 11 states that 'Parties shall encourage the active participation of civil society in their efforts to achieve the objectives of the Convention'. As regards the private (business) sector, Article 15 states, notably in connection with cooperation for development, that 'Parties shall encourage the development of partnerships within the public and private sectors and non-profit organizations'.

Any indicator framework needs to cover these various dimensions. The provisions of the Convention are also expected to apply both at the national level and in the international arena; indeed, much of the success in implementation will depend on the strength of interaction between the two levels. The challenge of monitoring can be represented in the following table of goals, guiding principles and results expected from implementing the Convention (Table 0.1).

In the light of Table 0.1, what kind of indicator framework may be proposed? Clearly, such a framework would need to measure progress (or the lack of it). It would need also to enable us to monitor the existence and functioning of policies and measures to implement the Convention over time and to attain the 'expected results' set out above. A preliminary set of indicators making up the framework are presented in Table 0.3. It is suggested to measure the indicators for 2010 (five years after adoption of the Convention) and 2015. Afterwards, the indicators can be updated at two-year intervals, with specific time-bound targets so effective achievements can be monitored and measured.

> "
>
> *The provisions of the Convention are also expected to apply both at the national level and in the international arena; indeed, much of the success in implementation will depend on the strength of interaction between the two levels*

Parties to the Convention are the unit of analysis as they are the legal entities that ratified the Convention, thereby raising a certain level of expectation that they would take responsibility for its implementation. Civil society is also addressed through the indicator framework, given its active engagement in the work that led to the Convention's adoption, hence raising a certain level of expectation of civil society commitment to its implementation.

Specifically, the following core fields have been identified to be monitored over time as contributing to the achievement of the four Convention goals (Table 0.2). These goals are to be achieved not only through individual efforts by Parties within their territories but also through international cooperation to promote the diversity of cultural expressions:

The model that is being put forward below in Table 0.3 consists of 33 core indicators to measure achievement/

performance by Parties and identifies the types of data to be collected to verify the core indicators. The indicators are derived not only from the corpus of ideas and principles contained in the Convention, as well as the Operational Guidelines of the Convention, but draw explicitly on the work of the various experts who have contributed chapters in this volume on monitoring policies and measures adopted by Parties to implement different Articles of the Convention.

Three key indicators are proposed for each policy field to be monitored. In the first instance, they refer to the legislative base upon which specific policies and measures can be situated. For example, it would be unlikely that policies and measures would be established and functioning to promote the mobility of artists and cultural professionals if there is no legislative base to ensure freedom of movement.

The second and third level of indicators relate to the specific policies and measures Parties have adopted (or modified) to implement the Convention and, in some cases, the institutional and financial means available to implement them and, where relevant, specific target groups identified in the Convention and its Operational Guidelines.

Taken together, the indicators have been designed to address the key questions this Report seeks to answer: are policies and measures established and implemented? Have they been regularly evaluated (whether by governments, non-governmental organizations or the private sector) to determine impact? If so, what have been the results in terms of capacity- building and performance?

Table 0.2

Convention goals and core fields for monitoring the 2005 Convention

Goals		Core fields
1	**SUPPORT SUSTAINABLE SYSTEMS OF GOVERNANCE OF CULTURE**	*Cultural policies*
		Public service media
		Digital environment
		Partnering with civil society
2	**ACHIEVE A BALANCED FLOW OF CULTURAL GOODS AND SERVICES AND INCREASE THE MOBILITY OF ARTISTS AND CULTURAL PROFESSIONALS**	*Mobility of artists and cultural professionals*
		Flow of cultural goods and services
		Treaties and agreements
3	**INTEGRATE CULTURE IN SUSTAINABLE DEVELOPMENT FRAMEWORKS**	*National sustainable development policies and plans* *International sustainable development programmes*
4	**PROMOTE HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS**	*Gender equality*
		Artistic freedom

Table 0.3

Indicator framework of the 2005 Convention

Goal 1 • SUPPORT SUSTAINABLE SYSTEMS OF GOVERNANCE FOR CULTURE		
Area of monitoring	**Core indicators**	**Means of verification (data to be collected)**
Cultural policies	**National cultural policies to support creation, production, distribution and access to diverse cultural goods and services are a) established, b) evaluated and c) functioning**	• Existence of a national policy/strategic framework/action plan for culture with an allocated budget • Evidence of national policies or sectoral policies to support creation, production, distribution and access to diverse cultural goods and services • Evidence of existing culture policies or sector strategies modified to implement the Convention • Evidence of new culture policies or sector strategies created to implement the Convention • Evaluation reports on the impact of a particular policy or measure
	Multiple government agencies participate in policy making to promote the creation, production, distribution and access to diverse cultural goods and services	• Existence of a ministry of culture or a cultural secretariat with a ministerial status • Existence of a 'culture committee' in a main national legislature (e.g. parliament) • Existence of inter-ministerial cooperation mechanisms • Evidence of existing policies or policy changes in other fields having a direct impact on one or more segments of the value chain
	Parties actively support informed policy making processes	• Research bodies are established and functioning to produce data and information for policy making purposes • Existence of mechanisms and processes for monitoring, evaluation and reviewing cultural policies • Evidence of policies developed on the basis of research undertaken
Public service media (PSM)	**Legislative base to support media freedom and diversity is a) established, b) evaluated and c) functioning**	• Evidence of freedom of information laws that support a wide range of media, whatever their technological form of transmission • Evidence of print, broadcast and internet-based media freedom and percentage of individuals using the internet • Evidence of diverse media sources available for the majority of the population • Existence of independent authority to regulate audiovisual media (granting broadcasting licensing, monitoring competition rules, penalizing actors that don't fulfil their obligations, advisory functions in the area or policies and regulations) • Civil society and cultural professionals actively promote greater media diversity through public service media
	Goals of public service media are a) legally defined and b) guaranteed	• Public service remit of the PSM is clearly defined in law • PSM has specific guarantees on editorial independence and secure funding arrangements to protect it from arbitrary interference • PSM has adequate technical resources • PSM is publicly accountable, through its governing body
	Public service media policies and measures to serve the needs of all groups in society are a) established, b) evaluated and c) functioning	• Media use of language/s which reflect linguistic diversity • Public service media represents the views of the entire political, social and cultural spectrum • Information presented by the media is accessible to women and marginalized groups • Community media is produced for specific groups, e.g. indigenous peoples

Goal 1 • SUPPORT SUSTAINABLE SYSTEMS OF GOVERNANCE FOR CULTURE		
Area of monitoring	**Core indicators**	**Means of verification (data to be collected)**
Digital environment	**Legislative base for universal access to the Internet is a) established, b) evaluated and c) functioning**	• Evidence of relevant laws to establish universal access to the internet • Evidence of universal access to mobile internet connections (by gender, age, income level) and to social networks • Evaluation reports on the impact of laws on universal access to the internet
	Policies and measures to encourage digital creativity and promote civil society participation in the digital environment are a) established, b) evaluated and c) functioning	• Policies and measures to support digital arts, incubators for electronic art and experimentation, training for artists • Measures to promote the production and consumption of e-content (paid and free, international and local) • Measures to encourage civil society participation via digital media • Evaluation reports on the impact of policies to encourage digital creativity and civil society participation in the digital environment
	Policies and measures to support dynamic and diverse digital cultural industry markets are a) established, b) evaluated and c) functioning	• Policies and measures to support the modernization of the cultural industries (e.g. technological infrastructure and training for digital cinema/filmmaking, e-publishing/writing) • Number of e-players participating in the market, by cultural industry (e.g. music, publishing, film etc.) and levels of digital literacy among consumers (by gender, age, income level) • Share of digital income for small and medium-sized companies, by cultural industry (e.g. investment mechanisms such as crowdfunding for local entrepreneurs) • Evaluation reports on the impact of policies to support dynamic and diverse digital cultural industry markets
Partnering with civil society	**Legislative and financial base to support civil society is a) established and b) covers a wide range of civil society organizations**	• Evidence of relevant laws to create and support an enabling environment for civil society • Assessments of the impact of laws to support civil society • Civil society organizations receive financial support from the State and have programmes and projects to support their members
	Civil society participates in the design and implementation of policies to promote the creation, production, distribution and access to a diversity of cultural goods and services	• Diverse types of mechanisms established for civil society to participate in cultural policy design and implementation on national and local level (e.g. hearings, working groups, questionnaires, etc.) • Evidence of cultural policies adopted with active involvement of civil society and in a broad range of cultural fields • Civil society collects and analyses information and data required for informed and transparent policy making and makes it available for decision-makers • Evidence that National Coalitions for Cultural Diversity and other CSO 'cultural watchdogs' produce regular reports evaluating policies relevant to the Convention
	Civil society is actively involved in the ratification and promotion of the Convention at the country and international level	• National Coalition for Cultural Diversity (NCCD) or other CSO 'cultural watchdogs' are established and functioning • Civil society through programmes, projects and events raises awareness of the Convention at the national and local level • Civil society provides input to Parties' quadrennial periodic reports • Civil society organizations from a broad range of cultural fields submit information documents to the governing bodies of the Convention • Civil society organizations from a broad range of cultural fields participate in the debates of the Convention's governing bodies

Goal 2 • ACHIEVE A BALANCED FLOW OF CULTURAL GOODS AND SERVICES AND INCREASE THE MOBILITY OF ARTISTS AND CULTURAL PROFESSIONALS		
Area of monitoring	**Core indicators**	**Means of verification (data to be collected)**
Mobility of artists and cultural professionals	**Legislative base to ensure freedom of movement for nationals and foreigners is a) established, b) evaluated and c) functioning**	• Evidence of relevant laws to ensure freedom of movement (e.g. freedom of entry for foreign nationals, freedom to leave the country, freedom of movement for foreign nationals) • Evidence of laws that restrict freedom of movement • Evaluation report on the impact of laws to ensure freedom of movement • Evaluation report on the impact of laws restricting freedom of movement
	Policies and measures to support the mobility of artists and cultural professionals from the global South are a) established, b) evaluated and c) functioning	• Evidence of legal frameworks that support the inward and outward mobility of artists and cultural professionals (e.g. cultural agreements, memoranda of understanding, simplified visa procedures) • Evidence of policies and programmes that address mobility and are linked to strengthening the cultural and creative industries (e.g. carried out in the context of culture and development projects, initiatives to grant market access for cultural professionals) • Evidence of mobility funding programmes and/or funding mechanisms (e.g. scholarships, travel or research grants, lowering transaction costs, etc.) • Evidence of institutional frameworks to support transnational cultural collaborations, joint ventures, networking and partnerships (e.g. arts residencies for foreign nationals, training/education opportunities for foreign national cultural professionals)
	Non-governmental initiatives that facilitate the mobility of artists and cultural professionals from the global South	• Funding programmes and/or institutional mechanisms for foreign national artists and cultural professionals (e.g. art residencies, grants, scholarships, training programmes) • Resource centres and information services providing practical guidance to incoming and outgoing artists and cultural professionals
Flow of cultural goods and services	**Legislative base for flows of cultural goods and services is a) established, b) evaluated and c) functioning**	• Evidence of relevant laws to ensure a balanced flow of cultural goods and services • Evaluation reports on the impact of laws to ensure a balanced flow of cultural goods and services
	Policies and measures to support international flows of cultural goods are a) established, b) evaluated and c) functioning	• Export-import strategies for cultural goods (e.g. financial investments, capacity development, fiscal/tax measures, information services) • Programmes to foster North-South-South cooperation (e.g. co-distribution agreements, support for participation in culture-related trade events) • Data on flows of international trade of cultural goods (e.g. export and import statistics, country of origin and destination) • Data on foreign and domestic consumption of cultural goods
	Policies and measures to support international flows of cultural services are a) established, b) evaluated and b) functioning	• Export-import strategies for cultural services (e.g. financial investments, capacity development, fiscal/tax measures, information services) • Programmes to foster North-South-South cooperation (e.g. capacity development, festivals, networks, direct foreign investment in cultural activities) • Data on flows of international trade of cultural services (e.g. export and import statistics, country of origin and destination) • Data on foreign direct investment and foreign affiliates trade of cultural services • Data on foreign and domestic production and consumption investments in cultural services

Goal 2 • ACHIEVE A BALANCED FLOW OF CULTURAL GOODS AND SERVICES AND INCREASE THE MOBILITY OF ARTISTS AND CULTURAL PROFESSIONALS		
Area of monitoring	**Core indicators**	**Means of verification (data to be collected)**
Trade agreements	**Parties promote the objectives and principles of the Convention in other international and regional forums**	• Evidence of Parties intervening in international or regional ministerial meetings/events to promote the objectives and principles of the Convention • Evidence of Parties advocating for the inclusion of culture in international and regional development agendas • Evidence of Parties engaging in dialogue with States not party to the Convention to encourage ratification
	International and regional treaties and agreements a) refer to Convention and b) are evaluated	• Explicit references to the Convention in multilateral, regional and bilateral culture agreements • Explicit references to the Convention in multilateral, regional and bilateral trade agreements • Explicit references to the Convention in other international and regional agreements (e.g. UN Sustainable Development Goals, EU Digital Single Market)
	Policies and measures to implement international and regional treaties and agreements that refer to the Convention are a) established and b) evaluated	• Measures to implement provisions for cultural goods and services outlined in multilateral, regional and bilateral culture agreements that explicitly refer to the Convention • Measures to implement provisions for cultural goods and services outlined in multilateral, regional and bilateral trade agreements that explicitly refer to the Convention, or its objectives and principles • Measures to implement provisions for cultural goods and services outlined in other international and regional agreements with explicit references to the Convention, or its objectives and principles (e.g. UN Sustainable Development Goals, EU Digital Single Market)

Goal 3 • INTEGRATE CULTURE IN SUSTAINABLE DEVELOPMENT FRAMEWORKS

Area of monitoring	Core indicators	Means of verification (data to be collected)
Culture integrated into national sustainable development policies and plans	**National sustainable development policies and plans that integrate culture are a) established, b) evaluated and c) functioning**	• Short- and long- term national growth and development policies and plans incorporate culture and recognize their potential economic, social and environmental outcomes • Coordination mechanisms are established with relevant public authorities from different sectors and levels of government • Evaluation reports on the impact of national sustainable development policies and plans that integrate culture
	Policies and measures to support regional equity in the distribution of cultural resources are a) established, b) evaluated and c) functioning	• Regional and/or rural development plans integrate culture • Financial support mechanisms for cultural facilities (e.g. cinemas), infrastructure (e.g. internet access) and local cultural enterprises (e.g. publishing companies) in disadvantaged regional and/or rural areas • Support for cultural industry-led regional and/or rural regeneration projects (e.g. fostering employment and investment opportunities, promoting social cohesion and environmental sustainability) • Support infrastructural mechanisms for independent artists and cultural professionals (cultural centres, clusters that provide space, resources and equipment for independent professionals) • Evaluation reports on the impact of policies and measures to support regional equity in the distribution of cultural resources
	Policies and measures to support equity in access to cultural resources by vulnerable groups in the community are a) established, b) evaluated and c) functioning	• Programmes to facilitate full access of disadvantaged or vulnerable groups to artistic engagement and participation in cultural life • Support is provided to community projects that have both an artistic and social value • Survey evaluating individual participation or reasons for non-participation in cultural events and a level of satisfaction with variety and quality of cultural events • Evaluation reports on the impact of policies and measures to support equity in access to cultural resources by vulnerable groups
International sustainable development programmes to strengthen the cultural and creative industries	**International sustainable development programmes that integrate culture are a) established, b) evaluated and c) functioning**	• Evidence of strategies to promote culture in international sustainable development programmes • Evaluation reports on the impact of international sustainable development strategies and programmes
	Technical assistance programmes aimed at strengthening human and institutional capacities in the cultural and creative industries in developing countries are a) established, b) evaluated and c) functioning	• Evidence of international technical assistance programmes for cultural and creative industry policy development and implementation, small-medium and micro-enterprise development (e.g. the use of technology, skills development to enhance entrepreneurial and business competences), cultural industry professionals to exchange information and build professional networks • Evaluation reports on the impact of technical assistance programmes
	Financial assistance to support creativity in developing countries is a) established, b) evaluated and c) functioning	• Incorporation of culture into donor countries' official development assistance programmes and strategies (e.g. share of culture in ODA, number of countries targeted, total level of expenditure for culture per head of donor-country population) • Annual contributions to the International Fund for Cultural Diversity • Provision of low interest loans, grants and other funding mechanisms • Evaluation reports on the impact of financial assistance to support creativity in developing countries

Goal 4 • PROMOTE HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS		
Area of monitoring	**Core indicators**	**Means of verification (data to be collected)**
Gender equality	**Existence of legislative framework guaranteeing gender equality in the cultural arena**	• Ratification of relevant binding international instruments and endorsement of universal declarations and recommendations relating to women's fundamental human rights in general and cultural rights in particular • Laws (and/or legislative amendments) specifically recognizing and upholding the cultural rights of women, including their right to creative expression • Legislative (e.g. parliamentary) forums with mandate to foster gender equality in general and in the cultural sphere
	Existence of policies and measures recognizing and supporting women as creators and producers of cultural goods and services	• Policies specifically acknowledging and underlining women's right to access, participate in and contribute to cultural life through creative and artistic endeavours • 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 • Provision of financing to support and promote women creators and producers of cultural goods and services through budgetary allocations and other available means.
	Existence of policies and measures recognizing and promoting women's access to cultural activities, goods and services and their participation in cultural life	• 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 • Mechanisms and budgets to nurture and increase women's participation in, and contribution to, a wide range of cultural activities
Artistic freedom	**Legislative base for freedom of expression is a) guaranteed by law and b) respected in practice**	• Evidence of the main binding instruments and universal recommendations and declarations affecting freedom of expression that have been ratified by the State or whose content and principles have been incorporated into national laws • Evidence of violations of freedom of expression
	Policies and measures that promote and protect artistic freedom are a) established, b) evaluated and c) functioning	• Evidence of policies and strategies that recognize and support the right of artists to create, disseminate and/or perform their artistic works • Evidence of policies and strategies that recognize and support the right of all citizens to freely access and enjoy artistic works both in public and in private and to take part in cultural life without restrictions • Independent bodies established to receive complaints and monitor violations to artistic freedom (e.g. censorship) • Evidence of government support for transparent decision-making on funding/grants/awards (e.g. through independent committees and/or arm's-length bodies) • Initiatives taken by States and by CSOs to protect artists at risk, such as providing safe houses, safe cities, guidance and training, etc.
	Policies and measures that recognize and promote the social and economic rights of artists are a) established, b) evaluated and c) functioning	• Evidence of social protection measures that take the status of artists into account (e.g. social security, health insurance, retirement benefits, etc.) • Evidence of economic measures that take the status of artists into account (e.g. employment, income and tax frameworks) • Artists have the right and are organized in trade unions or professional organizations that can represent and defend the interests of their members

THE ISSUE OF DATA AVAILABILITY

Although the field of cultural statistics is still relatively underdeveloped and characterized by weak and sparse data coverage, an increasing volume of data is nonetheless gradually becoming available. What is more, data quality is also gradually improving. Nevertheless, if the indicator exercise is to become a reality, Parties need to commit to generating more and better data. This is a considerable task. At present, the construction of an indicator system can draw on three main sources of data and information:

■ **Quadrennial Periodic Reports (QPRs)** submitted from 2012 onwards by Parties to the Convention.[2] As of 2015, the majority of Parties to the Convention (75 Parties out of 140) have submitted their first QPR. This provides a critical mass of data and information that to some extent allows us to analyse current national and international trends and identify the main challenges faced by Parties and solutions they have found.

■ **Other official sources**, including UN, OECD, European Union and national sources, national accounts data, employment and trade statistics, etc.

■ **Non-official sources**, be they the results of academic research, typically social science surveys, civil society contributions, studies by business or cultural institutions, in other words resources other than the information provided in the Parties' periodic reports.[3]

The indicator-building process may also draw upon information and lessons learned derived from programmes and projects developed for the implementation of the Convention, including:

■ the EU-funded 'Expert Facility to Strengthen the System of Governance for Culture in Developing Countries', carried out between 2011-2014, providing technical assistance to 13 countries to develop policies that implement the Convention (UNESCO, 2013a);

■ the 78 operational projects supported by the International Fund for Cultural Diversity (IFCD) and implemented in 43 developing countries from 2010 to 2014, to support cultural policies, innovation and creativity for the promotion of the diversity of cultural expressions (UNESCO, 2015a);

■ the 'Culture for Development Indicators' (CDIS) programme implemented from 2011 to 2014 in 11 pilot countries. This programme serves to assess the role of culture in development (UNESCO 2014a);

■ the global survey, addressed in 2014 both to UNESCO Member States and civil society, on the implementation of the 1980 Recommendation on the Status of the Artist. The survey has been designed to collect information on how countries address issues of relevance to the Convention including freedom of artistic expression, new technologies or transnational mobility, and could serve to inform the Global Report. The results of the survey can be consulted through the Convention website (UNESCO, 2015b);

■ The Report of the study carried out in 2014 by UNESCO's Internal Oversight Service entitled *Evaluation of UNESCO's Standard-setting Work of the Culture Sector Part IV – 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions* that provides the first assessment on the implementation of the Convention at the country level (Balta, 2014).

However, all these sources combined will not be adequate to the task of constructing a dedicated indicator system of the kind outlined above. Ultimately, this should take the form of an updateable data matrix for descriptive analysis as well as measurement. An ongoing and systematic and sustained search for data for each indicator will be indispensable, together with an assessment of data coverage, periodicity and quality.

There is clearly a significant gap between the available data and information we need to measure the impact of the Convention. When preparing the framework and assembling data, we have identified key data points that are not available or available on a small scale, but are crucial for measuring impact. Critically, key fields in the arts and cultural sector (e.g., visual arts; media; literature; music; performing arts; architecture; design; digital) require data. Specifically, data are needed on:

■ independent bodies or institutions (for example, cultural ombudsman) to promote artistic freedom of expression, monitor censorship and assess complaints;

■ social protection measures for independent artists and cultural professionals (social security, retirement plans, health insurance, maternity and disability plans, taxation, unemployment benefits);

■ registered trade unions and professional associations representing various cultural fields;

■ resource centres to provide non-arts-related teaching and trainings programmes to support artists and cultural professionals (accounting, taxation, project management and budgeting, fundraising, digital literacy, coding and web-design);

■ education programmes in arts and culture in schools, universities and vocational schools (in various cultural fields), professional trainings for managers who run cultural organizations or civil servants who work with art and culture-related issues;

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2. The Quadrennial Periodic Reports are available at *www.unesco.org/culture/cultural-diversity/2005convention/en/programme/periodicreport/*

3. As new ground is being broken with the formal recognition of the role and responsibilities of civil society in the implementation of the Convention and in the preparation of the periodic reports, non-governmental sources of information and analysis will also be used. This may also include 'shadow reports' from civil society.

- diversity of public media (content, languages, access for disadvantaged groups);
- public and private funding and institutional support for artists' projects and artists' mobility;
- data on export and import of cultural services (many developing countries do not collect or provide sufficient data);
- data on trade-related issues for cultural goods and services – taxation, limitations for export/import etc.;
- measures to support women artists, the share of women working in cultural fields and holding decision-making positions;
- production and consumption of local e-content;
- publicly and privately funded cultural events, awards and festivals in various cultural fields;
- public funding and mechanisms to develop cultural facilities, infrastructure (especially in underdeveloped regions) and create facilities (cultural clusters) for local producers and independent artists and cultural professionals;
- civil society's, businesses', artists' and cultural professionals' participation in policy making;
- civil society organizations that act as 'cultural watchdogs' monitoring and evaluating cultural policies and efforts;
- cultural events participation and non-participation, level of satisfaction with variety and quality of available cultural events.

CONCLUSION

The Convention has broken new ground in more ways than one. Importantly for our purposes, it pushes for a more integrated system of governance for arts and culture. The outcome of the Convention can be expressed in a number of ways: existing or proposed policies (that take into account best practices and international standards and cover the entire value chain); the number of professionals that work in specified cultural fields; the institutional infrastructure for quality productions made available to various (including under-represented groups) audiences; or the educational and training facilities for artists and cultural professionals.

The comprehensive and innovative thrust of the Convention, we hasten to emphasize, has to be matched by an equally comprehensive and innovative monitoring system. Here, we have proposed the contours of such a system, which will need to be tested and validated over time and finalized through a participatory and inclusive approach. We are fully aware that the data needed for its full development may not yet be available. However, the aspiration is there and it remains for all those supporting the Convention to ensure that the empirical base required for its monitoring becomes a reality at the earliest. It is only then that the Convention will stand out not only in terms of its promise but also in the transparency of its achievement.

> **Civil society all over the world must discuss what citizens expect from culture. The Convention gives us the means to do so; let us seize this opportunity**
>
> **Rasmané Ouedraogo**
> President of the National Coalition
> for Cultural Diversity of Burkina Faso

SUPPORT SUSTAINABLE SYSTEMS OF GOVERNANCE FOR CULTURE

New trends in policy making

Nina Obuljen Koržinek[1]

KEY MESSAGES

>>> *Cultural policies and measures increasingly aim at strengthening the value chain of creation, production, distribution/dissemination and access.*

>>> *A key advance achieved by the Convention has been to broaden the understanding of cultural policy to include measures and mechanisms other than those normally included under the remit of ministries of culture.*

>>> *Process of reporting on cultural policies and measures is improving current communication and information systems among Parties to the Convention.*

>>> *Participatory models between civil society and public sector officials are required to produce solid evidence for policy monitoring and impact assessment.*

>>> *While the majority of reporting Parties have indicated reform of their cultural policies and/ or have created new measures and mechanisms as a result of adopting the Convention, more progress is required if the ambitious goals of the Convention are to be achieved.*

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1. Research Associate, Institute for Development and International Relations (IRMO), Zagreb, Croatia.

Data collection   Data collection

Value Chain

Creation

Production

Distribution

Participation

Data collection

Types of intervention

financial

institutional

legislative

regulatory

individual artists' grants

tax incentives for startups

audiovisual content quotas

reduced price on cultural goods
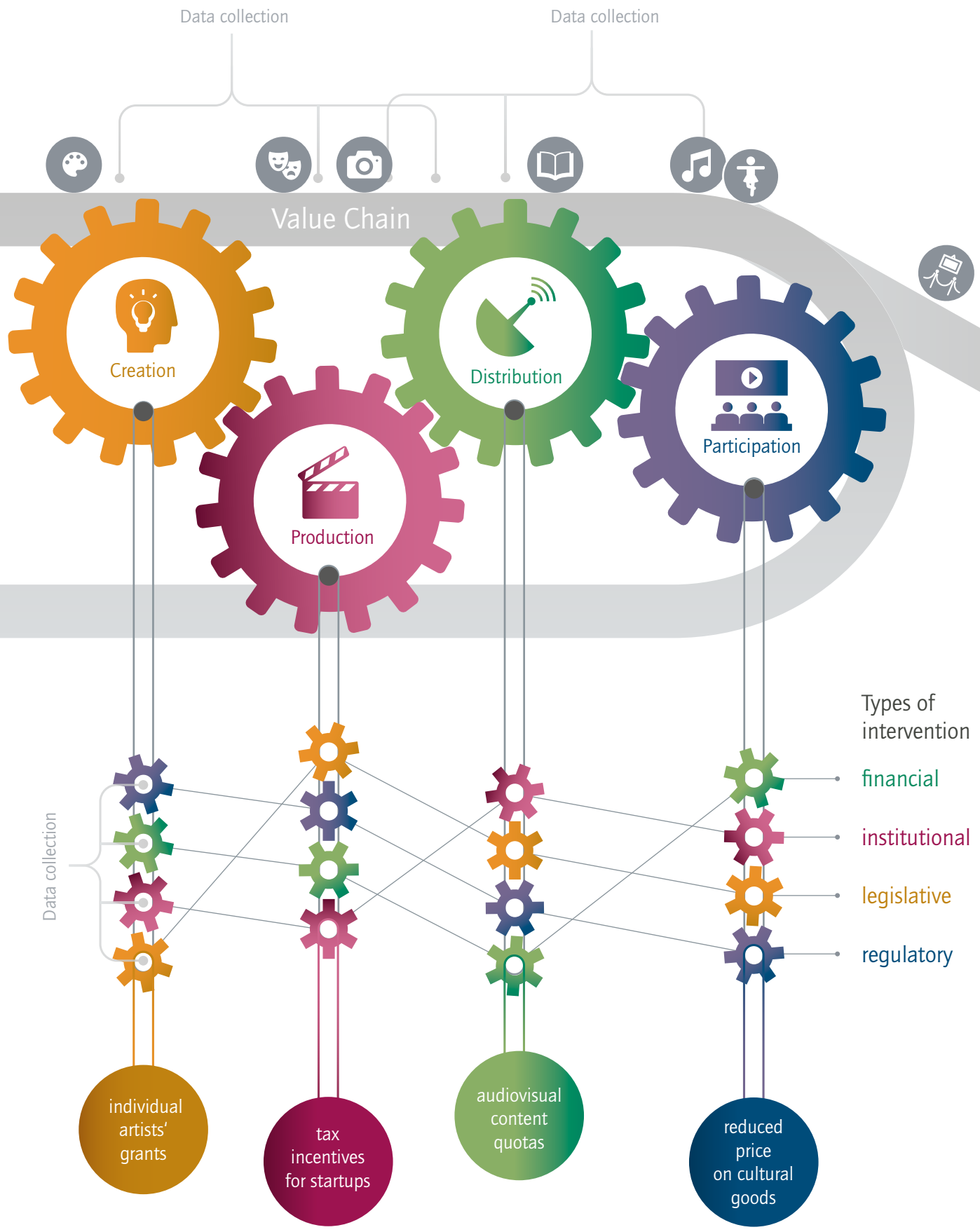
The 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions (hereafter the Convention) affords Parties the sovereign right to define and implement the policies and measures that they deem appropriate for the protection and promotion of the diversity of cultural expressions on their territory. Articles 5, 6 and 7 make it clear that these policies and measures should aim specifically at strengthening the value chain of creation, production, distribution/dissemination and access.[2] Hence, the key question for any monitoring exercise is the extent to which such policies and measures have been put in place and what results they have produced. In addition, many of the policies and mechanisms would have to be transversal in nature, cutting across different domains of governmental responsibility and different societal sectors. This makes the challenge facing Parties with regard to cultural policies and measures particularly complex. Hence, a second central question for the monitoring process is the extent to which the Convention has led countries to shoulder the task of adopting and implementing such 'joined up' strategies. As a corollary, how have such strategies successfully addressed (or not?) the needs and the realities faced by creators and producers of cultural expressions in many different settings across the world?

A first, still tentative set of answers is provided in this chapter, which will analyse the outcomes of a first phase of progress towards such systematic monitoring. For the purposes of the analysis, we shall examine how the provisions of Articles 5, 6 and 7 have been implemented, using as the primary evidence base the information contained in the Quadrennial Periodic Reports (QPRs) submitted to UNESCO between 2012 and 2014.[3] Additional evidence has also been provided by the *United Nations Creative Economy Report,*

Special Edition 2013 and the successful outcomes of projects funded by the Convention's International Fund for Cultural Diversity (IFCD).

COLLECTING INFORMATION AND MONITORING TRENDS

Article 19 of the Convention stipulates that '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'. These goals are easier to advocate than to accomplish, however. A decade after the Convention was adopted, the development of the appropriate monitoring frameworks and methodologies is still in an early stage. This is only to be expected, given a multitude of understandings and interpretations as well as different cultural policy histories and traditions that together determine how countries implement key provisions of the Convention. There are very different degrees of elaboration of cultural policy as well (notably with regard to the goods and services value chain) between one country and another. A simple and coherent system of collecting internationally comparable data is thus bound to be difficult to achieve (Cliche, 2006; Burri, 2014).

Despite this, however, the QPRs that were analysed provide many instructive insights. They confirm that the Convention has established a true platform for the 'exchange, analysis and dissemination of information' as envisaged by Article 19 in order to ensure effective implementation. It should be stressed that the aim of such exchange and analysis is not to judge the relative success or failure of countries, or to penalize those whose policies and measures may appear to be inadequate to the purposes of the Convention. Instead, the process of reporting is a means of establishing active communication among the Parties that will assist all of them in improving their regulatory systems and practices across the entire value chain.

It is important to remember, in this connection, that Parties should also learn from the evidence base already provided by previous comparative policy analysis and mapping exercises as well as the ongoing monitoring tools (see the Introduction and the chapter entitled 'Evaluating cultural policies: a retrospective'). Despite their many divergences of remit, priority and methodology, these previous and current efforts can provide complementary information that Parties may usefully consult with a view to improving the quality and accuracy of the information they provide in the QPRs. Indeed, the results of our analysis show that several countries are already doing so.

"

The Convention has established a true platform for the 'exchange, analysis and dissemination of information'

We can also learn from their successes and failures. Probably the most important lesson is that collaboration between independent experts and researchers on the one hand and officials in ministries and arts agencies on the other is indispensable. Indeed, it is such collaboration that is at the heart of the *Compendium of Cultural Policies and Trends in Europe*, the project established and implemented by the ERICarts Institute and the Council of Europe.[4] In order for the QPRs to achieve their full potential in providing the robust evidence required for policy monitoring and impact assessment, this partnership model between civil society and public sector officials needs to be developed in other exercises.

2. C.f. Operational Guidelines on Article 7 [Measures to Promote Cultural Expressions]

3. The Quadrennial Periodic Reports are available at http://en.unesco.org/creativity/monitoring-reporting/periodic-reports

4. See: *www.culturalpolicies.net/web/index.php.* The Compendium collects information about cultural policies in the 48 member states of the Council of Europe and is currently the only systematically updated mechanism for reporting and monitoring cultural policy issues. Based on the experience and methodology of the European Compendium, the International Federation of Arts and Cultural Councils and Agencies (IFACCA) launched the World CP project that aims to produce and update cultural policy profiles at the international level using a similar methodology (see: *www.worldcp.org/*).

DEFINING THE SCOPE OF CULTURAL POLICIES AND MEASURES

Reaffirming the 'sovereign rights of States', as mentioned at the outset, was the key objective for the introduction of the Convention. It was evident before and during the negotiation process that a number of measures indispensable for the protection or promotion of the diversity of cultural expressions would run counter to international rules and regulations adopted in other fields, notably those pertaining to global free trade. In providing a legal basis for countries to implement such measures independently of free trade rules, a key advance achieved by the Convention was to broaden the understanding of cultural policy to include measures and mechanisms other than those normally included under the remit of ministries of culture. In many cases, the latter often lack the competences required to deal with the value chain involved in 'the creation, production, dissemination, distribution of and access to cultural goods, services and activities' (Article 4.6). In other words, any policy in any field that has a potential impact on the value chain should take into account key principles of the Convention.

Specific policies and measures are spelled out in Articles 5, 6 and 7. Most Parties in their QPRs have used this value chain framework. The corresponding Operational Guidelines illustrate policies and measures in full detail. They include laws and regulations as well as support instruments and measures aimed at different segments of the cultural value chain – i.e. from direct subsidies supporting creation and production, to quotas aimed at ensuring balanced offer and distribution of cultural goods and services. The Operational Guidelines refer equally to public cultural institutions, as well as to non-profit, independent and private institutions and companies which all have their roles in ensuring diversity of cultural expressions. Parties are invited to adopt policies and measures supporting balanced exchanges of cultural activities, goods and services between countries, such as tax incentives,

export and import strategies, policies and instruments as well as access strategies encouraging, for example, programmes for economically disadvantaged groups and incentives so as to facilitate their access to cultural goods and services (Mißling and Scherer, 2012).

Article 6 clearly recognizes *'the particular circumstances and needs'* of each Party. The diversity of settings and approaches was indeed amply discussed during the process of negotiating the Convention and the appropriateness of this provision is borne out by the present analysis. The range of different measures that countries have reported not only makes it abundantly clear that no 'one size fits all' principle can be applied in this area, but also that implementation of the spirit of the Convention should not be limited to measures explicitly defined in the text or in the Operational Guidelines. Depending on their needs, Parties may therefore consider adopting and thus also reporting on other policies and measures. In addition, it should be recalled that Parties are not *obliged* to introduce the illustrative measures listed. Instead, they ought to be left with a great deal of flexibility. For the choice of relevant regulatory frameworks, policies and measures will depend very much on the priorities, traditions, needs and strategic objectives established by each Party in the light of its own cultural setting (Bernier, 2012).

Figure 1.1

Share of submitted QPRs by region (2012-2014)

Source: QPRs
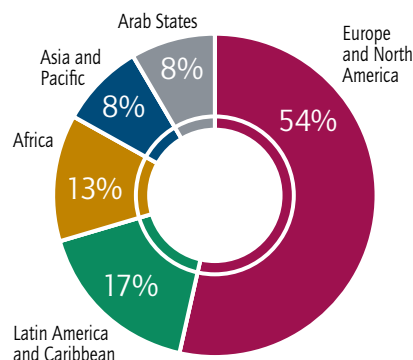
ASSESSMENT OF TRENDS

What are the main trends that emerge from the analysis? So far, 61% of the Parties (71 countries) have submitted QPRs (Figure 1.1). The majority of these reports have been submitted by European countries followed by the Latin American and the Caribbean region. The Asia-Pacific region, Africa and the Arab States lag somewhat behind. Some Parties that were scheduled to submit their reports during the first reporting cycle were delayed due to the lack of the necessary expertise at the national level, the lack of resources to hold the necessary consultations and the lack of resources to translate the report from the national language into English or French. It is safe to conjecture that Parties that already have fully elaborated cultural policies and established methodologies for monitoring and collecting data have found it much easier to provide the information expected.[5]

> *61% of the Parties (71 countries) have submitted QPRs*

In their responses to the questionnaire designed for the QPR process, Parties took different approaches. More than half did not use the questionnaire template itself but compiled their own reports based on the template. This option yielded a number of reports that were more descriptive than analytical and did not necessarily address all the questions contained in the template. Many reports did not list specific policy measures but instead offered a condensed description of the overall cultural policy, including many examples of long-term established support mechanisms related to the value chain. Some countries used information and data collected through the other existing cultural policy monitoring tools.

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5. The UNESCO Secretariat has therefore designed activities and is actively seeking resources to assist Parties in this regard. For example, the funding from the Swedish Development Agency (SIDA) offers capacity-building and technical assistance for organizing national consultations and providing data for the QPR that can inform future cultural policy elaboration.

This is to be encouraged, for it can only contribute to the accuracy and quality of the reports. It is very important to keep in mind that the Parties were invited to illustrate how they are implementing the Convention with a limited number of examples of policies and measures. The choice of measures was arbitrary – some countries reported on long-standing but effective policies and measures, while a handful of countries highlighted only those policies and measures implemented after the adoption of the Convention. Since one of the goals of the QPR process is to develop indicators for monitoring the impact of the Convention, it will be necessary to achieve, in the next phases of reporting, a greater degree of comparability and to continue refining – and no doubt simplifying – the reporting framework as well as providing more detailed guidelines.

A key area for this purpose would be scope and more will be said on this topic below. Many Parties report on domains of cultural policy that are beyond the remit of the Convention. This is particularly the case with policies pertaining to the preservation and enhancement of both tangible and intangible cultural heritage. Hence there is a continuing need to remind Parties of the distinction between the 2005 Convention and the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage. It may be noted that the reports submitted in 2013 and 2014 revealed greater focus on artistic creation and the cultural and creative industries, even though there were still examples where Parties reported on heritage policies (see also Balta, 2014).

The present analysis takes into account different types of interventions, i.e. legislative, regulatory, institutional and financial, identified by the Convention. Very often an individual cultural policy measure can belong to several categories and can address several priorities and/or segments of the value chain. On average, only 32 % of policies mentioned in the QPRs were explicitly described as having been monitored for their impact. Some 44% of the reports did not mention any monitoring for the reported policies.

In total, 380 cultural policies were reported, of which only 257 included a reference to the year of adoption.

Figure 1.2 shows a distribution of reported policies adopted before or after the adoption of the Convention.

Figure 1.2

Share of policies reported by Parties by year of adoption

Source: QPRs
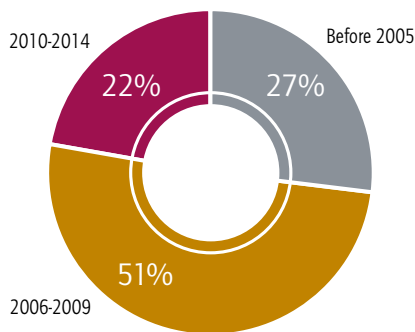
It is important to note, however, that the Intergovernmental Committee in its deliberations acknowledged that countries needed time to develop, adopt and implement specific policies responding to the provisions of the Convention. This is why Parties were encouraged to report on policies and measures, regardless of whether they were adopted before the Convention came into force. This decision was taken with regard to the requirements of the Convention. With future rounds of reports, it will be logical to expect that countries focus less on developments that took place before the adoption of the Convention, i.e. placing far greater focus on current policy making and implementation.

The QPR framework asked Parties to provide information on policies and measures at different stages of the value chain. Below is a summary of the types most frequently reported.[6]

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6. More information can be found in the analytical summaries of the Quadrennial Period Reports CE/12/6. IGC/4, CE/13/7.IGC/5 and CE/14/8.IGC/7a, available at: *www.unesco.org/culture/cultural-diversity/2005convention/en/programme/periodicreport/*

SUPPORT TO ARTISTIC CREATION

Policies and measures aimed at nurturing creativity (Box 1.1) include those that provide direct support to artists and their creative work:

- direct financial and/or fiscal support to artists as well as their associations;

- legislation on the arts and culture in general, including the status of the artist;

- training and incubator schemes for young artists and/or female artists;

- support for artists' mobility, particularly in a regional or sub-regional context;

- support for the better use of copyright mechanisms.

Reports also included information about *training and education* programmes to build professional skills that contribute to policy objectives to nurture creativity. Additionally, countries reported on targeted support measures for *minority artists and cultural workers*; targeted support for *artists with disabilities* as well as programmes aimed at the development of *public/private partnerships*.

> "
>
> *Many Parties report on domains of cultural policy that are beyond the remit of the Convention*

Mention should also be made of the survey carried out by the UNESCO Secretariat in 2014 on the implementation of the 1980 UNESCO Recommendation on the Status of the Artist. The information collected through this survey complements the information provided under the 'support to artistic creation' rubric of the QPR questionnaire. Every four years, the UNESCO Secretariat is required to monitor the implementation of the 1980 Recommendation on the Status of the Artist. In the last global survey launched in 2014, the focus was put on the thematic synergies between the Recommendation and the Convention, notably in the following four areas: digital technologies and the internet; transnational mobility;

Box 1.3 • *The Argentine Cultural Industries Market (MICA)*

MICA is the main marketplace for cultural industries in Argentina. Held in 2011, 2013 and 2015, MICA promotes the country's design, music, performing arts, audiovisual art, and publishing and video games producers in domestic and international markets. Organized in a single space, it is a point of articulation between producers and the state agencies engaged in promoting the cultural industries (which in Argentina account for more than 500,000 jobs and 3% of GDP). The market is elaborated by different public agencies working closely with the relevant private sector counterparts. It also acts as a regional space for education and training for producers, companies and professionals in the culture sector.

Source: *mica.cultura.gob.ar/*

the socio-economic status of artists; and freedom of expression. Monitoring the implementation of the 1980 Recommendation[7] and establishing links between these significant results and the Convention represents another incentive for the Parties to re-visit their cultural policies and put in place new instruments, in particular related to pressing contemporary issues in the arts field.

7. See *en.unesco.org/creativity/monitoring-reporting/status-artist*

Box 1.2 • *Support for the domestic film industry in Denmark*

For almost the last 20 years, investment in the film industry has been given the highest priority in Denmark. The strategic points of focus of the Danish support for the domestic film industry are the distribution and promotion of Danish films abroad, international co-production and media literacy. For the last 15 years, the market share of Danish films has been more than 25 % of all tickets sold domestically in a market place of more than 200 films per year. The success Danish films have experienced at home has to a large extent influenced the market position of Danish films abroad. Approximately 40% of all Danish films are distributed outside Denmark and approximately 30% of all ticket sales for Danish films take place abroad. Following the strengthening of its effort to create and co-produce high-quality films with international partners, today approximately half of all Danish films are co-productions with foreign partners.

Source: *kum.dk/servicemenu/english/policy-areas/creative-arts/film/*

SUPPORT FOR THE PRODUCTION AND DISTRIBUTION OF CULTURAL GOODS AND SERVICES

A myriad of different policies and measures aimed at creating an *enabling environment* for the production and distribution of cultural goods and services can be found in the QPRs (Box 1.2).

Production-related measures frequently reported included the following:

- direct funding for the production of domestic cultural content including tax reliefs and/or other incentives;
- support for the creation and functioning of production infrastructures and entities such as cultural industry companies or networks;
- workshops for the building of production competencies and individual entrepreneurial skills;
- promotion of market access both nationally and internationally as well as development of public/private partnerships;
- schemes that collect levies on the revenues of public and private cultural industries to reinvest back into national productions;
- co-production schemes.

Distribution measures (Box 1.3) frequently reported were:

- local or national schemes to build distributional and/or marketing capacities in different fields of artistic or cultural production (as well as schemes to boost individual entrepreneurship and talent development in culture);
- development of local distribution mechanisms, including the creation of physical infrastructure for arts and culture delivery;
- content quotas;
- measures to promote the export of cultural goods;
- media policies, including the promotion of public service media and of diversity therein;
- support to or organization of promotional events such as 'markets', 'fairs', 'festivals' or 'years'; and
- support in combating piracy.

In many countries, public and private sector stakeholders are starting to work together to create production/distribution programmes (Box 1.4) as well as sector specific clusters to strengthen the competitive capacities of producers domestically, and to provide opportunities for the distribution of their work at the national, regional and international levels.

ACCESS AND PARTICIPATION

The QPR framework stipulates that seven different 'target groups' (artists/creators, producers/entrepreneurs, cultural enterprises, young people, women, persons belonging to minorities, indigenous peoples) should be addressed. Policies and measures to promote access to diverse cultural expressions have traditionally been constructed around the goal of increasing people's participation in cultural life as a means to enhance their overall quality of life. The following types of interventions were frequently reported:

■ promoting cultural and media 'literacy';

■ promoting the access and participation of persons belonging to minorities, indigenous peoples, young people and women to cultural life;

■ promoting access and participation of the socially disadvantaged, people with disabilities, older people, as well as population in rural areas;

■ enhancing cultural education;

■ lowering price barriers to access cultural goods through measures such as reduced or zero-rated VAT as well as other measures to facilitate cultural imports.

Many Parties distribute vouchers to specific segments of the population for free or reduced-price access to artistic events. A number of Parties make efforts to serve the special needs of their regions and provinces, as well as linguistic communities, persons belonging to minorities and indigenous populations, highlighting the role of public service broadcasting in ensuring equitable participation in cultural life and access to cultural expressions (Box 1.5).

MONITORING THE IMPACT OF POLICIES AND MEASURES

One of the more ambitious goals of the monitoring process is to collect information on the impact of cultural policies and measures that promote the diversity of cultural expressions across all the different stages of the value chain. So far, several Parties in their QPRs have cited experiences that demonstrate impact:

■ monitoring *visitor numbers* after having introduced free admission to certain cultural institutions for children and youth (e.g. in Austria, a 24% increase for the target group and a 20% increase of 'paying visitors' was observed after introducing the measure);

Box 1.4 • *Promotion and development of publishing, books and reading in Côte d'Ivoire*

The Ministry of Culture in Côte d'Ivoire reported in 2013 having put in place a policy framework for the promotion of publishing and reading. The framework's key components are measures of direct support to the publishing industry; the creation of a national public library and school library network; promotion of e-book publishing; and measures to promote the international recognition of literary creation in the country.

Source: *guce.gouv.ci/culture?lang=en_US*

■ measuring the *non-domestic turnover of cultural enterprises* after having implemented measures to promote their products abroad (e.g. in *Austria*, the non-domestic turnover of 400 creative enterprises increased following the *go international* initiative of the Government, launched in 2005);

■ monitoring the volume of *locally produced content* to assess the effectiveness of support measures for the cultural industries (e.g. in *Canada*, there was a marked increase in the number of television hours, periodicals and books generated by Canadian authors, as well as music albums distributed by Canadian artists following the introduction of specific measures in 2010-2011, described in Canada's Whole-of-government framework. In *Argentina*, there has been a 28% increase in local content broadcast on regional channels following the 2009 Law on Audiovisual Communication Services;

> "
> *A greater degree of monitoring the impact of policies and measures will require substantive investment and capacity-building*

Box 1.5 • *Measures to bridge internal cultural divides in Viet Nam*

The project Developing Information Technology and Communication in Rural Areas (2011 – 2020) was designed to develop the infrastructure for a modern and compliant information technology-communication network at grassroots level. Its aims are multiple: reducing the information gap between rural and urban areas; creating favourable conditions for people in rural areas to get access to and process information quickly and conveniently; ensuring two-way communication from central to grassroots levels, so that people in rural areas can receive information and make their voices heard, thus promoting grassroots democracy. Its activities include radio and television services, and the provision of magazines and newspapers to rural people.

Source: *www.moj.gov.vn/vbpq/en/Lists/Vn%20bn%20php%20lut/View_Detail.aspx?ItemID=10739*

■ monitoring the *careers and economic activities of trainees* following the introduction of special programmes aimed at skills development (e.g. in *Argentina*, many of the beneficiaries of the 'Cultural Industries Skills Training Programme', implemented by the Secretariat of Culture and the Ministry of Labour, found employment in the industries for which they received training).

Only in a limited number of countries do either specialized public institutions or private professional bodies collect data systematically on the different stages of the value chain. Some countries have undertaken the collection of information based on specialized databases, through tailor-made feedback mechanisms or specific qualitative analysis. Given the fact that in many countries data collection is very underdeveloped, a greater degree of monitoring the impact of policies and measures will require substantive investment and capacity-building.

THE CONVENTION LEADING TO POLICY CHANGE

To what extent has the implementation of the Convention impacted overall policy change? This key question is difficult to answer at this stage. For this reason, in the coming years, Parties, especially those that will be submitting their second reports, should be invited to report on the developments that have taken place since the submission of their previous report. Our analysis reveals that many countries (especially those in the global North) consider their existing cultural policies to be fully aligned with the goals and principles of the Convention. Yet on the basis of the description of individual policies and measures, it is almost impossible to establish the connection between the introduction of individual measures and efforts to implement the provisions of the Convention. In many cases, there is no information on when a specific policy measure has been introduced or this is simply not relevant (for long-term support measures, instruments etc.).

© Frankfurt Book Fair, photo by Marc Jacquemin, 2015, Germany

*O*ur greatest asset is the talent of our people and the sense of our work is to generate opportunities for their talent to shine. We make education the engine of social change and understand it in a broad sense including science, technology, entrepreneurship, innovation, sports and culture.

On the basis of the principles of the rule of law and transparency, we have democratized the access to public resources, creating opportunities through calls and competitions for artists and cultural managers to make their dreams come true by accessing grants for creation, professionalization, cultural exchanges, mobility and endowment. We have strengthened the cultural movement through the creation of the Departmental Councils of Arts and Culture, where with the participation of 19,067 artists, 88 councillors were selected to build 8 Departmental Plans of Arts and Culture for 2014 – 2020. These are working roadmaps that clearly define where we are going in Antioquia. This is also what we have done in Medellin.

Today, with Educational Parks in 80 municipalities of Antioquia, we open the door to opportunities with spaces for gathering and education, where cultural activities and events can flourish and promote both cultural learning and practice.

Sergio Fajardo

Governor of Antioquia, Colombia

Very often, Parties describe in very general terms certain policy measures and illustrate them with very concrete examples (i.e. support to artistic creation – followed by examples of specific festivals, mobility schemes, international cultural cooperation projects, etc.).

Several Parties, however, have reported on the adoption of new cultural policy documents and strategies, some developed with support from the International Fund for Cultural Diversity (Box 1.6). Parties have also reported on the creation of a separate Ministry of Culture, linking those developments with the implementation of the Convention.

> "
> *On the basis of the description of individual policies and measures, it is almost impossible to establish the connection between the introduction of individual measures and efforts to implement the provisions of the Convention*

Austria has reported on a range of measures initiated after the adoption of the Convention with the specific aim of supplementing existing cultural policy instruments as well as integrating the Convention priorities in the cultural policy programme of the government. *Argentina* has reported on a very specific policy measure 'Cultural diversity as development agent in Argentina', implemented in 2010 and 2011, with the specific aim of promoting and spreading awareness of the Convention. In *Malawi*, the Ministry of Tourism and Culture has developed a 2013-2018 Strategic Plan that takes into account the country's obligations as stipulated in the Convention. One of the key outcomes envisaged is to see Malawi's culture promoted for sustainable socio-economic development.

FROM THE MACRO TO THE LOCAL

And what has happened at the local level? While the provisions of the Convention may well be applied at the national level, it is difficult to assess whether Parties actually adequately mention developments at local levels in their QPRs, although most of them stated that their policies were being applied at all four levels (local, regional, national and international). In the QPR, there were but few references to the policies and measures adopted at local levels. For example, Canada and Germany reported on the cultural policy documents adopted at provincial (Canada) and federal and local (Germany) levels. Some countries reported on the 'creative cities' initiatives and establishment of the creative cities networks. Collecting information on and monitoring the development of policies at the local level is admittedly rather difficult given the diversity of national cultural systems, which range from the very centralized to rather decentralized political and governance systems. Yet Parties should be encouraged to promote the implementation of the Convention at the local levels. The *United Nations Creative Economy Report, Special Edition, 2013* presented some inspiring examples and conclusions in this regard, stressing

Box 1.6 • *IFCD support for cultural policies*

The IFCD has supported an action plan to develop Bosnia and Herzegovina's film industry that envisages measures and policies to boost the sector. In Saint Vincent and the Grenadines, a project on reforming cultural policy was financed with the aim to further develop the national cultural policy through participatory process. In Kenya, a project focusing on a rights-based approach to arts and culture aimed at aligning Kenya's cultural policies to the objectives of the Convention in the area of cultural rights and the contribution of indigenous people to Kenya's cultural development.

Source: www.unesco.org/new/en/culture/themes/ cultural-diversity/cultural-expressions/international-fund/

that 'notwithstanding the importance of national-scale policy interventions, it is clear that the next frontier of knowledge generation rests on understanding interactions, specificities and policies at local levels, and how the creative economy might be practically promoted in communities, cities and regions across the developing world' (UNESCO-UNDP, 2013).

> "
> *Policies for the value chain in cultural goods and services need to create synergies between both levels and to ensure effective interactions and cooperation between various stakeholders, including public, private and civil sectors*

But this report also highlighted the challenge for policy makers in obtaining reliable data on creative and cultural activities at local levels as the data collected at national level on cultural flows, inputs and outputs do not provide adequate information necessary for understanding developments of cities, regions and local creative economies. It also underlined that assessing the local creative field as a driver for development requires an analytical perspective that is different from one based on the perspective of the nation-state. Policies for the value chain in cultural goods and services need to create synergies between both levels and to ensure effective interactions and cooperation between various stakeholders, including public, private and civil sectors. In order to collect information about developments on local levels, it will be probably difficult to rely on the existing reporting framework. It will be advisable to launch targeted surveys or questionnaires in this regard.

There is also much to be learned for the local level from case-study based approaches, e.g. as used in the *United Nations Creative Economy Report*, which highlighted projects financed

through the International Fund for Cultural Diversity (IFCD). One of the key outcomes of the IFCD-funded projects is improvement of governance and public policies at local and national levels as the IFCD supports development, reinforcement and implementation of policies and strategies.[8] Examples of innovative projects that contribute to the implementation of the Convention include:

- strengthening of governance capacities through training support, especially with ministries responsible for the cultural and creative sectors;

- capacity-building for cultural actors with the aim of ensuring better policy implementation; and

- mapping exercises, development of statistics and indicators which help to improve policy planning and evaluation.

POLICIES AND MEASURES IN OTHER DOMAINS

Despite the fact that the scope of the Convention is in reality transversal, as mentioned at the outset, the periodic reporting framework does not invite Parties to report on policies and measures in other domains that have had an impact on strengthening the value chain. It is relevant to mention, therefore, that several Parties reported on policies and measures in the field of education or art education. However, given the limited space that Parties have for reporting on policies and measures (as well as the time-consuming nature of the process itself), it is not realistic to expect that they would necessarily look at illustrative examples outside of the traditional cultural policy field. It is true, however, that already, many have reported on trade and/or development policies (see Chapters 5, 6 and 8). Hence the ever-increasing need for Parties to establish inter-ministerial task forces and to consider appointing points of contact for the Convention, not only at the ministry responsible for culture but in other ministries as well.

8. Investments and culture; the more diverse, the better: success stories, facts, figures and performance results. International Fund for Cultural Diversity, no.2 (IFCD, 2013).

Only much closer inter-ministerial cooperation (Box 1.7) can ensure that policies and measures in other fields are aligned with the principles and goals of the Convention and that they complement rather than contradict it.

"

Only much closer inter-ministerial cooperation can ensure that policies and measures in other fields are aligned with the principles and goals of the Convention

KEY CHALLENGES

At this point in the analysis, it would be useful to list the challenges that were explicitly mentioned by Parties in their QPRs. They were as follows:

- At a time when many countries face financial crisis and budgetary restrictions and/or have fragile or even non-existent systems of financial support for culture, it is difficult to expect that Parties will be able to launch new strategies, policies or measures;

- The many transformations caused by the new technologies across the value chain are difficult to follow and even more difficult to anticipate, particularly as regards regulatory frameworks;

- While the Convention invites Parties to introduce appropriate policies and measures in order to regulate cultural markets and enable exchanges of diverse cultural goods and services, in many countries cultural markets are almost non-existent and the value chain plays out largely in the *informal* economy;

- In their efforts to adopt and implement cultural policies and measures, Parties are often faced with unequal distribution of resources within their territory, including between urban and rural areas or among different regions of the country;

- In order to introduce complex measures or to deal with threats emerging from other sectors, it is necessary to establish effective cooperation between different ministries and government agencies, a significant challenge for many countries;

- Public-private sector partnerships are insufficiently developed;

- The data that are required for impact evaluation and the development of indicators are still very limited.

Box 1.7 • *Facilitating inter-ministerial cooperation mechanisms in Austria*

Austria *reports on the special coordination mechanisms dedicated to the Convention which have been established to ensure inter-institutional cooperation and involvement of civil society. With the entry into force of the Convention, a new perspective and reference framework was introduced to cultural policy debates. For example, references to the importance of a diversity of cultural expressions and of ensuring the necessary framework conditions for it to flourish are becoming increasingly prevalent in political debates (e.g. parliamentary initiatives calling for the incorporation of the Convention into existing legislation). Awareness of the* cross-cutting nature of culture *is growing, as reflected in the establishment of inter-ministerial coordination mechanisms to elaborate the specific need of artists, professionals and practitioners of the cultural sector in all relevant policy fields (e.g. inter-ministerial working group), or in measures taken to promote cultural participation and arts and culture in the education sector (e.g. the programmes p[ART] and culture connected). These developments are supported by solid coordination structures dedicated to the Convention (Advisory Panel and Working Group on Cultural Diversity).*

Source: *http://en.unesco.org/creativity/*

CORE INDICATORS AND MEANS OF VERIFICATION

Although it has been possible to identify some major trends, the panorama of cultural policies and measures relevant to the aims of the Convention has proved too diverse for key indicators to be identified at this stage for comparative assessment purposes.

While the present global report does cite indicators in some of the specific domains of the Convention (such as civil society participation or preferential treatment), the development of indicators in the overarching cultural policy domain has to be a programme rather than a realized project. This means defining, as a first step, a set of core indicators where each addresses one of the broader goals of the Convention of relevance to cultural policies, namely, the establishment of sustainable systems of governance for culture.

Therefore, the core indicators and means of verification proposed below are put forward as a starting point for reflection. They address the Guiding Principles of the Convention, notably that Parties maintain the sovereign right to formulate and implement policies and adopt measures to promote the diversity of cultural expressions; that Parties support the active participation of civil society actors in policy making processes and policy implementation and that Parties adopt an integrated approach to policy making to promote the creation, production, distribution and access to a diversity of cultural expressions.

The following indicators and means of verification are proposed.

Indicator 1.1

National cultural policies to support creation, production, distribution and access to diverse cultural goods and services are a) established, b) evaluated and c) functioning

Means of verification

• Existence of a national policy/strategic framework/action plan for culture with an allocated budget

• Evidence of national policies or sectoral policies to support creation, production, distribution and access to diverse cultural goods and services

• Evidence of existing culture policies or sector strategies modified to implement the Convention

• Evidence of new culture policies or sector strategies created to implement the Convention

• Evaluation reports on the impact of a particular policy or measure

Indicator 1.2

Multiple government agencies participate in policy making to promote the creation, production, distribution and access to diverse cultural goods and services

Means of verification

• Existence of a ministry of culture or a cultural secretariat with a ministerial status

• Existence of a 'culture committee' in a main national legislature

• Existence of inter-ministerial cooperation mechanisms

• Evidence of existing policies or policy changes in other fields having a direct impact on one or more segments of the value chain

Indicator 1.3

Parties actively support informed policy making processes

Means of verification

• Research bodies are established and functioning to produce data and information for policy making purposes

• Existence of mechanisms and processes for monitoring, evaluation and reviewing cultural policies

• Evidence of policies developed on the basis of research undertaken

In future, specific indicators could be developed for different types of policies and measures (i.e. legislative, financial, etc.) as well as for specific policy fields (i.e. book policy, film policies, media policies, etc.). Many such indicators could be developed, but this effort would require making additional changes in the monitoring framework.

In order to connect the proposed indicators with the outcomes of specific policy measures and interventions, the information collected through the QPRs has to be complemented with information gathered through the statistical annexes as well as other statistics that countries might make available.

CONCLUSION

It is essential to stress that Parties will not be judged, compared, ranked or questioned with regard to the national cultural policy systems. Sharing information is and will remain the priority of this exercise, whose quality and results will depend exclusively on their willingness and motivation. The Convention has provided the international community with a grand design for improving the governance of culture at the global level. Worldwide commitment to this goal was demonstrated by the unprecedented speed with which the Convention entered into force.

In cultural policy terms, the project focuses upon the strengthening of the value chain in cultural goods and services. Our analysis has examined how this objective has been addressed and the extent to which it is to be pursued in the spirit of a cross-cutting, 'joined up' approach to cultural policy making. It shows that progress has been achieved, but not enough. Many countries have reported on positive changes and developments, including the adoption of new policy frameworks. But the pace of implementation needs to be not just maintained, but also intensified, so that the next round of reporting on the monitoring process can bring us even closer to the ambitious goals of the Convention.

As other chapters of this global report explain in detail, these goals include making diverse cultural expressions more accessible to the public at large; optimizing the contribution of cultural industries to economic and social development; promoting international cooperation to facilitate the balanced flow of cultural goods and services as well as the mobility of artists and integrating the diversity of cultural expressions into sustainable development strategies. It argues that such measures cannot be considered successful unless they meet people's demands and needs; are based on principles of freedom of expression, equality, openness,

balance and sustainability; and are based on informed, transparent and participatory processes.

"

*The Convention has provided
the international community
with a grand design
for improving the governance
of culture at the global level*

The following main recommendations emerge from the present analysis:

■ Already the first round of reports showed that it was necessary to *improve the reporting framework*. Indeed, a revised framework was adopted at the Conference of Parties (June, 2015) providing for a narrative description of the overall cultural policy vision and adding specific sub-questions. In order to adjust the reporting framework to the Parties' needs and expectations, as well as to gradually build a basis for collecting more comparable data and information, the Parties and the UNESCO Secretariat should continue to be open to the idea of *ongoing improvement* of the reporting framework.

■ *Participatory approaches to data collection and quadrennial periodic reporting* are needed, if monitoring is to be improved. These should involve cultural operators, researchers and civil society activists, as well as officials from different sectors and levels of governments. Working with existing institutions or observatories, using information collected for other monitoring tools and continuously working on the improvement of the cultural statistics can provide the evidence needed to improve national cultural policy making, planning and evaluation.

■ The role of the *national contact points* in providing assistance and guidance and promoting networking at regional and international levels is fundamental and should be strengthened.

■ *Capacity-building* for the complex reporting procedures is essential.

■ Since only illustrative examples of policies and measures are required by the current QPR framework, it would be useful to consider adding a space where Parties could *list or register all policies and measures across the value chain*, or at least to invite Parties to mention several measures for each group of policies such as those defined in the Operational Guidelines. The detailed description of the five selected policies and measures could be kept. Such additional information, which can also be suggested as an annex, would be helpful in establishing the indicators suggested above.

■ Reporting on policy measures which contribute indirectly to the promotion of the diversity of cultural expressions and which cover different aspects of the value chain is also relevant, given that the maintenance or strengthening of existing mechanisms is as important as developing new policies and measures. Sharing of *good practice* should be further promoted, using different platforms for this purpose, as a contribution to capacity-building and furthering the goals and principles of the Convention. This is as important at the local as at the national level.

"

The 21st century is an era where the world comes together through culture, reaches out through culture, and connects across language barriers. The inherent value and beauty of culture is such that it can heal social conflict, bridge regional and generational divides, and enhance the quality of life. Without culture, the world would be desolate and our lives would be defined by the fierce dictates of competition.

Culture is valuable social capital – it is essential for human happiness, makes societies more cohesive, and also serves as an engine for growth, which in turn can be further developed into a new economic paradigm for the future. By harnessing individual creativity and the creativeness that emanate from a wide range of sectors, culture can lift up the value of the new economy.

Having adopted cultural enrichment as a pillar of its governing vision, the Republic of Korea is reaching out to the world through culture, promoting its cultural content industry and seeking to expand cultural diversity at home. To this end, the Government of the Republic of Korea is supporting the Culture Creation and Convergence Belt, which it established to serve admirers and creators of culture by generating a virtuous circle of planning, producing and expressing cultural content and attracting reinvestment. By linking this belt up with the cultural content industry, we are building an 'open ecosystem' of cultural creativity. The Culture Creation and Convergence Belt is intended to serve both as a network connecting creativity with talent and as a cluster that fuses culture with industry, thereby giving birth to more sophisticated forms of culture. Indeed, large numbers of artists are starting to converge, creating content that taps into their imagination, ideas, and their diversity.

The Republic of Korea has designated a day of each month as "Cultural Exploration Day," opening public cultural facilities across the nation to citizens free of charge. We are also building a safety net for the arts that features expanded welfare schemes for artists and support for culture and arts organizations. Icheon (handicrafts), Seoul (design), Jeonju (food), Busan (film), and Gwangju (media arts) have been designated as members of the UNESCO Creative Cities Network, which would contribute to enriching cultural expression globally. The Republic of Korea is also expanding the cultural component of its official development assistance, including projects to shore up cultural sectors in developing countries.

The Republic of Korea will strive to make culture more integral to sustainable development initiatives as we promote the cultural content industries in harmony with cultural diversity in the Republic of Korea and beyond. We will also develop the kind of cultural content that the world can enjoy and experience together.

Every country is home to a culture that has its own unique value and potential. I endeavor to share the Republic of Korea's cultural potential and promise with the world. By doing so, we will help deliver happiness to humankind through culture and shape a happy and beautiful future.

Park Geun-hye

President of the Republic of Korea

New voices: encouraging media diversity

Christine M. Merkel[1]

KEY MESSAGES

>>> *Public service media can be crucial enablers and drivers of the diversity of cultural expressions – as producers, commissioners, distributors, disseminators and mediators of a vibrant array of high-quality cultural content whatever the means and technologies used.*

>>> *There can be no media diversity without media freedom. Hence freedom of information laws and their effective implementation are crucial. With the rise of digital networks and online platforms, fostering freedom online becomes vital as well, in a substantially changed media ecosystem.*

>>> *The quantum leap in access to media outlets and greater choices does not mean that the media content available via those outlets is necessarily 'freer'. A large number of platforms is in itself no guarantee of diversity of content and expressions.*

>>> *Technology is opening up channels for new voices and talent, including those of citizen journalists and amateur film producers, who are redrawing the boundaries of journalism: all these need to be encouraged.*

>>> *Women are among these many voices, but gender equality has not increased in either media content or decision-making, where women remain excluded to greater or lesser degrees. Steps should be taken to remedy the situation.*

1. Head of Division for Culture, Communication, Memory of the World, German Commission for UNESCO, Bonn, Germany

Public service
media mission

Participation of women

Diversity of ownership and content

Independent regulatory authorities

Media freedom and pluralism

Diversity of
cultural expressions

74%
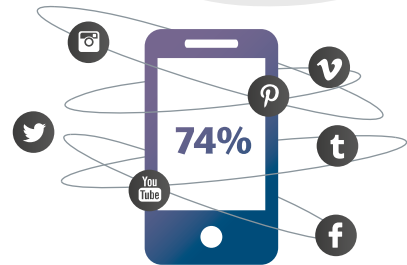
of smartphone owners
in developing countries
use social networks
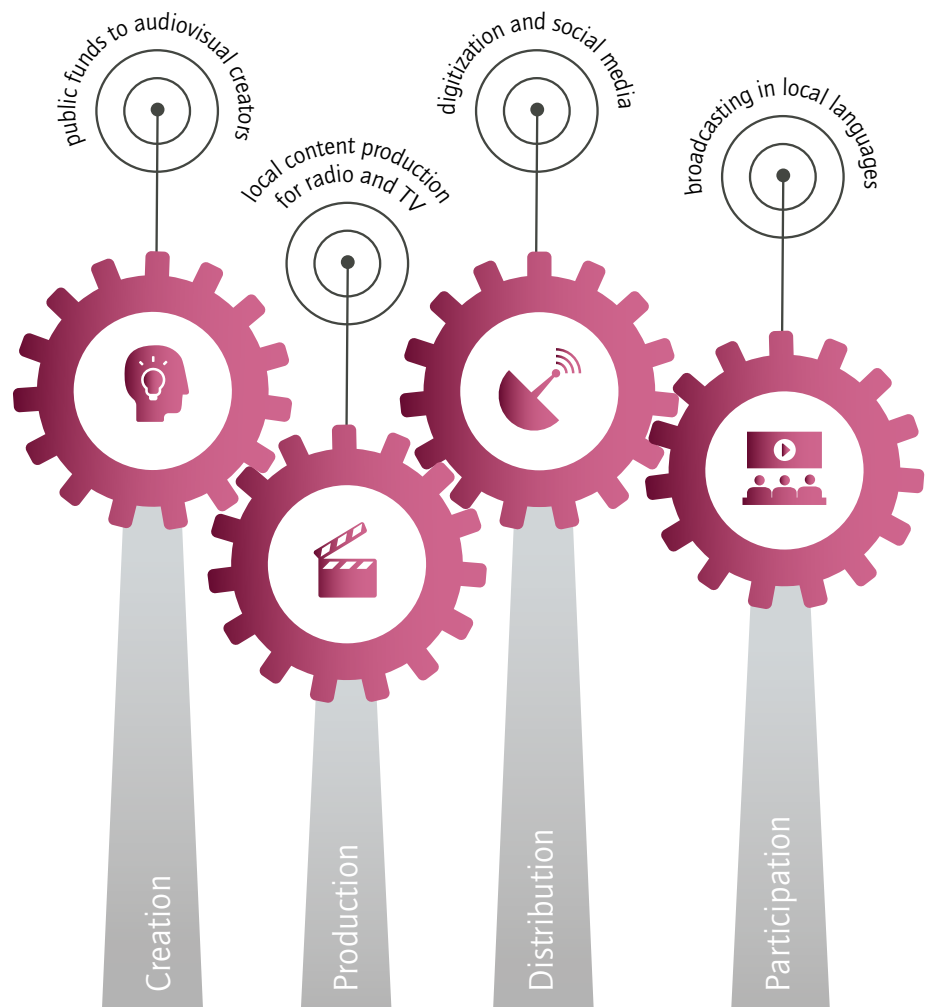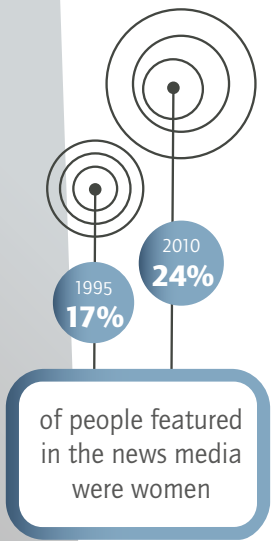
2010
24%

1995
17%

of people featured
in the news media
were women

public funds to audiovisual creators

local content production
for radio and TV

digitization and social media

broadcasting in local languages

Creation

Production

Distribution

Participation

This chapter aims to assess the development of media diversity in the spirit of the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions (hereafter the Convention) and make the case for greater attention to be paid to the issue, notably at the level of public service media (PSM), in implementing the Convention. Although Article 6.2 enjoins Parties to adopt 'measures aimed at enhancing the diversity of the media, including through public service broadcasting' this provision figures merely in an illustrative list of measures and policies that Parties *may* adopt, taking into account their own particular circumstances and needs (see Chapter 1). In addition, for legal scholars, the expression used, 'measures aimed at enhancing diversity of the media', suggests a 'best effort obligation instead of a strict obligation' for Parties (Bernier, 2012). But in view of the interdependence of media diversity and the diversity of cultural expressions, the attainment of diversity of high-quality media content should be considered to be a core requirement if the Convention is to be effectively implemented. Indeed, the impressive expansion of the audiovisual media that has occurred across the world in recent years is itself beginning to contribute significantly to this goal.

This chapter will therefore deal with public service media (includes public service broadcasting). It will analyse policies and measures taken and reported on by Parties and other stakeholders to support the creation, production and distribution of high-quality content, to address digitization and media convergence and involve new types of actors, such as citizens journalists, bloggers and amateur film producers. These achievements will be assessed in the light of key trends such as the increasing role of internet intermediaries as well as the issue of media freedom. On the basis of this analysis, a tentative set of indicators to facilitate monitoring of the development of media diversity in the context of the implementation of the Convention will be proposed. As a conclusion, it is strongly recommended to accord much higher priority to the development

of public service media and to media diversity in the future implementation of the Convention.

How would a radio listener in, say, West Africa, learn in the year 2018 whether or not her/his country has ratified the Convention? How would media professionals and public service media adapt their daily practice, say by 2020, in order to promote the diversity of cultural expressions more effectively and with a gender lens? What are the most effective and useful policy innovations that could enhance media diversity at the national level?

What data and information on current aspirational practice would motivate the 'next third' of Parties to report on measures in the field of media diversity, including through public service media? Between 2012 and 2014, one-third of the Parties who submitted their first Quadrennial Periodic Reports (QPRs)[2] reported on specific measures they had taken in the previous three to five years regarding independent media production, local audiovisual content, public service media and audiovisual policy and regulatory measures.

> "
> *The attainment of a diversity of high-quality media content should be considered to be a core requirement if the Convention is to be effectively implemented*

It is noteworthy that many positive developments in the field of public service media have taken place *across the entire world*. It also implies a high standard of performance in meeting the challenge. Some initiatives have been taken by local governments and non-governmental organizations (NGO). This is very significant.

2. The Quadrennial Periodic Reports are available at www.unesco.org/culture/cultural-diversity/2005convention/en/programme/periodicreport/

This trend points also to a growing awareness of the *intertwining of cultural policy and media policy* in all contemporary societies as well as growing political commitment to enhancing media diversity in a variety of ways.

At the heart of the Convention is the relationship between the market and the State, as well as between the cultural industries and cultural policy (von Schorlemer, 2012). As a policy template, therefore, its implementation requires innovation across a range of fields.

THE ENABLING ROLE OF MEDIA DIVERSITY IN A RAPIDLY CHANGING GLOBAL LANDSCAPE

It should be noted that the media diversity provision was included very late in the process of drafting the Convention. This was the outcome of a joint effort of several international NGOs and the governmental experts of Switzerland and the European Union (EU)(Bernier, 2012). It is indeed fortunate that the inclusion occurred, for media diversity is central to achieving broader purposes such as freedom of thought, freedom of information and expression, and its corollary, press freedom, as well as artistic freedom (see Chapter 10).

Since the Convention entered into force in 2007, the significant growth of access to media worldwide has broadened the potential for diverse expressions as well as the opportunities for media diversity. Driven by falling prices and the ubiquity of the digital devices with which media can be produced, disseminated and used, there has been a quantum leap in audiovisual media in recent years. In a nutshell, between 2007 and 2012, there has been 'expanding diversity of new media content, the internet, digitization and online-search capacities', as reported the UNESCO publication *World Trends in Freedom of Expression and Media Development Report* (UNESCO, 2014c).[3]

3. More detailed analytic papers are available at www.unesco.org/new/en/communication-and-information/resources/publications-and-communication-materials/publications/full-list/world-trends-in-freedom-of-expression-and-media-development/

Another positive trend is that 90 countries have adopted *freedom of information* laws and many others are in the process of doing so.

However, implementation in practice remains insufficient (Figure 2.1). The above-mentioned report indicates an overall gain for media pluralism, albeit compromised by a volatile mix of old and new challenges to media freedom, such as internet censorship and the deployment of national security and anti-terrorism laws. A large number of platforms is in itself no guarantee of diversity of content and expressions. The quantum leap in access to media outlets and greater choices does not mean that the media content available via those outlets is necessarily 'freer', since editorial independence is virtually non-existent in the majority of countries around the globe. Worldwide, an overwhelming majority of state-owned broadcasting entities, including those in the transnational domain and acting as global media outlets, have tended to remain without effective provision for editorial independence.

In particular, as regards the *gender dimension* of media diversity, old and new challenges persist. The above-mentioned UNESCO report also concludes that society cannot get the full story with only half of the world's voices and also misses out on many potential cultural producers and clients. Women constitute less than a quarter (24%) of the people heard or read about in print, radio and television, according to the Global Media Monitoring Project (GMMP), which provides the world's largest and longest running longitudinal research on gender in the news media. This marks a 3% rise since 2005 and a significant improvement from 1995, when only 17% of the people featured in the news were women. In 2013, UNESCO launched a 'Global Alliance on Gender and Media' to intensify efforts to promote gender equality, working with more than 80 organizations. In the Convention context, the participation of women in media activities has not been addressed systematically and was reported upon only marginally in the QPRs (but was significant in several NGO projects funded by the International Fund for Cultural Diversity (IFCD)(see Chapter 9).

The increasing role and domination of *private internet intermediaries* such as Google, Apple, Facebook and Twitter, Amazon and, most recently, Netflix, and their subsidiaries such as YouTube and WhatsApp as well as Vodafone's telecommunication and internet services, are having significant effects on the media ecosystem (Figure 2.2).

The power of these services that 'mediate online communication and enable various forms of online expression' needs to be seen in the context of state power and public policies, for they often operate across a variety of jurisdictions. Optimists see them as 'liberation technology' while critics find that they fail to protect user privacy rights and that they facilitate unaccountable surveillance by both government and the private sector (UNESCO, 2014h). In this regard, it is important to recall that the challenges of digitization and convergence of technologies were clearly envisaged by the Convention.

> **"**
>
> *In the Convention context, the participation of women in media activities has not been addressed systematically and was reported upon only marginally in the QPRs*

A *principle of technology neutrality* was related to the 'diverse modes of artistic creation, production, dissemination, distribution and enjoyment, whatever the means and technologies used' (Article 4.1; see Chapter 3). Thus, cultural content was prioritized against any future development of (technical) means and technologies. Today, media convergence has become more and more visible in daily life. Internet content has entered the TV screen. Viewing possibilities extend from TV sets to audiovisual media services provided via computers, tablets and other mobile devices (Figure 2.3). Second screens are often used in parallel to check additional information about the content watched, chatting with friends or with the TV programme itself through social networks.

It is the *vertical integration challenge* that requires new public policy responses and regulations. As major media companies increasingly control several elements of the value chain, and, for example, own both radio

Figure 2.1

Freedom from media self-censorship*

Source: V-Dem: Varieties of Democracy, 2014
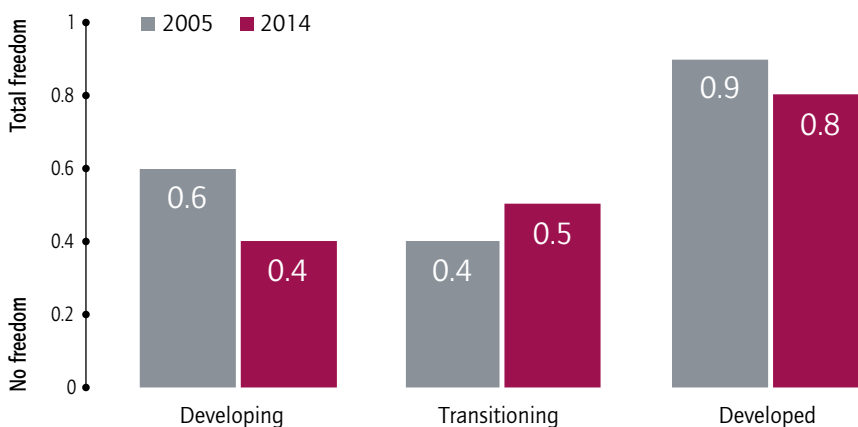
*Is there self-censorship among journalists when reporting on issues that the government considers politically sensitive? (higher score accounts for more freedom from self-censorship)

Figure 2.2

Share of people who have ever used social networking sites, 2013-2014

Source: Pew Research Center 2013-2014

Kenya 88, Venezuela 88, Chile 87, Senegal 87, Tunisia 87, Indonesia 86, Peru 84, Argentina 83, Jordan 83, Mexico 83, Brazil 82, Nigeria 82, Ukraine 82, Colombia 81, El Salvador 80, Viet Nam 80, Nicaragua 79, Tanzania 79, Egypt 78, Bangladesh 76, South Africa 74, Uganda 74, Ghana 72, Bolivia 71, India 65, Poland 62, China 58
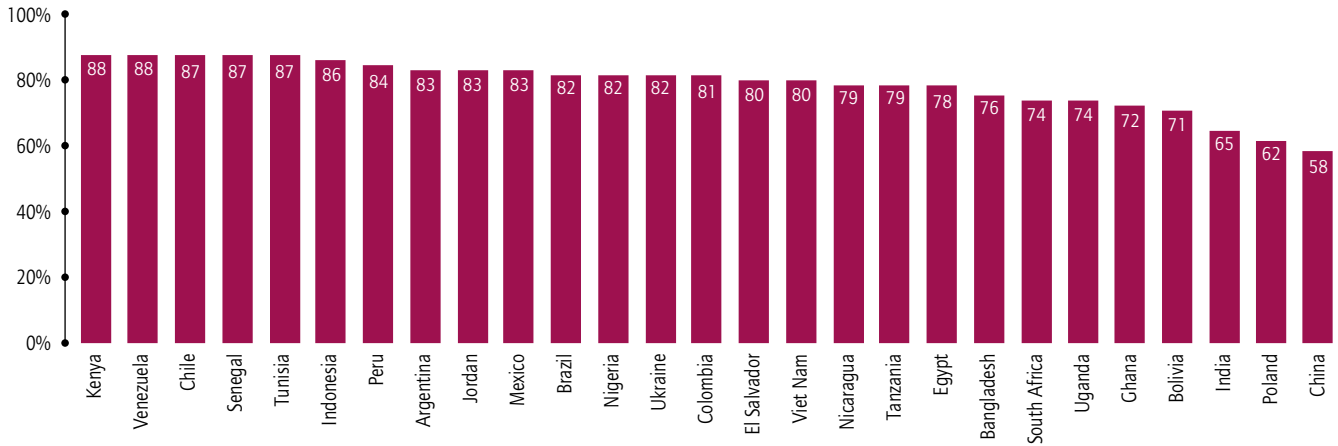
Figure 2.3

Share of devices used to watch television

Source: IPSOS Global Trends, 2014

On a TV set — On a laptop — On a desktop computer — On a tablet — On a smartphone
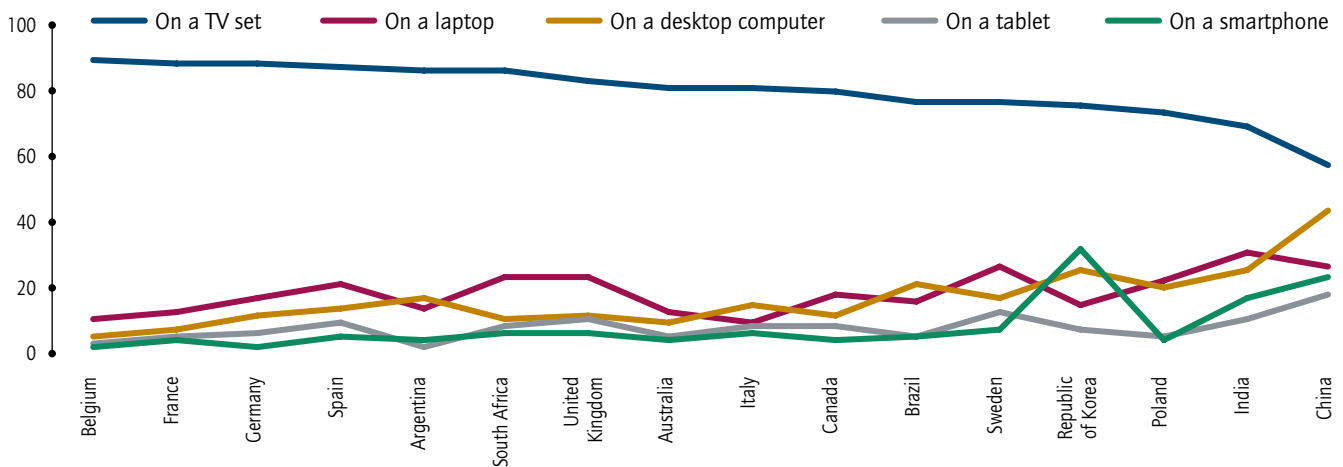
Note: The survey was conducted in 20 countries via the Ipsos Online Panel system – Argentina, Australia, Belgium, Brazil, Canada, China, France, United Kingdom, Germany, India, Italy, Japan, Poland, Russia, South Africa, South Korea, Spain, Sweden, Turkey and the United States of America. More data is required to expand the database.

Figure 2.4

Average share of people in developing, transitioning and developed countries who obtain news on a daily basis from selected sources (2010-2014)

Source: World Values Survey, 2010-2014

Developing ■ Transitioning ■ Developed

	Daily newspaper	Email	Internet	Mobile phone	Printed magazines	Radio news	TV news
Developing	27	20	27	43	5	43	72
Transitioning	16	13	22	36	5	37	83
Developed	45	34	49	40	6	56	79
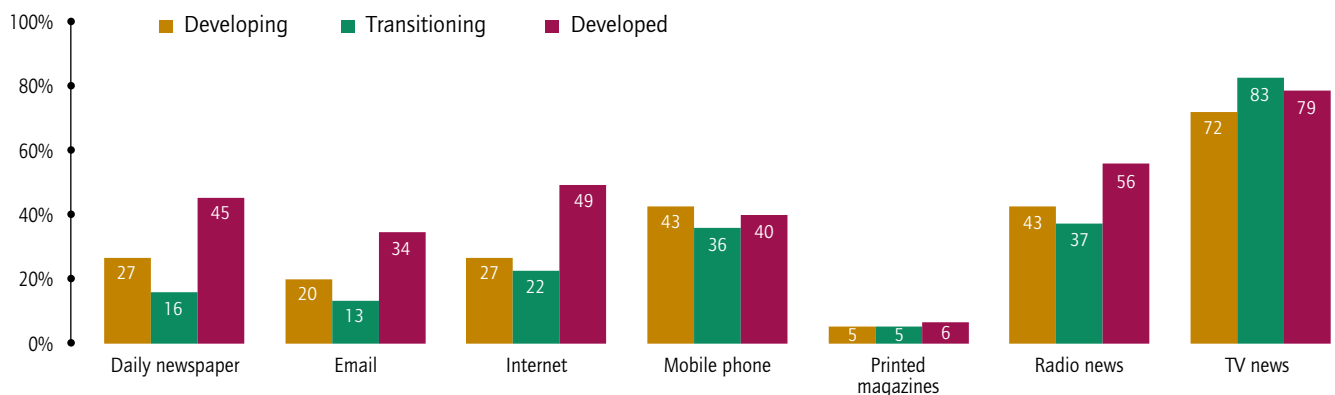
and television stations as well as newspapers and, increasingly, internet platforms, this goes along with concentration of economic and market power. For example, ensuring net neutrality and 'must-be-found' provisions would be a key element in addition to the 'must-carry' obligation to promote diversity of ownership and content in a converged media landscape, as argued in UNESCO's *Media Development Indicators, a framework for assessing media development*, notably indicators 2.7. and 3.4 (UNESCO, 2010).[4] The EU has outlined a variety of policy options for its 28 member states, such as obliging net providers to include certain TV channels in their offer, to make digital radio services available and to oblige navigation aids to make content of general interest available. The policy details are in the making and will be highly relevant for the implementation of the Convention.

Yet, as UNESCO's *World Trends* report also demonstrates, *traditional* media institutions will remain the predominant agenda-setters for media and public communications in most regions.

But traditional media too are already deeply caught up in the digital revolution and their destinies will be increasingly linked to it. Hence, the future development pathways of these media ecosystems will be crucial for the future of the diversity of cultural expressions. As the impact of print journalism is hampered by a lack of content in local languages and by illiteracy, radio remains the most important transmission channel for diverse content (UNESCO, 2014c). This trend is confirmed by an observation of the global association of public broadcasters, Public Media Alliance[5], that in many regions, radio still has

4. Related materials are available at: *unesdoc.unesco.org/ images/0016/001631/163102e.pdf, www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/ CI/pdf/IPDC/guidelines_mdi_final.pdf, www.unesco.org/ new/en/communication-and-information/resources/ publications-and-communication-materials/publications/ publications-by-series/assessments-based-on-unescos-media-development-indicators/*

5. See *publicmediaalliance.org*

Figure 2.5

Share of people believing that media in their country are free (2010-2014)
Source: Gallup World Poll, 2014
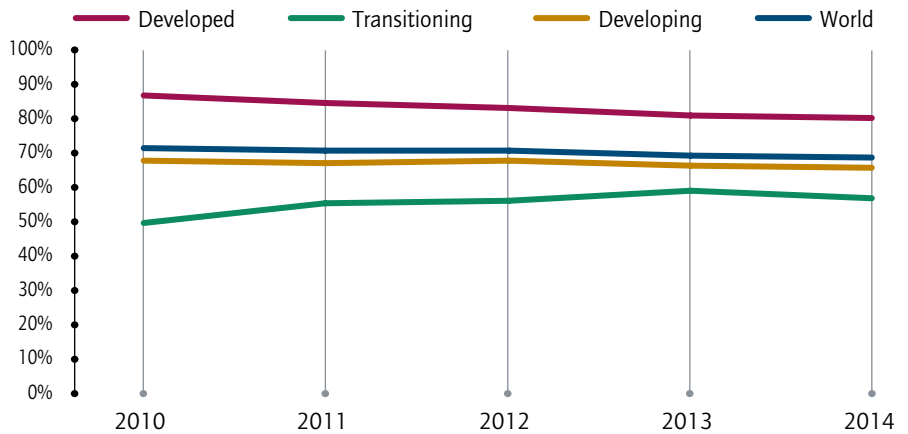
Figure 2.6

Share of people who do not know whether media in their country are free or not (2010-2014)
Source: Gallup World Poll
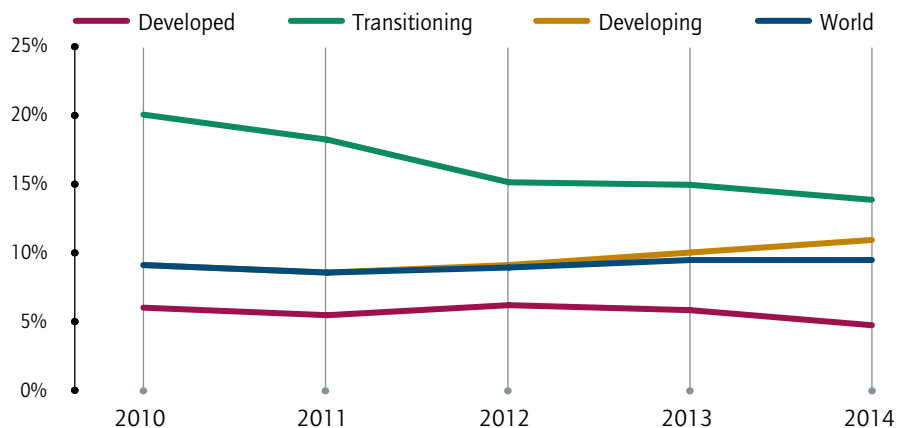
considerable reach and when this is amplified by social media, a solid basis for producing and offering content that builds support for and trust in credible public media is provided (Figure 2.4).

The Convention rightly prioritizes public service media as it is *public* policies which govern their remit, role and substance. The aim of such systems is to provide diverse and representative content, ensuring that the public service media are sufficiently financed and enjoy full editorial independence. Yet the past six years have seen ongoing struggles over their organization and economic models. Editorial independence in public

service broadcasting (as distinct from government controlled broadcasting) remains virtually non-existent in many countries, owing to both the absence of adequate legal and regulatory frameworks as well as a lack of appropriate distance on the part of the government (UNESCO, 2014c). There has been a general lack of progress in supporting independent public service broadcasting and community media as elements of a pluralistic media landscape with a private-public mix.

Positive initiatives can be identified in Latin America and the Caribbean and parts of the South-East Asia sub-region,

as well as Western Europe and North America, where independent public service media are already entrenched. For example, the new Ibero-American Satellite TV Channel will start operating at the end of 2015, serving as a communication and education vehicle and basis for the 'Digital Cultural Agenda for Latin America' mandated by the XXIVth Ibero-American Summit of Heads of State in 2014. In Africa, the most visible development has been the tripling of mobile telephony penetration between 2007 and 2012, which has increased the number of mobile internet users (access to internet quadrupled). Namibian public service broadcasting pitches a combination of radio programmes in dialogue with its audience through the use of Facebook, while also taking positive inspiration from public service media experiences in Canada, the UK, Australia and, most recently, South Africa. This is one example of a handful of African countries currently transforming state broadcasters into public service broadcasters. While all African countries have freedom of opinion provisions in their constitutions, government control of state-owned media remains generally strong. In addition, there is significant and growing use of radio and TV owned by religious groups.

It should be noted, however, that more than half of the world's population lives in regions where there is no tradition of public service broadcasting. Nor can any significant transition towards effective public service media be expected in the foreseeable future. So is the 'glass' of public service media half full or half empty? Have the public service broadcasting systems of the twentieth century reached their glass ceiling in the twenty-first? Where independent public media systems are not yet in place, it will be vital to keep track of new and interesting practices of journalists and new media actors such as citizen writers and producers, where digital and new media technology as well as multi-platform media strategies offer real and novel opportunities for this transition, even in the complete absence of positive public policies (Figure 2.5 and 2.6).

© Blackwood Gallery / Darsha Hewitt, *Electrostatic Bell Choir*, 2012, photo by Toni Hafkenscheid, Canada

"

The boosting of creativity and diversity of cultural expressions in the media must be supported by public policies that encourage an environment of new voices, new ideas and new approaches. Everyone has the right to exercise their freedom of expression on equal terms, since the exchange of ideas and public debates consolidate democracy. This requires plurality and diversity of voices, which imply the exclusion of censorship and the inclusion of historically marginalized groups. We have said on several occasions that states should promote clear and precise regulatory frameworks that promote diversity and pluralism in the audiovisual media, as well as recognize and encourage the three key sectors of communication: commercial, public and community media. Monopolies or oligopolies conspire against democracy and reduce the diversity of voices and pluralism of ideas and information. Knowing the current situation of the diversity of expressions and representations in the media is essential if we are to progress on these issues. Hence the importance of this first Monitoring Report on the 2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions.

Edison Lanza

Special Rapporteur on the Freedom of Expression of the Inter-American Commission on Human Rights (CIDH)

The Best of Blogs Award provides a useful case study in this regard (Box 2.1).

New technology is indeed opening up avenues for *new voices and talents,* including for women. Diverse new media actors and activists are emerging, including citizen journalists and amateur film producers, who are redrawing the boundaries of journalism, prompting media professionals to act increasingly also as curators and aggregators of content, thus ensuring quality and validation. New and grass roots community media projects are often externally funded by NGOs or foundations, albeit more on an 'issue' basis than for the broader purpose of developing and promoting high quality diverse content or structuring public space in society. Their impact might be greater if these projects were conceived as building blocks for a media ecosystem that ensures the diversity of cultural expressions, ideally connecting with professional media, and thus building public trust.

Ensuring the physical safety of journalists and citizen journalists will be essential here (Figure 2.7). According to UNESCO data, fewer than one in ten killings of journalists have led to a conviction between 2007 and 2012 (UNESCO, 2014c). In the same period, the rate of journalists' deaths has risen in every region of the world, with the exception of Central and Eastern Europe, where killings decreased after a peak in 2008.

Bloggers and online journalists have been included in the UNESCO condemnations of killings over the period. There were reportedly more politically motivated killings of journalists in 2009 than in any other year in the previous decade. Journalists reporting on social problems, including organized crime or drug trafficking, human rights violations or corruption, as well as those reporting from conflict zones, were particularly at risk. In 2012, the United Nations adopted a Plan of Action on the Safety of Journalists and the Issue of Impunity, aiming to create a free and safe environment for journalists and media workers in both conflict and non-conflict situations. Since 2013, this plan has seen projects implemented in countries such as Nepal, Pakistan, South Sudan and Tunisia.

As this short survey of media development trends demonstrates, as they implement the Convention, Parties face the challenge of anticipating the outcomes of integrated approaches to public policies in the field of basic freedoms, in the field of culture and the media as well as on networks and the internet, including their international dimension as in trade in cultural services and goods.

Box 2.1 • *Best of Blogs new voices*

Best of Blogs is an international annual multilingual competition run by the independent German international public broadcaster Deutsche Welle (DW) which saw its 11th edition in 2015. In today's global media landscape, many people watch the life of others on computer screens. Hence, diversity of cultural expressions needs to include the many informal blogs and channels, launched in viral mode by manifold social activists. From its very beginning, Best of Blogs was conceived as a worldwide competition for bloggers, activists and journalists who champion the open exchange of ideas, freedom of expression and human rights on the internet. The competition uses 14 languages: Arabic, Bengali, Chinese, English, French, German, Hindi, Indonesian, Persian, Portuguese, Russian, Spanish, Turkish and Ukrainian. For the 2015 competition, a total of 4,800 candidacies were received. The BoBs went to the blogging community Mukto-Mona (Free Mind), regarded as one of the key platforms for liberal secularism in Bangladesh, to Mexico's Rancho Electrónico for its online privacy and security work, and to Zaytoun, The Little Refugee from Syria/Palestine/Spain. Past winners have come from China, Cuba, Egypt, Kenya, Tunisia and the United States of America. An international jury names three winners in the multilingual categories 'Social Change', 'Privacy & Security' and 'Arts & Media.' An open online vote determines the People's Choice Awards in each of the contest's 14 language-specific categories. Each year in Berlin, the jury announces the winners in a press conference in early May, thus honouring World Press Freedom Day (3 May). The project's success is based on partnerships with a range of key media organizations and NGOs and peer-to-peer networking across continents.

Source: *thebobs.com/english/*

Figure 2.7

Freedom from harassment (threat of libel, arrest, imprisonment, beating, death) for journalists (2005-2014)

Source: V-Dem (2014)

CONNECTING THE DOTS ON THE IMPLEMENTATION MAP

A substantial number of Parties have reported a combination of policy measures, regulatory measures, programmes, direct support schemes and capacity building initiatives in the field of media diversity. These indicate a broad understanding of (cultural) diversity in society (rural-urban, majority-minorities, inclusion), some of them aiming to make cultural/audiovisual offerings available to the broadest possible number of citizens possible (gender, specific life situations, language and interest groups, specific age groups, etc.). Some include a clear focus on cultural content, while others promote the diversity of cultural expressions along the entire value chain.

Parties reported a broad range of measures responding to the digital revolution and media convergence. These measures address infrastructure needs (broadband), updates of existing regulatory systems to fit the new mixed media landscape, the building of multiple platforms, promoting 100% digitization in the film sector as well as using the digital dividend for bringing enhanced public service media to more diverse audiences, including in rural areas and to specific communities of interest (Box 2.2).

The regulatory measures and policy actions taken by Parties, as well as innovative initiatives of local governments and NGOs, empowered by the Convention, demonstrate that media diversity is indispensable not only to inform citizens *about* diverse cultural expressions but also to enlarge their choices. All media, and in particular public service media with editorial independence, can also be crucial *enablers* of this diversity, as producers, commissioners, distributors,

curators and cultural mediators of content. Indeed, cultural content is the clear priority. As such, public service media are both part of the broader cultural fabric in any society as well as a key addressee of the Convention. The pre-conditions required for them to become meaningful partners in pursuing its objectives need to be sought constantly.

The central objective will remain the value chain consisting of creation, production, dissemination, distribution and enjoyment. Whatever the means and technologies used, these components of the value chain may be used as a grid for the analysis that follows.

CREATION: INVESTING IN TALENTS AND MAKING SPACE FOR NEW VOICES

Parties report a range of measures aimed at supporting creative talents in the audiovisual and film sectors, such as direct support programmes and grant schemes for artists and independent audiovisual creators as well as (re-)investment obligations for the creation of local content. For example, Austria's Ministry for Arts, Education and Culture, in cooperation with the Austrian Film Institute, launched an innovative coordination platform for young audiovisual creators in 2009 that offers support programmes and promotes works to be scheduled in broadcasting, on digital platforms and in theatre; a mentoring and networking scheme for junior professionals widens learning opportunities on different media services. By bringing new talent and creating space for new voices, the platform also enhances the diversity of the audiovisual and media systems.

Filmmaking has never been so popular with young people, thanks to increasing accessibility and new technologies.

Box 2.2 • *Filling the Gap: Creating high quality content for children and youth in Argentina*

Concerned by the lack of domestic content available to children and young people, the Argentinian Government adopted in 2010 legislation requiring television to broadcast three hours of content for children a day, of which 50% would have to be domestically produced. At the same time, aiming to bridge the digital divide among children from different socio-economic backgrounds, the Government started providing 'one laptop per child' in primary and secondary schools in the public school system in Buenos Aires. The aim was not only to provide content for children and young people but also to make the city into a global hub for the production of Spanish-language content. In view of the market opportunity this legislation and policy could create for producers of children's content, the General Bureau of Creative Industries and the City Government of Buenos Aires became interested in the project, at a time when children everywhere are increasingly consuming content on mobile platforms such as phones, tablets and laptops. In 2011, the City Government invited UNESCO's Expert Facility to send a team to help businesses understand how these changes will affect them, and to understand developments in global markets. The team's mission was successful as all stakeholders managed to focus on the contents the sector should be producing for the young audience, and not on the formats, as these are changing constantly as technology progresses. The team also recommended the creation of a strong local independent sector, producing for the country and beyond and also advised on access to international markets and the type of (public) support needed by start-ups and entrepreneur-led creative business. This is an important initiative of a local government to unlock content-based development opportunities for local independent audiovisual content producers, while at the same time offering children a quantum leap learning and development pathway through quality choices. In addition, it has the potential to help balance international market asymmetries and bring new voices to global media markets.

Source: www.unesco.org/new/en/unesco/events/all-events/?tx_browser_pi1[showUid]=9945&cHash=3d86a9bc96)

This opens up new possibilities for creators and producers of all ages, in particular in developing countries, where the increase from 2005-2010 in the production of fictional films, and, from 2010-2013, in animated films, is quite significant (Figure 2.8). The United Kingdom has responded with innovative measures to the enthusiasm of young people for (amateur) filmmaking. Two Young Film Funds have been set up, helping young people aged 5 to 19 from disparate backgrounds and abilities unlock their creative potential, as well as address talent development for the post-19 age group, the latter being potential talents for the film industry, in particular for hitherto under-represented groups of the population. These funds have enabled over 40,000 young people to make more than 1,000 films and create hundreds of media projects, including magazines, TV and radio broadcasts, comics and games. This experience is echoed by the community cinema movement in Latin America and the Caribbean, through which women, indigenous peoples, Afro-descendants, migrant workers and many others create documentaries, feature films, television content and much more, invigorating communities' self-esteem and organization. Also in the United Kingdom, the PEARLS Radio Training

Course for Women offers training opportunities in radio programme production groups. A project aiming to establish a community-led audiovisual micro-industry was initiated on the Indonesian island of Siberut (April 2013-July 2014, funded by the IFCD). Within the existing Intercultural Media Centre, a local NGO and the local government set up a platform for training 150 young creative professionals from indigenous communities in filmmaking and business management, half of them women. These local films and AV-products by young creators from Siberut are being promoted and commercialized in the provincial and national markets.

PRODUCTION: INVESTING IN ORIGINAL CONTENT

As professional media institutions and public media remain the main agenda-setters for public communication in most world regions, some Parties report the establishment of public institutions in the audiovisual sector. Examples of measures that strengthen independent media producers in the *informal sector* include internet-based Radio Salaam Shalom and the Mama Youth production company, both in the United Kingdom. *Local content* and independent domestic

production quotas for radio and television have been increasingly applied in Argentina, Australia, Brazil, Canada, Chile, China, Costa Rica, the European Union (EU)(AVMS-Directive), Korea, Malaysia, New Zealand, South Africa, the United Kingdom and Venezuela. Recently, however, influential Canadian think tanks have posited that policies setting content and spending quotas, as well as ownership rules, will no longer be feasible in the internet age.[6]

An emphasis on the *language* used is to be found among the measures reported by Parties, ranging from financial and tax incentives, to specifying minimum or maximum quotas for national productions, to investment obligations for producers,[7] including public broadcasts in a specific language (national/linguistic – ethnic minority) and reaching out to diaspora groups around the world (e.g. Armenia, China, Greece, New Zealand, Portugal, Spain, Sweden). Box 2.3 presents the case of Māori television.

6. Information provided by Bill Chambers, Vice-President of CBC/Radio-Canada, May 22, 2015

7. In this respect, the 2009 ruling by the Court of Justice of the European Communities (UTECA v. Administración General del Estado) is highly relevant, as it referenced the Convention, justifying public cultural media policies with investment obligations to promote the linguistic diversity of the country concerned.

Figure 2.8

Average percentage of fictional, animated or documentary feature films produced in developed and developing countries in 2005, 2010 and 2013

Source: UNESCO Institute for Statistics, Feature films statistics database, 2015.
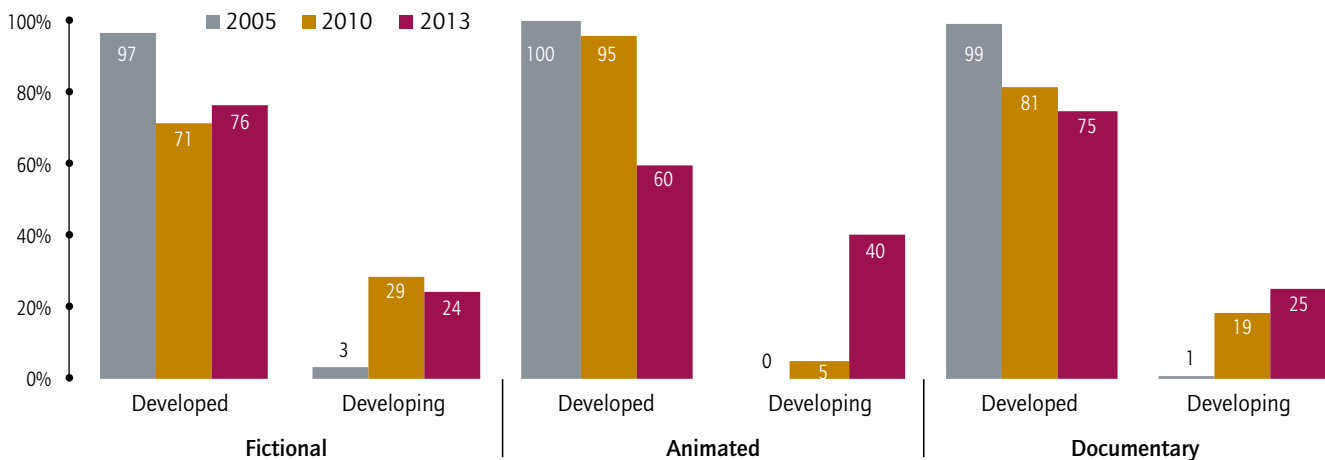
DISTRIBUTION AND DISSEMINATION: OUTREACH AND ACCESS

The Cameroonian Association to Promote Audiovisual and Live Performance (APPAS) has created the first database of central African cinematographic and audiovisual productions. Through the project, APPAS has collected and digitalized hundreds of hours of film and audiovisual productions to create a regional audiovisual landscape. The initiative offers an innovative channel for independent producers and broadcasters to distribute or access quality audiovisual works and was funded by UNESCO's International Fund for Cultural Diversity (IFCD). The Image Database of Central Africa, known as BIMAC, contains 400 films and AV productions of all categories and represents 350 viewing hours, ensuring their calibration, cataloguing, storage and conservation. A repository of past, present and future productions, BIMAC functions like a community film library on a commercial scale. The collection is aimed at African and international television stations, public and private organizations and administrations, universities, youth clubs and various professional and cultural associations. It is accessible directly through BIMAC's sales and distribution structure and online. BIMAC actively promotes the project through professional networks and associations. Its goal is to cultivate a climate of confidence and the creation of quality films.

In addition to digitizing historic and contemporary AV-materials (films etc.), such bodies may also conduct public contests to select high quality fiction, thus helping create a broad-based regional media ecosystem for independent producers and broadcasters. A few Parties address under-represented but important issues, such as the production of quality audiovisual content for children and young people, as described in Box 2.2.

Measures have been reported by some Parties that address under-serviced groups such as people living in rural and/or remote areas, e.g. Argentina ('Open Digital Television'), China

('Radio and TV coverage for every village') and the United Kingdom ('The Rural Cinema Pilot scheme').

In response to the challenge of digitization, the Netherlands is seeking to make the distribution and exhibition of films 100% digital, through a national joint public-private venture. Indeed in order to ensure diversity in the future, policies that guarantee net neutrality in line with a best-effort internet and the non-discriminatory access to and transmission of all audiovisual content will be crucial (cf. European Parliament resolution of 12 March 2014 on Preparing for a Fully Converged Audiovisual World).

Enhanced dissemination opportunities have been created by the Ministry of Culture of the Dominican Republic and through the Mongolian Arts Council ('TV programme Arts Network', since 2010). Dissemination through 55 community cinemas in 14 countries of Latin America was studied in 2013/2014 (with support from the IFCD). It was found that dissemination channels were very diverse: networks, film clubs, cultural centres, churches, unions, festivals, showcases, special events, schools and other educational spaces, electronic means, DVDs and websites.

Box 2.3 • *Māori TV in New Zealand*

New Zealand regards radio and television channels in Māori as the keystone to increasing opportunities for both members and non-members of the community to learn the Māori language and gain access to high-quality cultural content mainly in Māori. Children and young people are given special attention. With the introduction of free-to-air digital television, more language programmes broadcast will become available on demand. Māori radio is already widely available to listeners through online streaming. In May 2014, Statistics New Zealand figures suggested that 75% of Māori people listed 'watching a television programme about themselves' as their top cultural activity. However, the CEO of the Māori broadcasting funding agency cautioned that watching television was not enough to improve cultural awareness, given its one-dimensional approach to learning. Māori Television was founded as a statutory corporation under the Māori Television Service Act adopted in 2003. The remit and structure of Māori TV were reviewed in 2014 and a new CEO was appointed. Both processes were accompanied by lively and controversial debate over issues such as political influence, editorial independence and the quality of in-house working culture. The revised structure is expected to respond to audience desire for content on demand and on different media devices. Also, exploring new sources of revenue in sponsorship and advertising were announced

Source: www.radionz.co.nz/news/te-manu-korihi/

> "
> *Policies that guarantee net neutrality in line with a best-effort internet and the non-discriminatory access to and transmission of all audiovisual content will be crucial*

AUDIENCE ACCESS: FROM LISTENERS AND WATCHERS TO ACTIVE PROSUMERS?

The 'Open Digital Television' (TDA) of Argentina's National Plan for Cultural Equality is a comprehensive package of measures. It aims to use the convergence challenge positively (TV with enhanced image and sound) and reach hitherto unconnected populations in rural areas, promoting local cultures and distance learning, with the active participation of NGOs, universities, cooperatives, community centres, churches, etc. The prospects of 'social TV' as described in a Green Paper of the European Commission (European Commission, 2013) can lead to a much more interactive audience role, provided that media literacy is promoted more actively. In this connection, Namibia's combination of radio programmes and social media is highly relevant.

CUTTING ACROSS
THE WHOLE VALUE CHAIN

Several Parties report updating their quality remits for public service media, e.g. Sweden (with annual monitoring), Italy (with a clause on the protection and promotion of cultural expressions) and Germany (serving the democratic, social and cultural needs of society). The audiovisual industries are generally considered to be the most heavily assisted by public finance (Bernier, 2012). For example, both the French and the Brazilian sectorial audiovisual Funds provide public financial assistance (on a call for tender basis) across the full value chain. In exchange, the benefiting production companies have to invest directly in domestic audiovisual production. In Latin America, the IBERMEDIA fund has demonstrated considerable impact in modernizing the film industry and since 2010 the construction of an Ibero-American musical space has been under way.

Integrated public policies are needed in response to the convergence challenge. For example, Norway revised its Act on Ownership of the Media in 2011, integrating all components of the media markets and systems, off- and online. In a consultation for the preparation of the European Commission Green Paper of 2013, 236 public stakeholders replies as well as the European Parliament Resolution of March 2014 evoked the binding framework of the Convention (European Commission, 2013; European Parliament, 2014).[8] Many stakeholders also underlined the need to go for integrated policies concerning media, culture and networks, adapting their regulatory frameworks to the new conditions. Details of the regulations are currently under negotiation.

Finally, as regards the value chain as a whole, high levels of sustained investment in original (local) cultural content remain a key policy priority for Parties in a converging media environment.

8. Summaries of the 236 replies to the public stakeholder consultation from April to September 2013 are available at *ec.europa.eu/digital-agenda/news-redirect/17873*.

Because of the tension between cultural objectives and the imperatives of the marketplace, enhancing the diversity of the media is a difficult but necessary task, in particular with regard to commercial broadcasting and private newspaper publishers, who can promote public communication and the diversity of cultural expressions only if they are economically viable. A successful public media policy would be one that reconciled these sometimes contradictory demands. A vibrant array of high-quality media content will contribute substantially to achieving the Convention's objectives, while at the same time becoming a driver of media diversity in the media sector and the cultural economy as a whole. This clearly indicates the need to use knowledge exchange through the Convention as well as technical assistance in cultural governance to foster integrated policy making that is also capable of adapting to constantly changing conditions.

CORE INDICATORS AND MEANS OF VERIFICATION

Devising clear and user-friendly indicators in this domain is an aspirational project. Integrated national policies are needed for public service media to fully enable diverse cultural expressions to flourish. A comprehensive map of the media ecology for cultural diversity needs to be constructed as an integral dimension of attaining sustainable systems of governance for culture. Three key indicators may be proposed, each of which focuses on the role of public service media. For each of the indicators, a cluster of elements for verification is suggested. The data to be collected would build on the *Culture for Development Indicators* (UNESCO, 2014a) and the *Media Development Indicators* (UNESCO, 2010), while responding to the multi-faceted nature of media diversity in the Convention context. These suggested key indicators and their means of verification are the following:

Indicator 2.1

Legislative base to support media freedom and diversity is a) established, b) evaluated and c) functioning

Means of verification

• Evidence of freedom of information laws that support a wide range of media, whatever their technological form of transmission

• Evidence of print, broadcast and internet-based media freedom and percentage of individuals using the internet

• Evidence of diverse media sources available for the majority of the population

• Existence of independent authority to regulate audiovisual media (granting broadcasting licensing, monitoring competition rules, penalizing actors that do not fulfil their obligations, advisory functions in the area or policies and regulations)

• Civil society and cultural professionals actively promote greater media diversity through public service media

Indicator 2 2

Goals of public service media are a) legally defined and b) guaranteed

Means of verification

• Public service remit of the PSM is clearly defined in law

• PSM has specific guarantees on editorial independence and secure funding arrangements to protect it from arbitrary interference

• PSM has adequate technical resources

• PSM is publicly accountable, through its governing body

"

This first Monitoring Report on the 2005 Convention is an opportunity to underscore the important links between pluralism in media and diversity of cultural expressions. It is imperative to foster these links and to expand the range of voices from media institutions. They are all actors of change. The media in Africa are challenged in ways that can constrain diversification. The most obvious of these are financial, professional, ethical, political and technological impediments. Technology is redefining the notion of mass communication and business models across the globe but the process is slow in taking off in Africa. The African Media Initiative (AMI) is working today with industry partners to address five main challenges: media ownership, access to finance, digital, ethics and content development. By addressing these, we can enhance the role of media in shaping the social, political and economic transformations taking place on the continent today. In implementing the 2005 Convention, we can recognize the critical role played by private and independent media in larger governance and development agendas. This, I believe, will help develop sustainable African media institutions, nurture a stronger community of practice, and encourage a cadre of media leaders committed to a set of values that advance Africa's sustainable development in the face of great transformation.

Eric Chinje
CEO of African Media Initiative (AMI)

Indicator 2.3

Public service media policies and measures to serve the needs of all groups in society are a) established, b) evaluated and c) functioning

Means of verification

• Media use of language/s which reflect linguistic diversity

• Public service media represents the views of the entire political, social and cultural spectrum

• Information presented by the media is accessible to women and marginalized groups

• Community media is produced for specific groups, e.g. indigenous peoples

A few explanatory comments would be in order here. The first key indicator is clearly derived from the overriding need for a clear and effective legal base. The right to freedom of expression is a prerequisite for creativity and cultural diversity, whatever their technological form of transmission. Hence, apart from the freedom of information laws indicated, other tools such as the Freedom of the

Press Index provide numerical rankings, rating each country's media as 'free', 'partly free' or 'not free'. The World Press Freedom Index rates countries from high to worst performers.[9] The percentage of internet users can help assess the democratization of new forms of creativity and participation,[10] while the advocacy of cultural and media professionals in promoting media diversity also appears essential. The second key indicator pertains to the need for goals to be well-defined legally and given 'teeth' and the data needed for verification should preferably relate to the diversity of cultural expressions across the whole value chain. The third key indicator is connected to the establishment of a democratic and inclusive platform in which it is 'crucial that the media is allowed to debate and inform without control of any party or government' (UNESCO, 2010). Finally, since media diversity cannot be enhanced without media freedom and related basic fundamental freedoms and when half of the voices in society are ignored, the indicators developed for artistic freedom

9. More information available at *http://index.rsf.org*

10. More information available at *http://itu.org*

(see Chapter 10) as well as for recognizing women as producers of cultural goods and services (see Chapter 9), should be seen as interlocking with these three indicators.

CONCLUSION

Fostering public service media has not so far been an objective foregrounded in the QPRs of Parties to the Convention, although a number of them, as we have seen, have adopted forward-looking policies and measures in this field. Based on an assessment of key trends, as well as of the policies and measures reported already, this chapter has argued the case for according a higher priority to the development of public service media in general, and of media diversity in particular, in the implementation of the Convention. Each of the key messages set out at the beginning of the chapter emerge from the interdependence of media diversity and the diversity of cultural expressions. Only the flourishing of the one can ensure the flourishing of the other.

Challenges of the digital age

Octavio Kulesz[1]

KEY MESSAGES

>>> *Developing countries still have a long way to go before they reach the levels of digital access enjoyed by developed countries. However, over the last decade many regions in the global South have shown remarkable progress, particularly in the field of mobile connectivity.*

>>> *An increasing number of creators are making intensive use of new technologies to generate online content on platforms such as YouTube and Wikipedia, among many others.*

>>> *There is accelerated growth taking place in e-commerce, which can be an advantage for local cultural industries, but also a risk for small and medium-sized players, given the advance of the big platforms.*

>>> *The boom in social networks since 2004 constitutes an opportunity for civil society participation, especially when it comes to sharing cultural content.*

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1. Founder and Publishing Director of Editorial Teseo, Buenos Aires, Argentina
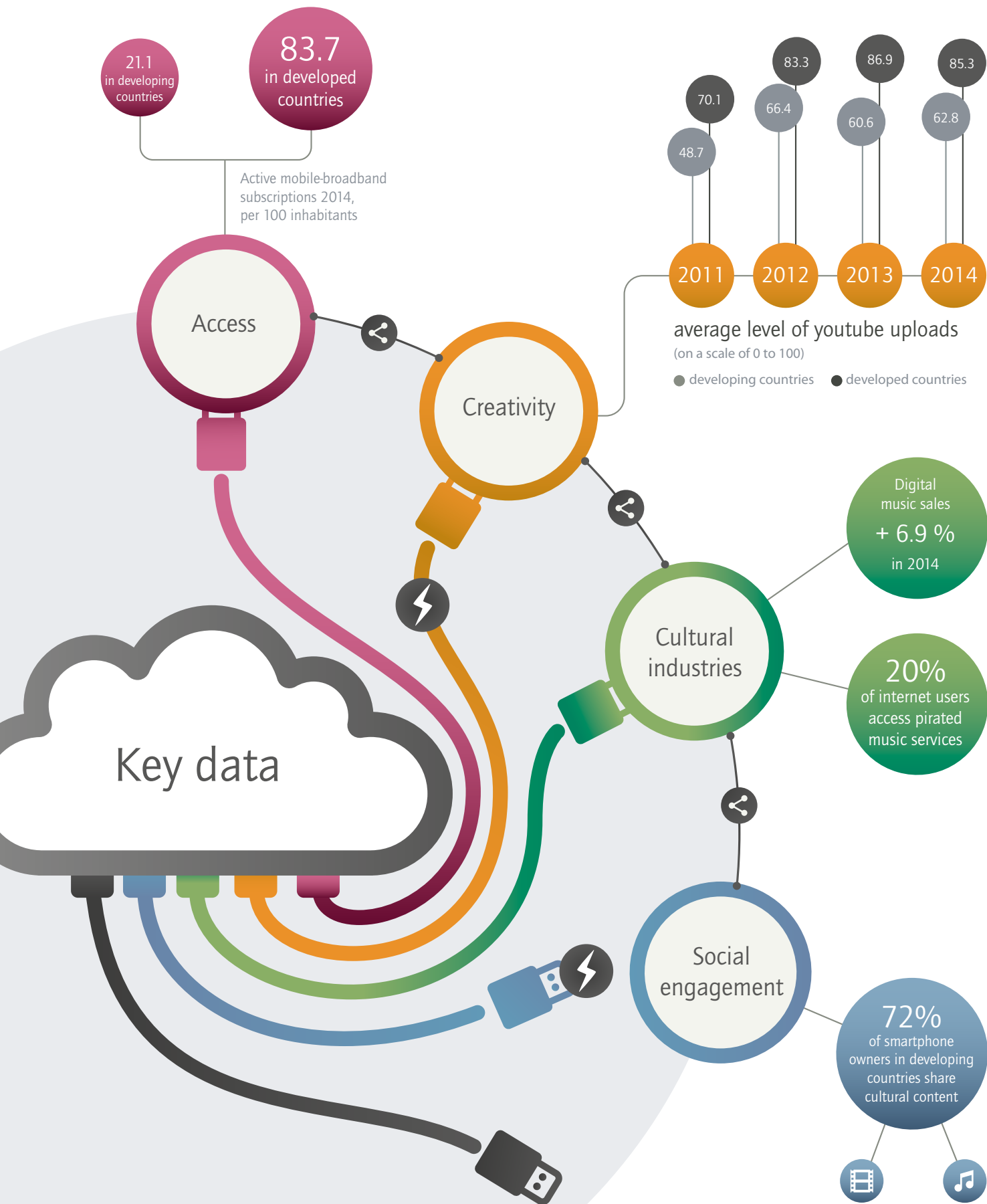
Key data

21.1 in developing countries

83.7 in developed countries

Active mobile-broadband subscriptions 2014, per 100 inhabitants

Access

Creativity

Cultural industries

Social engagement

70.1
48.7
2011

83.3
66.4
2012

86.9
60.6
2013

85.3
62.8
2014

average level of youtube uploads
(on a scale of 0 to 100)

● developing countries   ● developed countries

Digital music sales
+ 6.9 %
in 2014

20% of internet users access pirated music services

72% of smartphone owners in developing countries share cultural content

The digital revolution has fundamentally altered the way in which cultural goods and services are produced, distributed and accessed. Indeed, the accelerated expansion of social networks and user generated content (UGC), the explosion of data created by cloud computing and the proliferation of connected multimedia devices – smartphones, tablets, e-readers – in the hands of users have together had a huge impact on the cultural scene, in both the global North and South. Technological changes – particularly those that have come about in the last 10 years – have led to the emergence of new players and new logics.

These trends include the following:

- very powerful web-based companies – Google, Amazon, Apple, Facebook, Tencent, Alibaba, among many others – are acquiring increasing clout in the cultural industries value chain;
- business models such as subscription streaming[2] are rapidly gaining ground;
- Big Data[3] is becoming the 'new gold' of the cultural economy;
- the way cultural projects are financed is undergoing radical change, for example through crowdfunding.[4]

In this context of profound transformation, it seems obvious that, to be of relevance, any discussion on culture and diversity must at some point include the variable of digital technology. It is true that the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions (hereafter the Convention) makes no direct reference to the internet or digital data and refers only to 'information and communication technologies' and 'new technologies'.[5]

But, thanks to this generic allusion, the Convention makes it clear that cultural diversity is bound up closely with the changes taking place in the technological world – whatever those transformations may be. The monitoring of the implementation of the Convention must therefore embrace all those policies and measures that optimize the impact of digital technologies on the Convention's ultimate goal of promoting and providing access to a diversity of cultural expressions.

It is crucial, therefore, to analyse the links between digital technologies and the diversity of cultural expressions, in particular the relevant policies and measures put in place by Parties to the Convention. The essential point of departure for such an analysis is provided by their Quadrennial Periodic Reports (QPRs).[6] From this corpus, we have grouped the direct or indirect references to digital issues into the following five core themes or nodes:

❶ Access to culture[7]
❷ Creativity[8]
❸ The cultural industries[9]
❹ Public awareness and civil society participation[10]
❺ Cultural data and statistics[11]

Using this structure as a basis, the material provided by the QPRs – complemented by additional sources – will enable us to study, step by step, the impact of the digital revolution on the diversity of cultural expressions. As is evident from the analysis, new technologies bring the promise of enormous opportunities but they also present barriers or obstacles. Parties have implemented numerous

measures designed to take advantage of the former and overcome the latter, for example by launching programmes focused on ICT infrastructure, digital literacy, or promoting electronic art and modernizing the cultural industries. But digital technology also creates threats: new risks that – as we shall see – are not always taken into account. The measures undertaken to address these three aspects – opportunities, barriers and threats – will be essential for promoting the diversity of cultural expressions in the digital age.

> "
> *Any discussion on culture and diversity must at some point include the variable of digital technology*

For the purpose of measuring the evolution of these variables over time, we have proposed a series of both quantitative and qualitative indicators at the end of this chapter. The indicators that can be provided relatively easily at present refer to access, in particular access to telecommunications infrastructure – that is to say, to just one of the main areas of impact. However, as we will explain in section five – dedicated to the collection of cultural statistics – numerous barriers hinder the gathering of data of any kind. Without such information, it will not be possible to obtain robust long-term measurements of the most dynamic aspects of the diversity of cultural expressions: not access alone, but also creativity, the cultural industries and civil society participation. Thus, it will be essential to take into account variables such as support initiatives for digital creation, the production of local e-content, the number of digital players present in the domestic market, or the crowdfunding options available to entrepreneurs and social network participation.

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2. With subscription streaming services, users pay a monthly fee to access an extensive catalogue of works. This differs from the system of purchasing individual works, which are usually downloaded.

3. Computer systems based on large-scale data collection and analysis. Arthur (2013).

4. The collective financing of projects is increasingly taking place via online micropayments.

5. The UNESCO Universal Declarations on Cultural Diversity of 2001 does, however, refer explicitly to the digital arena.

6. The Quadrennial Periodic Reports are available at http://en.unesco.org/creativity/monitoring-reporting/periodic-reports

7. Articles 2.7, 4.6 and 7.1 of the Convention. We have also included in this theme a number of references to the topic of sustainable development and future generations (2.6), as well as the preservation of endangered cultural expressions (8.1, 8.2).

8. Articles 4.1, 4.3, 6.2, 7.2 and 10.c.

9. Articles 4.5, 6.2.c, 10.c.

10. Articles 10 and 11.

11. Articles 9 and 19.

1. ACCESS

The digital age represents a unique opportunity to expand access to culture. Numerous QPRs demonstrate that new technologies contribute towards making such access far easier, cheaper and more democratic. Indeed, these tools can serve to reduce the disparities between large urban centres and the rest of the national territory, as well as helping to socially integrate minorities, culturally connect different generations and capture the attention of speakers of the same language on a global scale. Furthermore, it is undeniable that the diversity of content – e-books, music, films, etc. – now potentially accessible far surpasses that of any previous period.

In the specific case of developing countries, it is clear that the analogue distribution of cultural goods and services has traditionally faced serious limitations – deficiencies in public library networks, a lack of bookstores, a shortage of cinemas, among others. New technologies can therefore play a positive role in overcoming these difficulties. Mobile phones, for example, have made it possible to distribute content in a way that would have been unthinkable just a decade ago. In Africa – where, according to data from the International Telecommunication Union (ITU), mobile broadband grew at a rate of 40% in 2013/2014 – many technological initiatives rely on this type of device, which are already available on the ground (Figure 3.1). Mobile phones now provide a platform for making electronic payments (M-PESA in Kenya and other countries), interacting in mobile social networks (MXIT in South Africa), watching Nollywood films (Afrinolly in Nigeria) and reading comic books based on African legends (LetiArts in Ghana).

In this context, digital tools can constitute a key element of international cooperation. If well thought out, North-South technology transfer could consolidate the possibilities of access in developing countries. In addition, the formidable digital advancement of countries such as China or India is bound to open up new spaces for South-South cooperation. In fact, such new spaces are already being sponsored by international non-governmental organizations (NGO) such as Worldreader (distribution of Kindles and literature for mobile phones in Africa) and Internet.org (connectivity provision, led by Facebook).

With regard to the obstacles that prevent these advantages from being exploited, Parties all point to inadequate infrastructure, the need for better human and technical resources for digitizing analogue materials, the limited connectivity of less populated areas and the existence of a generation gap when it comes to technology. In relation to this last point, data collected by the Pew Research Center (PRC, 2014) and Deloitte (2014) reveal significant disparities in smartphone penetration between younger users and those from older generations (Figures 3.2 and 3.3).

> " *Digital tools can constitute a key element of international cooperation. If well thought out, North-South technology transfer could consolidate the possibilities of access in developing countries*

Figure 3.2

Share of smartphone ownership by age in developing countries (2013)

Source: Pew research Center, 2013

Figure 3.1

Active mobile-broadband subscriptions per 100 inhabitants, 2007-2014

Source: ITU World Telecommunication /ICT Indicators database, 2014
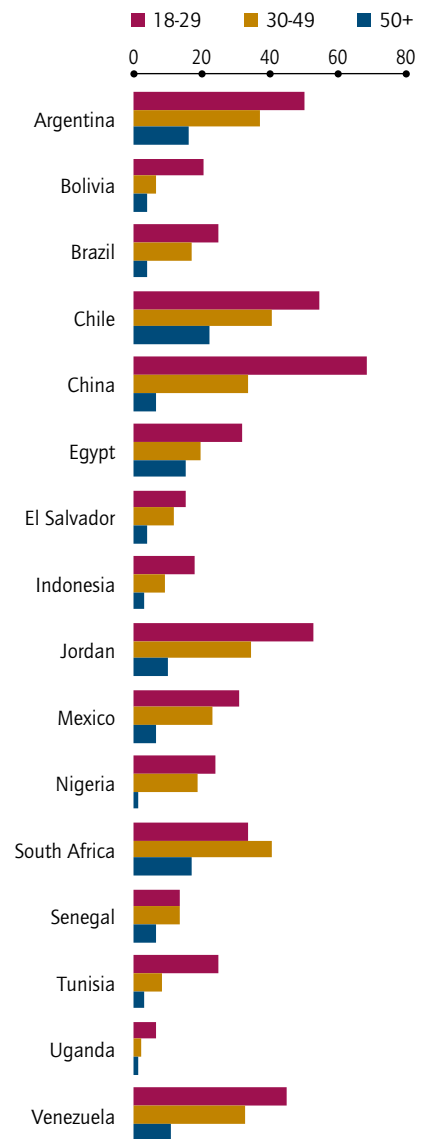
But there is also a gender gap: according to ITU data (2013), internet usage tends to be unequal between men and women (see Chapter 9).

The digital arena can also pose dangers. As several Parties state, devices and content are evolving at such a speed that linguistic diversity is not always taken into account, which has a detrimental effect on certain languages – indeed, according to various estimations, over 80% of online content is in one of the 10 following dominant languages: English, Chinese, Spanish, Japanese, Portuguese, German, Arabic, French, Russian and Korean. If minority languages are unable to find their place on the web, their very survival may be at risk (World Bank, 2014). Another problem is that digital tends to reinforce fragmented identities, since different individuals and/or communities that subscribe to personalized services – news, entertainment – gradually cease to belong to a shared social world.

Dangers also arise from the activities of the large platforms. Some QPRs note that these players tend to originate from a small number of countries, which may mean a disproportionate advantage for content in English, for example, to the detriment of local content. Secondly, due to their closed structure, the platforms often develop their own formats, which undermine interoperability and lead to greater dependence on the part of users, who find themselves limited when they need to change devices. The continuous monitoring of consumer data also raises the issue of privacy. In addition, although the platforms display a plethora of cultural offerings, the fact that they control not only sales but also communication and the recommendation algorithms[12] in effect poses the problem of discoverability: what processes lead users to stumble on certain products and not others? How can we be sure that the mechanisms of recommendation are balanced and guarantee access to the diversity of cultural expressions?

Figure 3.3

Share of smartphone ownership by age in developed countries (2013)

Source: Deloitte Global Mobile Consumer Survey, 2013
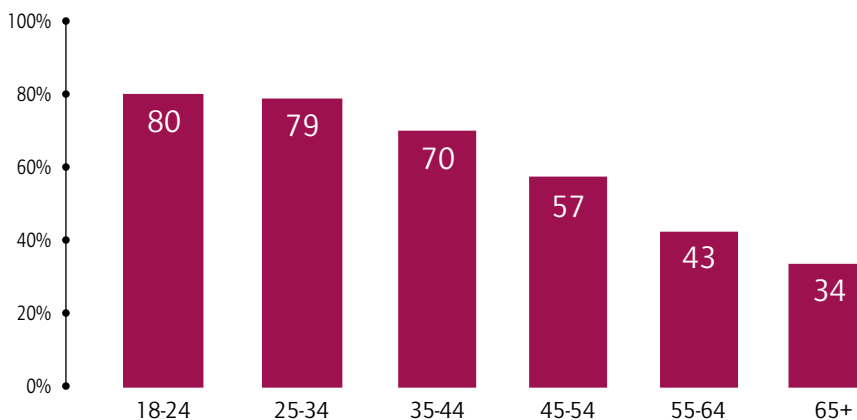
Although we stated earlier that new technologies can help to improve access in developing countries, it should be noted that mere technology transfer does not always solve problems. In much of the literature on the topic, the technological situation in developing countries is often described in terms of backwardness, lack of resources, dependency and a shortage of dynamic players. This determines a whole programme of cooperation, predominantly based on the idea of donation – hardware, software, content, connectivity, etc. – the explicit goal of which is to reduce the digital divide. However, this approach is problematic. To begin with, these items are usually distributed in isolation – for example, just computers – which is of little benefit if other elements are absent, as may be the case if the connection is very slow or if in fact there is no electricity at all. In truth, the very idea of donation tends to follow a pattern of top-down cooperation, which has not shown itself to be effective in improving the situation of stakeholders. Some authors also suggest that at times the mere provision of technology can actually worsen the original conditions.[13] In addition, it must be recognized that the term 'digital divide' itself refers to

a binary situation that simply fails to take into account the current complexity; indeed, many developing countries have advanced technology centres and highly dynamic local actors.

On this point, it is worth mentioning the reflections of Mark Surman, Executive Director of the Mozilla Foundation, underlining the danger that emerges whenever the approach to access programmes is passive or – we might add – top-down in nature:[14]

We worry that the next billion internet users will have little to do but post on social media networks and consume using the apps, services and platforms created by a few big players. What we'll then have is a world where people are simply consumers, not creators, and where the economic and social power of the internet rests with a small number of players in a handful of countries (Surman et al., 2014).

The Parties have certainly carried out a wide range of measures with the aim of seizing opportunities and overcoming obstacles. In both the South as well as North, investments in telecommunications infrastructure are multiplying, particularly in rural areas.

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12. An automatic system for organizing webpage content, which adapts to the profile of each internet user. These algorithms end up exerting considerable influence over users' purchasing decisions.

13. See for example the analysis by Murphy (2014) with respect to the provision of computers for children of impoverished families.

14. As we will highlight in the conclusion, if access is disconnected from creativity, the results are not always the best.

As is evident from the QPRs, dozens of countries – Argentina, Australia, China, Denmark, Republic of Korea, among many others – are incorporating digital tools into public media (see Chapter 2) or providing devices for schools, museums, libraries and cultural centres. The digitization and online availability of local content is a key policy in the European Union (EU) (where multiple digital libraries are brought together in Europeana), while many South American countries are implementing ambitious digital literacy plans (Box 3.1). There are also numerous projects focused on preserving endangered cultural expressions using technological procedures, such as those reported by Bangladesh and Mongolia.

At present, this broad spectrum of initiatives is usually organized into national ICT programmes, as is the case in Canada (Digital Canada 150), Colombia (Vive Digital), India (Digital India), Mexico (National Digital Strategy), Morocco (Digital Morocco), the EU (European Digital Single Market) and other recent examples. There are also a large number of inter-country cooperation projects related to new technologies.

Box 3.1 • *National Plan for Digital Literacy / MEC Centres (Uruguay)*

Uruguay has been a pioneer in the incorporation of digital technologies in the fields of culture and education, for example through the Plan Ceibal (2007), thanks to which all school pupils and teachers have been given access to a laptop. In addition to investment in infrastructure, the country has devoted considerable effort to digital literacy, not only in big cities but also in smaller towns and rural areas. Through a network of almost 100 training stations, the MEC (Ministry of Education and Culture) Centres have offered free workshops on digital tools to thousands of Uruguayan citizens.

Source: *www.ceibal.edu.uy/*

First of all, we find infrastructure donations – hardware and networks – as well as North/South aid with the incorporation of software (as in the case of Portugal, which has helped Lusophone countries to adopt the 'MatrizPCI' programme) and digitization assistance plans (Slovenia, for example, mentions in its report the contribution of funds for the conversion of the Herat University library in Afghanistan).

However, it should be noted that the measures described by the Parties tend to focus on the opportunities and obstacles associated with digital technology more than on new threats. The following points must therefore be borne in mind when developing access policies:

- infrastructure projects should be preceded by an exhaustive analysis of the real needs of the local population, which may vary from region to region;

- encouragement should be given to the coordination of these projects between countries that share similar geographical, socio-economic and linguistic features;

- the influence of digital on the revitalization or, on the contrary, decline of languages would appear to merit in-depth study;

- the issue of automatic recommendations in large platforms should be studied in detail, due to its direct impact on the diversity of supply;

- in terms of cooperation, it is essential to prioritize bottom-up initiatives (involving local forces), over those of a top-down nature (which are limited to the donation of hardware, software, content or connectivity). In short, as the Mozilla Foundation's Webmaker Project proposes,[15] the objective is to 'empower everyone to become citizens of the Web'.

2. CREATIVITY

The new technological possibilities not only enable the expansion of access to digital content but can also open the way for a veritable explosion of creativity. Digital technologies certainly tend – at least in theory – to eliminate geographical and social barriers to creation. Indeed, at a time when the cost of producing audiovisual material is steadily falling, a plethora of young artists from different regions and social sectors are producing and distributing all kinds of original works via the web (Map 3.1). This has thrown open the doors to hitherto unimaginable phenomena: for example, the musician Lucas Lucco from the small Brazilian town of Patrocínio, who began to upload some of his songs to YouTube in 2012, now has over 260 million visits on the platform and performs around 20 shows per month.

15. Cf. *www.webmaker.org*

Map 3.1

Total number of video uploads on YouTube by country

Source: Global Innovations Index, 2014

Few uploads — Many uploads
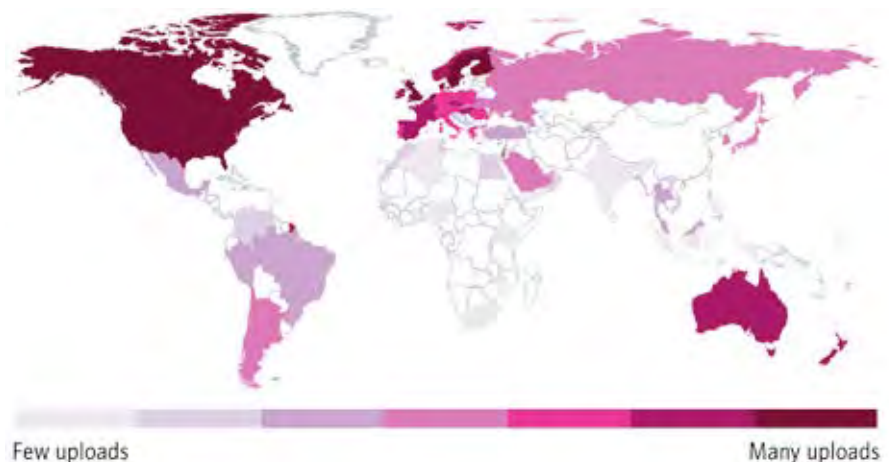
In many of the QPRs, as well as in the specialized literature on the subject, the digital tends to be interpreted as a phenomenon of 'migration' or 'dematerialization' – insofar as the digitization of a work enables the content to be separated from its original medium – which is usually applied to the publishing, music and film industries. Although it is clear that these traditional sectors are passing through a conversion phase, it should be noted that the new era also produces creations of a richness that makes it possible to go beyond the mere migration from analogue. In fact, digital culture inherits the same power as the web, and creations thus acquire a logic that is increasingly hyperlinked, multimedia-based and interactive. A work can be readapted for different media – cross-media narrative – or even take place in diverse channels, e.g. trans-media storytelling. The possibility of remixing with other creations is almost unlimited and results in autonomous narrative forms with enormous flexibility. The impact of this can be seen not only in literature, music and cinema but virtually all forms of expression, including those more often associated with analogue, such as the performing arts, where in effect we are witnessing a proliferation of resources such as live-streaming theatre, choreography for robots, 3D stage sets, videomapping, augmented reality and interaction via social networks.

Nevertheless, here too there are obstacles. For despite the increasing user-friendliness of these tools, creators today are often not equipped with the necessary technical or artistic expertise. In addition, the legal implications of remixing and other related methods are not always sufficiently clear. There is the risk of artists' incomes being jeopardized by piracy and the new distribution models promoted by the large platforms. As noted by Jean-Michel Jarre, a pioneer of electronic music and the current President of the International Confederation of Authors and Composers Societies (CISAC):

This is a crucial moment in history for creators and cultural diversity. With the increasing digital usage of creative works,

> *The new technological possibilities not only enable the expansion of access to digital content but can also open the way for a veritable explosion of creativity. Digital technologies tend to eliminate geographical and social barriers to creation*

the way in which art is consumed is changing fast. In this new digital era, the rights of creators are being eroded every day. I want to use my role as President of CISAC to sound the alarm, to make noise! To protect the future of creation and cultural diversity, creators must sit together with the major internet players to develop new business models that fairly compensate creators for the use of their works in the digital world (CISAC, 2015).

There is also another danger, linked to the lack of strategies for preserving modern-day cultural creations. Few countries have an electronic legal deposit system in place, meaning that the diversity of expressions generated by millions of people through their blogs, online videos and other multimedia materials are not always safeguarded in public archives and run the risk of being lost if the host platform decides to delete them.

The measures adopted by the Parties in this area are primarily aimed at helping creators. These include awards for creation, training (particularly in the audiovisual sector, online dissemination and experimentation residencies (such as the Residencies Network Programme, implemented in Portugal, to explore the intersection between art and technology) (Box 3.2. Meanwhile, some countries have set up digital creation laboratories or centres, with special mention merited by Brazil (Núcleos de Produção Digital and XPTA.LAB), Portugal (Creative Labs) and Uruguay (Culture factories).

In the realm of international cooperation, support for creativity translates, for example, into the creation of websites for exchange and e-learning: the Institut Français, for instance, has set up the website Culturessud.com with the aim of supporting literature from developing countries; Germany, for its part, provides in its report various details of the Quantara.de portal and an online forum designed to establish a dialogue with the Arab world and Persian-speaking world, respectively; the Warsaw Academy of Fine Arts and the Polish-Japanese Institute of Information Technology have developed a platform for virtual education on cultural issues – the first country to benefit from the project was Viet Nam. Nonetheless, as the reports make clear, it is in the area of training that the greatest number of cooperation projects have been implemented.

Box 3.2 • *Cultural entrepreneurship, indigenous creators and digital culture in Brazil*

Thydêwá, a non-governmental organization, joined forces with UNESCO's International Fund for Cultural Diversity (IFCD) in 2014 to implement a project entitled 'Indigenous E-books – Cultural Entrepreneurship, Indigenous Creators and Digital Culture in Brazil'.

The project aims to empower indigenous creators from different communities in Brazil by promoting their participation in the digital publishing sector. Expected results of the project include: strengthening the capacities of 16 indigenous people from 8 different communities to participate in the digital publishing sector, raising indigenous awareness of the 2005 Convention and of digital culture. Ultimately, the project will lead to the creation of an e-publishing start-up company and the production of e-books in four languages (Portuguese, Spanish, English and French).

Source: en.unesco.org/creativity/ifcd

These initiatives have involved, among others: Brazil, Burkina Faso, Canada-Quebec, Denmark, the EU, France, Haiti, Mongolia, Portugal, Senegal and Togo. The International Fund for Cultural Diversity (IFCD) has played a key role in carrying out several of these workshops and exchanges.

As we pointed out in the analysis of opportunities, future cultural vitality will circulate largely via digital media and will be increasingly permeated by these new logics. The seeds of tomorrow's cultural expressions can thus be found at festivals and research and experimentation centres such as Ars Electronica (Austria), the Electronic Language International Festival (Brazil), Gaîté Lyrique (France), the Carnival of e-Creativity (India), Kër Thiossane (Senegal), Ludicious (Switzerland), ProHelvetia/Mobile (Switzerland), SyncTank (UK) and the Literary Platform (UK), among many others. In this context, Parties could:

- encourage spaces related to digital art and innovation;

- set up training, networking and R&D programmes designed for digital artists and entrepreneurs;

- implement online legal deposit systems.

Figure 3.4

Share of global recording industry's digital revenue in 2014

Source: IFPI, 2015

US$6.85 bn

The industry's digital revenues in 2014

Digital 46%   46% Physical

8%

Performance rights and synch
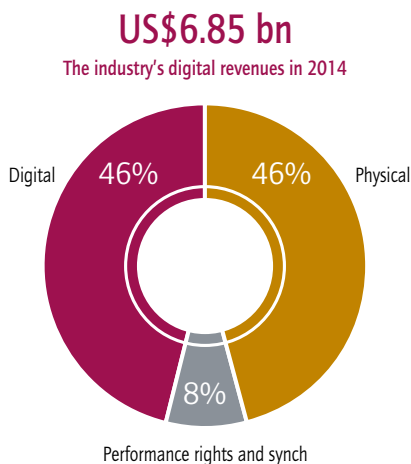
3. CULTURAL INDUSTRIES

Digital means offer the cultural industries many important advantages: greater competitiveness, the opening up of new markets, more efficient distribution, direct communication with consumers thanks to social networks and the exploration of new business models. In the arena of music, for example, subscription streaming services are changing the income structure of the industry and offer producers alternative ways to monetize their content: according to the International Federation of the Phonographic Industry (IFPI) data (2015), revenues from digital sales in the sector have increased by 6.9% in 2014 and already account for the same proportion of revenues as physical sales (Figure 3.4). At the same time, YouTube and other large platforms provide small and medium-sized enterprises from around the world with a means to market and promote their content more efficiently. Finally, as mentioned already, in developing countries the difficulties of traditional distribution have on occasion encouraged the emergence of alternative digital ecosystems. This can be seen clearly in Madagascar, where the disappearance of cinemas has resulted in a new generation of animation entrepreneurs (Dupré, 2015).

However, the scenario is not free of obstacles. In effect, as is the case with artists, companies do not always possess sufficient know-how to produce high-quality digital content. This problem is highlighted above all in the QPRs from developing nations but is also mentioned by developed countries. In addition, the migration of entire sectors – such as TV or cinema – to the new standards can prove highly complex. Moreover, analogue industries tend to have little contact with the world of the web, which makes the exploration of new models difficult. Online payment methods are not sufficiently widespread in many parts of the global South, where the conditions necessary for the commercial sustainability of digital ecosystems do not exist yet. In the case of Madagascan animation, for example, many of the new entrepreneurs have gone into advertising, which is much more economically viable for younger generations adept at digital technology.

With regard to threats, it should be noted that increasing digitization can also lead to the disappearance of many traditional cultural circuits for distribution and dissemination (as is happening with physical bookstores). In addition, the explosion of content may result in a saturation of supply and consequently a loss of commercial viability for many enterprises. On top of this, digital piracy undermines the economic sustainability of all the formal actors; indeed, the IFPI (2015) estimates that 20% of fixed-line internet users worldwide regularly access services offering copyright-infringing music.

As indicated in France's QPR, the current scene is also threatened by the advance of the large online platforms. But exactly what features do they have that can pose a challenge to diversity in the cultural industries as a whole? The strategy employed by these global e-players usually rests on two pillars:

- cloud computing;

- remote connection and the exchange of data with multimedia devices located in the hands of users.

The stronger these two pillars are, the more lucrative business will prove to be, since the increasing dominance of cloud computing enables platforms to offer millions of digital items at almost zero marginal cost, at the same time that the increasingly widespread use of devices provides them with a market of gigantic proportions.

Broadly speaking, the process of market concentration follows a recurrent logic: a platform begins by occupying a space (hardware, software, communication, online searches, e-commerce, etc.) which, thanks to digital convergence, is common to all the cultural industries, and then invariably goes on to expand and take the place of other links in the chain. So, far from being mere actors in the value chain, these new giants tend to become the entire chain.

Such economic concentration represents a real danger for independent actors and, so to speak, for the whole 'creative middle class'. The web titans also wield much greater legal and fiscal power than

do SMEs, which represents an excessive competitive advantage. In addition, since these are closed ecosystems, the innovation that takes place within any of these large companies has little knock-on effect on the rest of the industrial chain. The fact that the processing of data and metadata is carried out in the country of origin also ultimately means that few skilled jobs are created in the end market. Lastly, the bargaining strength of the big players may put the neutrality of the web at risk, to the detriment of smaller actors.

The measures now being implemented in the area of the cultural industries are extremely varied. The first large group of initiatives relates to aid for digitization and modernization. Although the EU mentions generic support for innovation and competitiveness, the assistance offered by other Parties is mainly aimed at sectoral programmes. In the publishing segment, reference is made to specific support policies for innovation in the book sector, such as the renewal of the Book Fund of Canada and the establishment of a publishing cluster focused on innovation in Uruguay. Within the audiovisual field, several governments have actively contributed to the digitization of cinemas (for example Austria, Germany, Netherlands, Sweden and the UK) and TV stations (New Zealand), the dissemination of films on social networks (UK) and the establishment of audiovisual clusters or hubs (as is the case with the 'Polos' programme in Argentina). In the world of music, notable examples include those

> *The increasing dominance of cloud computing enables platforms to offer millions of digital items at almost zero marginal cost; increasingly widespread use of devices provides them with a market of gigantic proportions*

detailed in the reports from Canada (with the renewal of the Music Fund) and the European Union (Media Plan 2007). Also mentioned is support for video games (as in the case of France).

Similarly, there are many institutions supporting experimentation, R&D and networking in the field of digital entrepreneurship (Box 3.3). One prominent example – not included in the QPRs – is the Publishing Laboratory of Paris, which is an incubator for projects related to the future of the book. Also worth highlighting is the Young Creative Entrepreneur programme run by the British Council, which since 2004 has sustained an active international network of innovators from various industries, such as Digital Publishing or Screen & Multimedia.

Parties also point to a significant number of regulations introduced as a result of the new technological context.

In particular, these involve changes in the legislation governing the functioning of specific industries and are referred to in the reports from China (Regulations for Electronic Publishing), Croatia (Act on Electronic Media), France (HADOPI law, designed to combat online piracy; law on fixed prices for e-books), Montenegro (Law on Electronic Media), Peru (National Audiovisual Bill) and Viet Nam (amendments to the Publishing Law and the Law on Intellectual Properties). In Slovakia, proposals have been put to parliament to amend copyright law so as to include new types of licenses. Lastly, the EU in its report mentions the need to include a certain amount of local/regional content.

As is the case with regard to access, the initiatives cited in the QPR reports tend to be designed solely on the basis of opportunities and obstacles, but less so with new challenges in mind. In this regard, Parties could consider lines of action such as the following:

- investigating in greater detail the complex functioning of the web giants and their concrete impact on the ecosystem of the cultural industries; this study should include cases from different countries and analyse legal, technical and financial aspects;

- implementing measures to ensure alternatives – home-grown wherever possible – to the large platforms. The above may indicate that diversity of cultural expressions is not only achieved with a variety of content, but that it also requires a multiplicity of suppliers without this second pillar, diversity runs the risk of not being sustainable in the long term;

- in line with the measures to support access, guaranteeing users the interoperability and compatibility of formats, so that they do not get trapped in specific systems;

- consolidating the development of emerging digital markets, encouraging the implementation of new electronic payment methods, the simplification of processes, etc.;

- helping to ensure that cultural ecosystems for which there is no space in the digital world do not disappear.

Box 3.3 • *The digitization of the film industry in the Netherlands*

When properly planned, the digitization of the distribution and screening of films can result in numerous benefits: in effect, it can help to increase the number of films shown in cinemas, while also making it possible to optimize logistics. The Netherlands has been one of the countries that have implemented migration most effectively, in spite of all the challenges that such a process usually involves. This country achieved a coordinated transition thanks to an alliance of public and private actors, including the Dutch Exhibitors Association, the Dutch Film Distributors' Association and EYE Film Institute Netherlands. The programme, entitled Cinema Digitaal BV, was launched in January 2011 and set itself the objective of digitizing the nation's cinemas by the end of 2012. The total cost of the initiative has been estimated at $52 million, of which the Ministry of Economic Affairs contributed $4.2 million and the Netherlands Film Fund $2.8 million; the remainder of the cost was funded by film distributors.

Source: www.cinemadigitaal.nl/organisatie.aspx

4. PUBLIC AWARENESS AND CIVIL SOCIETY PARTICIPATION

In many respects, the new technologies represent a major step forward in terms of public awareness and civil society participation. They enable government to communicate its messages more easily, thanks notably to social networks. They give civil society actors effective tools for active and instantaneous participation. An interesting global case in this regard is that of 'The B Day', a campaign sponsored by the International Alliance of Independent Publishers, which with the help of YouTube videos and other tools aims to create awareness about the importance of bibliodiversity – that is, of greater cultural diversity in the world of books, within a context of increasing concentration. There are in fact countless examples of formal organizations as well as smaller associations and even simply individuals who thanks to social networks have managed to impact cultural policy decisions.

These advantages do not apply to developed countries alone. In spite of access-related barriers, online networking is an extraordinarily dynamic phenomenon everywhere. A recent study by the Pew Research Center (Figure 3.5) found that in developing countries social networks are used mainly to share opinions on cultural content, in particular on music and films – 72% of those surveyed (PRC, 2015). Thus, in these regions, digital media could constitute a key ally.

There are few threats commonly identified in this area. We could perhaps mention that social networks and other digital tools tend to strengthen the participation of certain groups – for example younger users – to the detriment of others that are less accustomed to using these instruments.

When it comes to encouraging civil society participation, the Parties employ digital technologies in a variety of ways. This can involve social networks, mobile applications and text messages used to disseminate and discuss cultural topics, as well as platforms or online discussion forums, informative newsletters and active collaboration with various social organizations working on digital art-related issues (for example, the Ars Electronica festival in Austria or the CultureLab of Latvia). Countries such as Croatia and Spain, for their part, have also organized specific events to promote public awareness on diversity in the digital era. At this juncture, it would be beneficial for countries to be able to:

■ use the widest possible range of technological tools to raise awareness and encourage understanding of the importance of protecting and promoting the diversity of cultural expressions;

■ in a complementary manner, open up the greatest number of digital avenues in order to enable civil society to actively participate in this area.

> *New technologies represent a major step forward in terms of public awareness and civil society participation*

5. CULTURAL DATA AND STATISTICS

Cultural information gathering clearly stands to benefit significantly from digital technologies. In effect, the incorporation of digital tools can reduce the administrative burden of the statistical process. Moreover, an analysis based on Big Data can open the way for a new understanding of the diversity of cultural expressions, in countries of the North as well as the South.

Figure 3.5

Share of social media users (Facebook, Twitter) who share music and/or movie content

Source: PEW Research Center, 2015
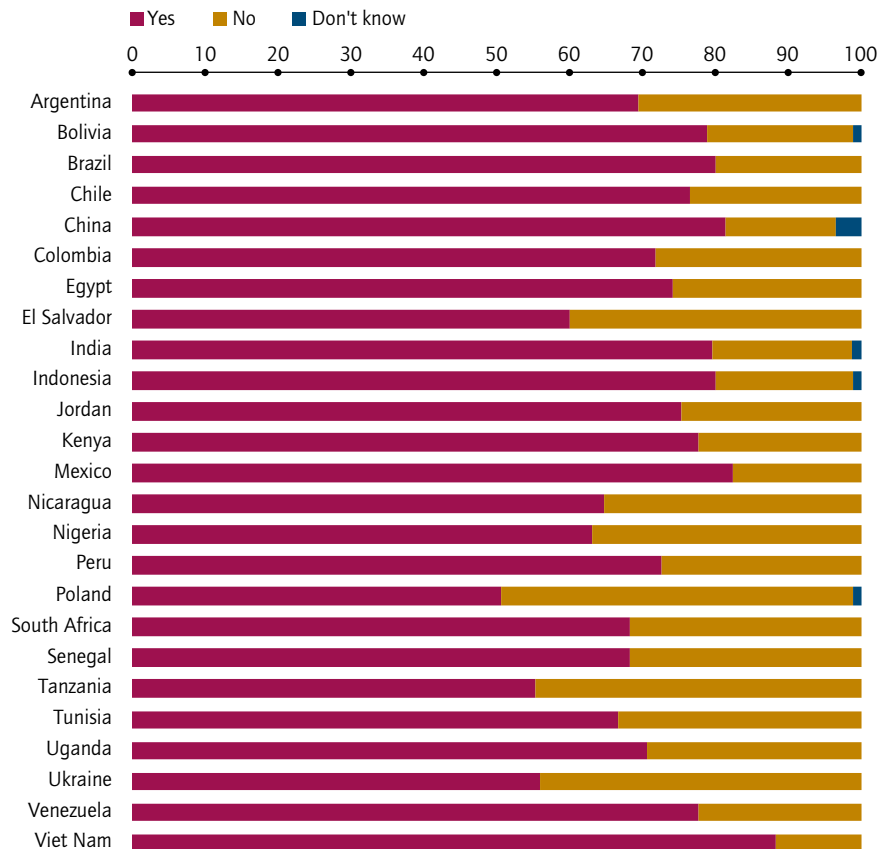
However, in the QPRs, many government entities mention the existing barriers and the lack of available information. Moreover, training technical teams tends to be complex and the links between the different areas that collect cultural data are not always firmly established. In addition, statistics on digital consumption and trends are not usually treated autonomously; they often end up being subsumed into other types of more general measurements or are limited to providing a quantitative overview – gigabytes downloaded, pages visited, income generated, etc. – without breaking down the total into finer categories. As a result, countless digital-related phenomena are obscured, while young creators and digital pioneers can remain 'off the radar' for an extended period. These problems are compounded in developing countries, where statistics on digital trends tend to be tracked less frequently.

"

An analysis based on Big Data can open the way for a new understanding of the diversity of cultural expressions, in countries of the North as well as the South

In the case of the large platforms, the enormous volume of information they handle is usually beyond the scope of national statistics. Indeed, data relating to the number of users, traffic source, pages visited and content accessed are disclosed only when their dissemination proves useful for those companies – which poses something of a challenge for the consolidation of cultural statistics. In fact, while countries do not always have precise information on digital consumption, online platforms have such mastery of Big Data that they are better placed to know the local cultural trends than the public sector itself. This may affect the strategies of all the other actors in the value chain and weaken public policies on access, creativity, the cultural industries and civil society participation.

© Ed Jansen, *Anarchy Dance Theatre + UltraCombos – Seventh Sense*, 2012, the Netherlands

*D*igital industries have an incredible potential in Africa, but are still very much in their infancy and require considerable investment in terms of time, money and expertise. What is now required is to focus our energies on the emergence of the creative tech sector to help realize the continent's digital destiny. There is already a generation of young people learning to code and build technology products in their spare time, and the skills they have acquired need to be reinforced, so as to empower young people across Africa for the task of building our common digital future.

Digital and tech will most certainly be the main catalysts for change in the coming decade. They will allow people to have better access to culture, education, banking, news, healthcare and more. The creative industries in particular have been totally transformed by digital technologies. Without the internet, Nollywood - Africa's most popular form of entertainment - would have remained shackled, left to fester, pirated on VCDs in markets. Now, the content can be enjoyed by millions more and the creatives behind the movies can finally be fairly remunerated for their work.

The new technologies will give the continent a voice- a means of connecting Africans, not only with each other, but with the rest of the world.

Jason Njoku
CEO of iROKO Partners

In the context of development cooperation, there is an additional danger, related to what is usually referred to as the 'formality trap'. In many of the countries of the South, a large proportion of economic exchanges tend to be carried out in the informal sector (UNESCO-UNDP, 2013). However, cooperation initiatives often adopt measurement methods suited to the realities of the global North – that is to say, based on an approach focusing on formal movements and statistics – which may ultimately have a negative effect on the projects implemented.[16]

With regard to measures, countries such as China, France and Latvia report having developed statistics or mappings of cultural expressions in the digital era. Meanwhile, inter-ministerial groups in Bulgaria, for example, have produced standards for the digitization of content and generation of statistics. However, it should be noted that very few countries include data on digital consumption in the annexes to their QPRs, even though, quite clearly, it is essential to obtain more information on this wide range of phenomena. Parties could therefore:

- encourage the development of mappings and the compilation of statistics on uses, practices and markets for digital culture by collaborating with those institutions already working in the field on data collection (chambers of industry, authors' associations, centres for reprographic rights, private consultancies, companies providing statistics on mobile applications, among others);

- work together with the UNESCO Institute for Statistics (UIS), the International Telecommunication Union (ITU) and other multilateral bodies on these activities;

- promote recourse to Big Data, in particular to measure trends in consumption based on mobile data; this approach may prove particularly fruitful in developing countries.

16. It is useful here to refer to the examples provided by Clayton Powell (2012).

CORE INDICATORS AND MEANS OF VERIFICATION

In the light of the evidence presented above, the issues discussed and the indicator framework for monitoring purposes (see Towards a monitoring framework chapter), the following core indicators and means of verification may be put forward as regards the topic of this chapter:

Indicator 3.1

Legislative base for universal access to the internet is a) established b) evaluated and c) functioning

Means of verification

- Evidence of relevant laws to establish universal access to the internet

- Evidence of universal access to mobile internet connections (by gender, age, income level) and to social networks

- Evaluation reports on the impact of laws on universal access to the internet

Indicator 3.2

Policies and measures to encourage digital creativity and civil society participation in the digital environment are a) established, b) evaluated and c) functioning

Means of verification

- Policies and measures to support digital arts, incubators for electronic art and experimentation, training for artists

- Measures to promote the production and consumption of e-content (paid and free, international and local)

- Measures to encourage civil society participation via digital media

- Evaluation reports on the impact of policies to encourage digital creativity and civil society participation in the digital environment

Indicator 3.3

Policies and measures to support dynamic and diverse digital cultural industry markets a) established, b) evaluated and c) functioning

Means of verification

- Policies and measures to support the modernization of the cultural industries (e.g. technological infrastructure and training for digital cinema/filmmaking, e-publishing/writing)

- Number of e-players participating in the market, by cultural industry (e.g. music, publishing, film, etc.) and levels of digital literacy among consumers (by gender, age, income level)

- Share of digital income for small and medium-sized companies, by cultural industry (e.g. investment mechanisms such as crowdfunding for local entrepreneurs)

- Evaluation reports on the impact of policies to support dynamic and diverse digital cultural industry markets

CONCLUSION

The impact of the digital environment on the diversity of cultural expressions is a multifarious phenomenon. As argued in each section above, many initiatives could be implemented to deal with these issues. The strategic key appears to lie in considering the digital in holistic terms rather than in isolation, an observation that has already been made in other domains of cultural policy making. Different areas of governmental responsibility must be involved – for example, the Ministries of ICT and Economy/Industry. Moreover, within a specific node, it would be necessary to take integrated measures: access projects, for instance, should not be limited to a single component – infrastructure, equipment, platforms or content – but should instead take into account the largest possible number of these elements.

For all these reasons, when it comes to measuring, it would be ideal to work with more than one indicator per area. In addition to tracking developments within each node, it is also vital to connect them within an interdependent ecosystem. Many of the threats arise when the interdependence of the five core nodes is not taken into account. In effect, access without creativity limits users to the role of mere consumers; creativity without industry leaves artists without pay; industry without civil society participation – in this case, by local chains that may find themselves threatened – can damage the social fabric; participation without access entails risks for social equity and, finally, since data are the lifeblood of the system, a lack of information and sound statistics leaves all the local actors in the dark. The indicators of diversity of cultural expressions in the digital age should reflect this interdependence.

> *The strategic key appears to lie in considering the digital in holistic terms rather than in isolation*

It is still too early to arrive at a definitive picture of the current situation. Data are lacking, the sources are highly dispersed and it will very probably take years to produce stable indicators. As new information is gradually incorporated, the starting framework can be improved to include more complex phenomena. At any rate, it is clear already that a comprehensive approach to the digital domain is indispensable if we are to optimize the impact of digital technologies on the Convention's ultimate goal of promoting the diversity of cultural expressions.

Partnering with civil society

Helmut K. Anheier[1] and Olga Kononykhina[2]

KEY MESSAGES

>>> *Civil society is actively engaged in the Convention's implementation, particularly through activities to raise awareness of its objectives and principles.*

>>> *Sustained state-civil society collaboration required for policy design and implementation faces strong challenges such as: insufficiencies in the capacity of national and local governments as well as civil society organizations to cooperate effectively, lack of financing and qualified human resources and lack of awareness about the Convention in civil society in general.*

>>> *Many civil society organizations participated in the preparation of the Quadrennial Periodic Reports (QPRs); overall, however, the diversity of civil society voices is still insufficient and should be increased.*

>>> *Civil society's role as 'cultural watchdog' remains underdeveloped; however, the Coalitions for Cultural Diversity, which already operate in 43 countries, could become a driving force to fill such gaps nationally as well as internationally.*

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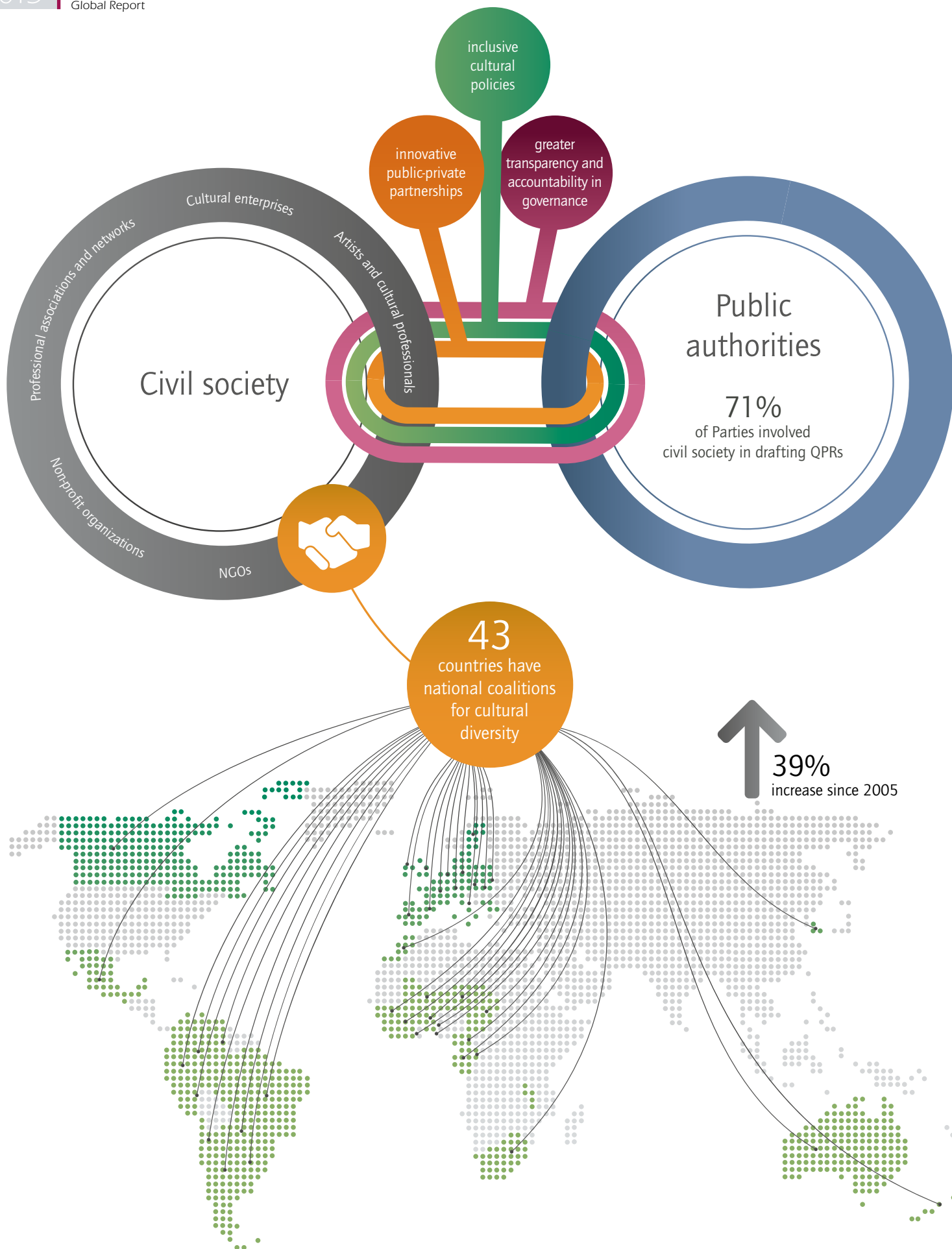
inclusive
cultural
policies

innovative
public-private
partnerships

greater
transparency and
accountability in
governance

Professional associations and networks

Cultural enterprises

Artists and cultural professionals

Non-profit organizations

NGOs

Civil society

Public
authorities

71%
of Parties involved
civil society in drafting QPRs

43
countries have
national coalitions
for cultural
diversity

39%
increase since 2005

Has the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions (hereafter the Convention) opened up space for participatory governance, in other words, has it led to greater involvement of civil society in the policy making process? Has the Convention created a practice of informed governance, by meaningful involvement of civil society entities in the Quadrennial Periodic Report (QPR)[3] process? Has the Convention brought about greater transparency in decision-making in cultural policy? These are the key questions this chapter will seek to answer.

"

Civil society must be able to engage and connect, mostly at the national level but also, in the spirit of the Convention, internationally

The Convention requires Parties to involve civil society in its ratification and implementation (UNESCO, 2013b; Merkel, 2012). The main reason for this involvement is the very raison d'être of the Convention itself: to combine the economic valuation of cultural goods and services with creativity and with a perspective that values them in their own right. To this end, it highlights both the 'distinctive nature of cultural goods, services and activities as vehicles of identity, values and meaning' (Article 1g) and the potential of culture for economic and social development generally. Since reconciling those two views on cultural goods and services can be challenging, politically as well as economically, the Convention stresses the importance of including a broad range of stakeholders, in particular civil society actors, for its implementation.

Thus the Convention takes a partly instrumental approach to civil society, which on the one hand is seen as a tool to bridge the 'economic' and 'value' aspects of culture for purposes of development and, on the other, to provide a political platform to connect different stakeholders. The approach, however, rests on the assumption that civil society is at the very least developed enough to serve as such a tool and platform.[4] In other words, civil society must be able to engage and connect, mostly at the national level but also, in the spirit of the Convention, internationally.

The purpose of this chapter is to shed light on the role of civil society in the implementation of the Convention by putting the above assumption and objectives to initial empirical test. Our main empirical basis for addressing these questions is the corpus constituted by the QPRs submitted by Parties on the 'measures taken to protect and promote the diversity of cultural expressions within their territory and at the international level' (Article 9a).

Importantly, the Operational Guidelines to the Convention demand the involvement of civil society in their preparation. For purposes of analysis, we combine information gleaned from the QPRs with comprehensive data from a variety of other sources, including the Civil Society Enabling Index (Fioramonti and Kononykhina, 2015), the Varieties of Democracy Project (Coppedge *et al.*, 2015) and the CIVICUS Civil Society Index (2015). We have also enriched the analysis with information gleaned from the websites of relevant civil society organizations.

THE 2005 CONVENTION'S PERSPECTIVE ON CIVIL SOCIETY

The Convention does not define civil society as a generic institutional sphere of self-organization outside the realms of the State and the market; rather, the Operational Guidelines of Article 11 define civil society with an explicit reference to actors, be they individuals or organizations, and with a focus on culture: 'For the purposes of this Convention, civil society means non-governmental organizations, non-profit organizations, professionals in the culture sector and associated sectors, groups that support the work of artists and cultural communities' (Article 11).

The Convention and its Operational Guidelines gives different rationales for the role of civil society: Firstly, civil society – or rather civil society organizations – are seen as innovators in the field of cultural policies and activities. Secondly, these organizations can function as change agents in the process of implementing the Convention and help overcome potential gridlocks. Thirdly, they are seen as important channels for improved information flows between citizens and governments by passing on citizens' concerns to public authorities and by taking over a general watchdog role as regards the state of artistic and cultural freedom and other basic policy concerns (UNESCO, 2004).[5]

Accordingly, civil society has been assigned a central role in the Convention, which is highlighted in the Operational Guidelines of Article 11: '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.' Reference to civil society is made, explicitly or implicitly, in several other provisions of the Convention, including Articles 6, 7, 12, 15 and 19 (UNESCO, 2013b and Merkel, 2012).

3. The Quadrennial Periodic Reports are available at *http://en.unesco.org/creativity/monitoring-reporting/periodic-reports*

4. While this assumption remained largely implicit in the negotiations leading to the Convention as well as in the final text, the various Operational Guidelines elaborated subsequently make the role of civil society more explicit, as we will see further below.

5. Note that the role of professions is not addressed in that regard.

The potential roles of, and ways of participating for, civil society in the implementation of the Convention are explained in more detail in the Operational Guidelines to Article 11, especially Paragraph 6. Specifically, civil society is to engage in:

❶ elaboration and implementation of cultural policy;

❷ capacity-building and data collection;

❸ promoting cultural expressions of individuals and social groups defined in Article 7 as women, minorities and indigenous peoples that are creators, producers, consumers of cultural goods and services;

❹ advocating the ratification and implementation of the Convention;

❺ input to the Quadrennial Periodic Reports;

❻ partnerships and cooperation with public and private sectors as well as with civil societies of other regions in the world.

Civil society has been engaged in all of the three distinct phases of the Convention: preparation and adoption, ratification and implementation. What have initial assessments concluded? It is important to approach this question to the Convention's impact – as well as the fuller assessment below – with a dose of realism, judging from what previous studies of international treaties suggest.[6]

What is more, even though the Convention is now ten years old, many of the processes involving civil society in its implementation may well take longer to mature. They will also involve longer term perspectives, and for various reasons: in some countries, civil society may be too weak for fuller policy engagement;

in other instances, the legislative or policy cycle may be such that aspects of the Convention are not yet on the agenda and with civil society on standby, so to speak; and yet in other countries, civil society may well have been active and policy measures passed but these are yet to show their impact.

ENABLING CONDITIONS AND CHALLENGES

We use the Civil Society Enabling Environment Index (EEI) to determine the extent to which there exist favourable conditions for civil society participation in the implementation of the Convention. Three conditions make up the index: socio-economic, socio-cultural and governance. Map 4.1 displays the index for countries ranging from most (1.0) to least (0.0) enabling. It shows that the environment for civil society is highly favourable in the majority of global North countries as well as many countries in Latin America. Many countries in Africa and Asia, however, provide much less enabling conditions. This means that one of the significant actors the Convention relies on in its effective and inclusive implementation, i.e. civil society, may not be able to play such a role.

> *In many countries civil society was unlikely to have been the driver or accelerator of the ratification process*

To understand if and how an enabling environment for civil society relates to the Convention ratification, we compared the Index score with the country ratification date. On the individual country level there is a weak negative correlation (-0.21) between the earliness of ratification and the strength of civil society. For example, Belarus and India were among the first ones to ratify the Convention but their EEI scores are rather low (0.48 and 0.50 accordingly). At the same time, Belgium and Costa Rica have high EEI scores (0.75 and 0.66) but ratified later.

We can suggest, therefore, that in many countries civil society was unlikely to have been the driver or accelerator of the ratification process. However most of the countries with members of the International Federation of Coalitions for Cultural Diversity either had finished or had nearly finished ratifying by the time the Convention entered into force (von Schorlemer, 2012).

Map 4.1

Civil society Enabling Environment Index, 2013
Source: EEI, 2013

Least enabling — Most enabling

6. For example, a study on the impact of anti-torture treaties concludes: 'rarely does treaty ratification have unconditional effects on human rights. Instead, improvement in human rights is typically more likely the more democratic the country or the more international nongovernmental organizations its citizens participate in. Conversely, in very autocratic regimes with weak civil society, ratification can be expected to have no effect and is sometimes even associated with more rights violation.' (Neumayer,2005).

Given its innovative thrust, more than ratification alone, a major challenge was to implement the new framework of the governance of culture resulting from the objectives and principles of the Convention. Some difficulties were to be expected. Specifically, a 2009 report identified several weaknesses relating to civil society in the Convention's implementation (UNESCO, 2013b):

- the lack of, or poorly envisioned and designed, national strategies for the promotion of the Convention, and with no or little systematic evaluation efforts in place;
- the over-centralization of policy measures;
- poor communication between government, civil society and the private sector;
- insufficiently organized cultural sectors and lack of professionalization; and
- little and insufficient involvement of civil society generally.

In essence, implementation difficulties occur because:

- civil society and/or the cultural sector are organizationally or professionally weak;
- government and public agencies pursue a top-down, controlling approach; or
- communication channels and practices between government, the cultural sector and civil society are inexistent or weak.

Three years later, van Graan (2012) analysed the role of civil society as reflected in the QPRs submitted to UNESCO. He noted that 81% of the reports originate from Europe/North America and Latin America/the Caribbean, i.e. generally from countries with some democratic political system and civil society presence. Accordingly, the trends observed reflected the experiences of these countries, and not those of Parties in other regions in the world, which have different political systems and weaker, even absent, civil societies. Van Graan identified numerous key challenges for the implementation of the Convention (2012), which are re-grouped into four main issue clusters:

© Brian Auer, Graffiti Artists, 2008, USA

The adoption of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions in 2005 was an immense source of hope for civil society in Burkina Faso and in Africa in general.

The creation of numerous national coalitions for cultural diversity has meant the return of culture professionals and organizations to the political scene, not just in terms of visibility but also by participating in public debate and the implementation of programmes and activities.

In Burkina Faso, the Coalition has a monitoring role and also makes proposals for improvement. We try as much as possible to maintain dialogue with authorities and ensure that the principles of the Convention guide the elaboration of cultural policies.

A white paper, Governing for and by Culture, which will soon be published, will discuss activities that are priorities for us, such as funding for creativity, the status of artists, artistic and cultural education, and the mobility of artists.

Civil society all over the world must discuss what citizens expect from culture. This Convention gives us the means to do so; let us seize this opportunity.

Rasmané Ouedraogo
President of the National Coalition for Cultural Diversity, Burkina Faso

■ **Awareness, knowledge and understanding:** lack of knowledge of the Convention within all tiers of government, public agencies, cultural institutions as well as civil society generally; there seems to be a frequent absence of coordinated and sustained information strategies as well as activities to inform stakeholders about the Convention in general, and their respective roles in particular. Civil society actors see little benefits of the Convention for themselves and incentives remain ill understood.

■ **Political support:** lack of political support for, or importance attached to, the cultural sector by governments, with a tendency to reduce the arts to their economic value, which is resisted by both the cultural sector and civil society. In some countries, trust levels among stakeholders are low across sectors and too low for fruitful collaboration to take place; this also results in persistent communication problems between government agencies and civil society, on the one hand, and between government agencies and the cultural sector on the other.

■ **Communication:** a lack of effective communication channels between government and civil society for the purposes of implementing the Convention domestically.

■ **Capacity:** a lack of capacity within government and civil society to devote sufficient administrative and organizational resources to the implementation of the Convention.

Related to capacity but going well beyond it, is a cluster of issues addressing resources:

■ **Funding and access:** both public and civil society institutions see funding, or the lack thereof, as a major impediment; what is more, specifically cultural actors complain about limited market access for their services or products.

Map 4.2

State-civil society consultation practices

Source: V-Dem: Varieties of Democracy, 2015

Weak relationship   Strong relationship
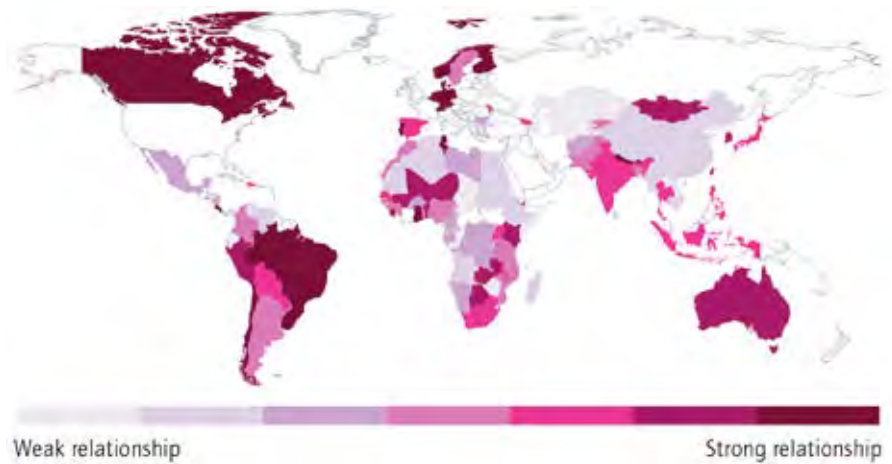
Map 4.3

Change in state-civil society consultations capacity, 2005 and 2012

Source: V-Dem: Varieties of Democracy, 2015

Positive change   Negative change
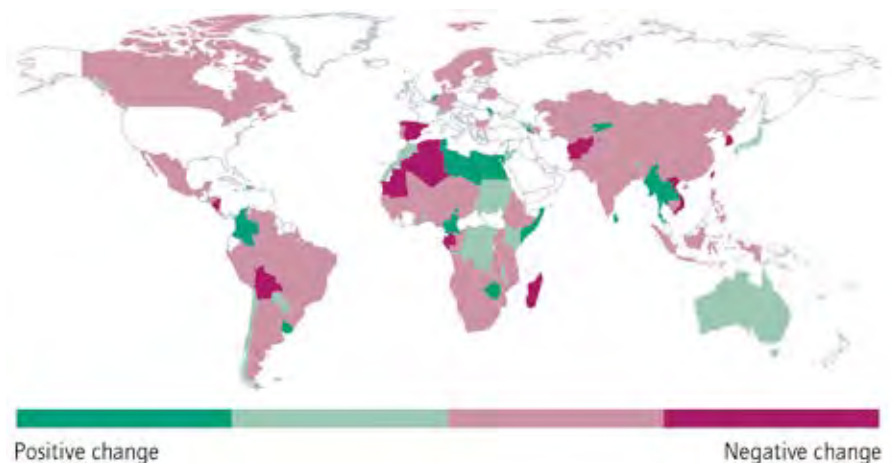
■ **North – South relations**, featuring prominently in the Operational Guidelines, are seen as problematic as well: only a few reports mention sustainable, impactful relationships between countries in the global North and counterparts in the global South. It is also of concern that reports from Africa, Asia, the Caribbean, Pacific and Arab regions accounted for less than 20% of the total received (van Graan, 2012).

> *There seems to be a frequent absence of coordinated and sustained information strategies as well as activities to inform stakeholders about the Convention*

INVOLVEMENT OF CIVIL SOCIETY AS A FORM OF PARTICIPATORY GOVERNANCE

Like van Graan, we assume that the manner and the extent to which civil society actors are, or have been, involved is a good indicator of their overall role in the implementation of the Convention, at least as indicated in the QPRs. Hence, we will examine the latter (three sections are devoted to civil society contributions – participation in the preparation of the QPR, government collaboration with civil society and civil society direct involvement), but go beyond them by bringing in additional data and analytic foci.

Many of the challenges listed above point to weak ties between civil society and government agencies in terms of mutual awareness, information sharing and joint activities. Such challenges are captured in the Varieties of Democracy project – where the general relationship between state and civil society is investigated among other aspects, using the 2012 country scores.[7] Map 4.2 shows that all the ten countries with strongest state-civil society relationship have ratified the Convention and the QPRs reveal that this strong relationship also operates in implementing the Convention. For example, in Switzerland, the country's Federal Council has affirmed the necessary role of civil society in promoting cultural diversity, and civil society has been an active partner in implementing the Convention. Canada, Denmark, Finland, Norway and Sweden have very vocal civil society entities in the form of arts and culture councils. The Coalition for Cultural Diversity in Brazil hosted two international meetings on cultural diversity, during which mechanisms for implementing the Convention through public policies and by civil society were discussed.

We can also explore changes in the state-civil society consultation process in general over the past decade.

> *Weak ties between civil society and government agencies in terms of mutual awareness, information sharing and joint activities*

Map 4.3 presents data for the years 2005 and 2012 that demonstrate a certain level of stability in the capacities of state-civil society consultation over time. Some countries made progress and significantly improved state-civil society relationships: 17 countries showed more than a 10% increase in state-civil society consultation capacity over time and 11 of them have ratified the Convention.[8]

Two countries, Netherlands and Uruguay, reported strong collaboration between the State and civil society in 2005 already and had improved it by more than 10% by 2012. Uruguay's QPR describes different modes of collaboration with civil society, e.g. multi-level consultations were held to bring civil society perspectives into the QPR and civil society was an active partner in distributing information about the Convention and the International Fund for Cultural Diversity (IFCD). The Netherlands reported that cultural policy is formulated with the participation of various umbrella organizations in the cultural and creative sectors.

By contrast, 10 Parties have regressed in the past decade in terms of state-civil society consultation capacity by more than 10%.[9]

7. The item states: 'Are major civil society organizations (CSOs) routinely consulted by policymakers on policies relevant to their members?'

8. Armenia, Cameroon, Colombia, Egypt, Haiti, Moldova, The Netherlands, Palestine, Tunisia, Uruguay and Zimbabwe.

9. Afghanistan, Algeria, Bolivia, Gabon, Republic of Korea, Madagascar, Mauritania, Nicaragua, Spain and Viet Nam.

Box 4.1 • *Austrian Working Group on Cultural Diversity (ARGE)*

The Austrian Working Group on Cultural Diversity (ARGE) was set up in 2004 as a 'network of networks' including among its members associations, unions, academic institutions and individual artists. It is funded by the Federal Ministry for Education, Arts and Culture.

Each network/interest group within the ARGE liaises with its constituencies on issues of common interest. In this way, the ARGE's decisions potentially represent more than 3,500 individuals active in the arts and culture. A specificity of the ARGE is the participation of representatives of the governments of the Länder *at ARGE meetings.*

It is also noteworthy that the Convention's points of contact within the Federal Ministries responsible for culture, the arts, education, foreign affairs, internal affairs, law, economy and trade, science and media participate in ARGE meetings, ensuring that all relevant stakeholders work together to implement the Convention. It obviates challenges in continuity when civil servants, politicians or civil society representatives change jobs or are shifted to other departments.

With the entry into force of the Convention, the ARGE extended its fields of activity to encompass the sharing and exchange of information, the provision of expertise and know-how on cultural policy developments to public authorities, the organization of awareness-raising activities and the monitoring of the implementation process. It has also developed concrete proposals on how to further the implementation process.

This working group provides a unique forum for continuous dialogue and exchange between representatives of civil society and the public authorities from all government Ministries on matters relating to the Convention.

Source: *ficdc.org/Autriche?lang=en*

For example, Bolivia mentions that, even though there are many activities at the ministerial level and that the ministry is open and collaborates with civil society, the Convention has not been sufficiently promoted enough among local level actors. The QPRs from the Sultanate of Oman and Spain mention the great need to inform lower tiers of government – regional, provincial and local – about the Convention, so that they may engage more fully with civil society at those levels.

Box 4.2 • *Implementing the Convention: Governmental support to civil society in Burkina Faso*

The Government of Burkina Faso has worked with civil society organizations on measures to promote the implementation of the Convention. The country's cultural policy, adopted in 2009, was elaborated, and has since been implemented, in cooperation with a range of civil society bodies, for which mechanisms of financial and technical support have been put in place, notably in the development of cultural enterprises.

Civil society also has access to the statistics gathering unit created in the Ministry of Culture, which systematically informs civil society bodies and professional organizations about financing opportunities and support for cultural and artistic education, notably for the benefit of children and young people. Various theatre and dance companies have mobilized foreign partners to help finance activities for creation, production, distribution and training in the two fields. In addition, four national forums of artists and intellectuals for culture were organized between 2010 and 2012.

The experience of Burkina Faso demonstrates how, despite very limited resources, a planned governmental strategy can be designed to support civil society initiatives that promote the implementation of the Convention.

Source: *en.unesco.org/creativity/ifcd/project-description/decentralization-and-cultural-policies-new-model-governance-culture-burkina*

TYPES OF INVOLVEMENT

The Operational Guidelines of Article 9 propose different types of activities to involve civil society in implementing the Convention (Figure 4.1):

- Promoting the objectives of the Convention through awareness-raising and other activities;
- Collecting data and sharing and exchanging information on measures to protect and promote the diversity of cultural expressions within their territories and at the international level;
- Developing policies while providing spaces where the ideas of civil society can be heard and discussed;
- Implementing Operational Guidelines.

What is more, the Operational Guidelines identify different types of activities to be undertaken directly by CSOs themselves for which they are asked to report on (Figure 4.2):

- Promoting the objectives of the Convention within their territories and in international forums;
- Promoting ratification of the Convention and its implementation by the governments;
- Bringing the concerns of citizens, associations and enterprises to public authorities;
- Contributing to the achievements of greater transparency and accountability in the governance of culture;
- Monitoring policy and programme implementation on measures to protect and promote the diversity of cultural expressions.[10]

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10. The coding does not take into account either the quality of civil society involvement or the type and number of civil society actors. If a report mentions civil society with regard to a certain aspect, the country was coded as 1 (yes), if civil society was not mentioned, the code is 0 (no). For example, a report from Guinea just crossed off the suggested categories of civil society involvement, and reports from Austria or Côte d'Ivoire provided detailed information. However, all three countries were assigned the same code.

We have analysed activities mentioned in the reports according to two groups described above. The first category refers to involvement of civil society in the Convention implementation: here, the most common activities are 'Promoting the objectives of the Convention through awareness-raising and other activities' (evidence of such activities found in 64 reports) and 'Developing policies while providing spaces where the ideas of civil society can be heard and discussed' (58 reports mentioned such activities). The second group refers to direct or independent civil society involvement (that civil society organizations could report about). Analysed reports showed that activities that can be classified under 'Promoting the objectives of the Convention within their territories and in the international forums' were mentioned the most frequently (in 51 reports).

Civil society is involved in the Convention implementation in many countries. Only one country report indicates no such activities, while 48 Parties report at least 3 such activities. And while 17 reports show no activities by CSOs themselves and independent of government, 28 reports mention such initiatives. For example, Canada, Ecuador, France and Germany report that civil society is closely involved in the formulation and/or amendment of cultural policies. Finland, Germany and Mexico support the U40 Network to identify and support younger professionals. Civil society organizations in Spain host literacy programmes for immigrant artists. The Polish 'Citizens of Culture' movement has obtained the government's written commitment to work with civil society towards a number of cultural policy goals. In Bosnia and Herzegovina, independent experts drawn from civil society make up one-third of the country's parliamentary advisory commissions and municipal councils. Burundi's cinema professionals have organized themselves into a producers' collective for the development of the country's audiovisual industry. In Kenya, the civil society group DEPCONS has promoted the participation of women in arts events.

> *The engagement of civil society in providing evidence to inform the periodic reporting exercise can be greatly enhanced*

The Operational Guidelines for Article 9 require the 'involvement of civil society in the preparation of the reports according to jointly agreed modalities. The reports shall indicate the way in which civil society participated in the drafting process.' Fifty reports explicitly mentioned some involvement of civil society in the Report preparation during consultations or report writing itself. In the analysis of the reports, the Convention Secretariat identified several consultation approaches (UNESCO, 2012):

- collaborative processes involving joint drafting and revision of the report, e.g. in Austria;

- parallel processes whereby the government and civil society prepared their own reports, with the latter integrated into the former, e.g. in Germany;

- consultation processes whereby civil society's views and input were solicited through questionnaires and other forms of feedback, and then included in the Party's report, e.g. in Uruguay.

The Operational Guidelines offer no recommendations as to how many and what kind of civil society organizations (CSOs) to involve in the reporting process. Of the 50 reports that described civil society participation, 25 listed the names of CSOs and associations that took part in some way in the preparation of the QPR. We examined the mission and activities of all the CSOs and associations mentioned in those reports and found that countries engaged very different types of CSOs in the report process. For instance, only three reports mentioned CSOs whose explicit mission is the promotion of the Convention; two named organizations focusing on women's rights and empowerment; and four listed youth organizations. Yet

Figure 4.1

Share of QPRs that reported on activities undertaken by Parties to involve civil society in implementing the Convention

Source: QPRs (2012-2014)
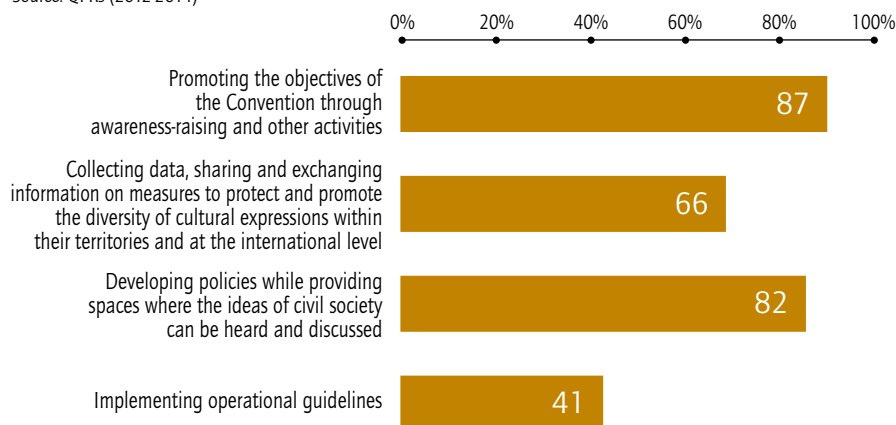
Figure 4.2

Share of QPRs that reported on activities undertaken directly by CSOs themselves to implement the Convention

Source: QPRs (2012-2014)
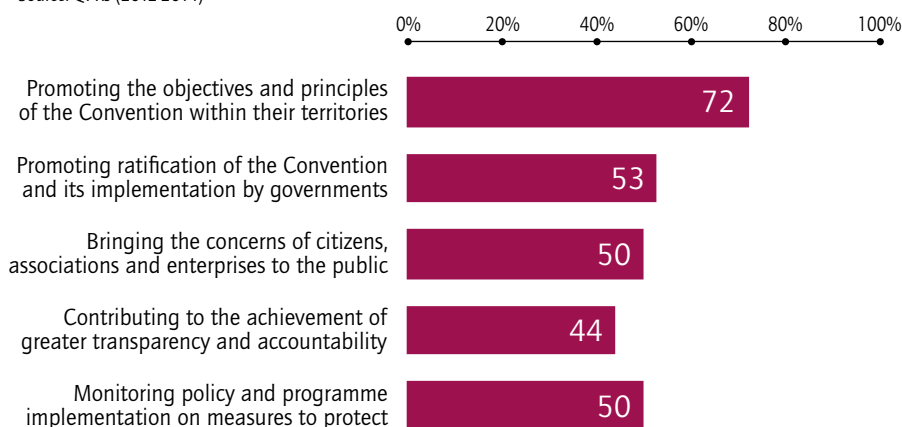
despite this diversity, many of the CSOs involved were network or umbrella organizations of one kind or another, including international ones. Greece has reported collaboration among umbrella organizations dealing with rights protection; Uruguay has reported professional associations that focus on labour rights for cultural professionals, copyright, etc.; the governments of Austria (Box 4.1), France, Greece, Mexico, Peru, Serbia and Slovenia have worked jointly with associations that ensure and promote dialogue between cultural professionals and

policymakers. Authorities in Bulgaria and Burkina Faso have cooperated with organizations that could be described as resource centres for the cultural sector (Box 4.2).

Figure 4.3 highlights some characteristics of those organizations: they tend to be more recently established rather than long-standing institutions and located primarily in the nation's capital; they are a mix of network organizations of other CSOs that conduct a wide range of activities from state-civil society dialogue to training and service delivery.

Figure 4.3

Characteristics of CSOs engaged in the preparation of QPRs

Source: Hertie School of Governance compilation, 2015

Box 4.3 • *Participation of civil society in monitoring of cultural policies and implementation of the Convention in Brazil*

Since 2003, civil society participation in public decision-making is one of the pillars of Brazil's cultural policy. This is translated into the organization of the National Conference on Culture (CNC), the creation of a National Council on Cultural Policy (CNPC), the elaboration of a National Plan on Culture (PNC) and regular consultations with civil society as regards the preparation of legislation in the cultural field.

The two editions of the CNC, held in 2005 and 2010, were preceded by consultation events at local, state and sector level, which also served to identify delegates to attend the federal events.

The CNPC involves representatives of public authorities (several federal ministries – including those of Culture and Foreign Affairs, among others – as well as state and local authority representatives), civil society organizations, academia and individual experts. Its aim is to support the design of public policies contributing to the development of cultural practices. In addition to plenary meetings, members meet on a working group basis. The CNPC aims to increase national and international cultural exchanges by 70%, underpinned by a range of measures which should enhance regional and international exchanges on a South-South and South-North basis.

Among the other relevant initiatives regarding civil society in Brazil is the government's support for the Cultural Diversity Observatory, an NGO which carries out research on cultural diversity in Brazil and organizes regular international seminars, and support for the Brazilian Coalition on Cultural Diversity, which has also been active in international debates.

During the development of the National Plan for Culture 2011-2020, which is the first Brazilian Government policy document referring to the 2005 Convention as the legal framework, the Ministry of Culture organized a series of workshops on cultural policies in all states of the country. These workshops targeted artists, students, researchers and cultural entrepreneurs and discussed, inter alia, a range of issues related to the Convention. Managers and specialists of the Ministry of Culture participated as speakers and as trainers in these workshops.

Source: *en.unesco.org/creativity/periodic-reports/innovative-examples/promotion-convention-among-civil-society-brazil?language=en)*

Only a minority of the CSO profiles, however, mentions the promotion of the Convention explicitly, be it in terms of awareness raising, supporting its implementation or otherwise contributing to Convention goals.

It is clear nevertheless that the engagement of civil society in providing evidence to inform the periodic reporting exercise can be greatly enhanced (Box 4.3). One reason why there may have been a limited engagement of civil society in the process is suggested by the results of the Civicus Civil Society Index.[11] The degree of perceived social and policy impact could be an indication of how 'comfortable' civil society feels or how much it is welcomed. Differing internal perceptions of civil society impacts could explain why some reports provide little information on CSO activities irrespective of actual civil society activities. Table 4.1 shows that perceived social impact can be higher than real policy impact. The smallest difference is still as high as 12% (Argentina) and the biggest difference is 44% (Jordan). For Convention implementation this means that CSOs in many countries may potentially under-report their policy activities.

Parties have provided evidence that sustained state-civil society collaboration required for policy design and implementation purposes faces strong challenges. For example, the 2012 Argentinian report states: 'As regards civil society, despite having evidenced a wide and strong participation of civil society during the stage prior to the ratification of the Convention, once our country adhered to the Convention, participation reduced sharply'. Lithuania reports that there has been exchange of information between the State and civil society and that CSOs were a part of a consultation process, but that while these activities [CSO's activities] are in line with the objectives of the Convention, however, one has to admit that they were not carried out with the conscious goal of implementing the Convention.

11. This Index relies on 5 dimensions and 58 indicators. Here we are going to use only 2 dimensions – comparing perceived social and policy impacts assessed 'internally' by CSO's leaders.

The Ministry of Culture and the Lithuanian National Commission for UNESCO contacted the organizers of the above-mentioned and other initiatives with a questionnaire about how they promote and raise awareness of the objectives and principles of the Convention as well as monitor its implementation by the Government.

Only a few replies were received and the organizations that did reply said that this was the first they had heard about the Convention and did not take up any special measures to implement it. The Ministry of Culture sees raising awareness of the Convention as one of the main challenges and goals for the next reporting.

Table 4.1

Perceived civil society impact by country

Country	Perceived social impact	Perceived policy impact	Average impact	Difference between perceived social and policy impact
Albania	79.9	59.3	69.6	20.6
Argentina	62.6	50.8	56.7	11.8
Armenia	42.5	25.5	34	17
Bulgaria	67.8	43.5	55.65	24.3
Cyprus	78	48.6	63.3	29.4
Chile	67.2	31.7	49.45	35.5
Croatia	75.2	38.4	56.8	36.8
Italy	58.8	41.8	50.3	17
Jordan	63.3	19.3	41.3	44
Mexico	60.8	28	44.4	32.8
Slovenia	60.5	35.5	48	25
Togo	64.3	35.5	49.9	28.8
Uruguay	74.9	47.3	61.1	27.6

Source : Civicus CSI Phase II (2008-2011)

Map 4.4

National Coalitions for Cultural Diversity, by country

Source: IFCCD, 2015

> *Another important role for civil society envisaged by the Convention is that of advocate and watchdog, notably so as to achieve transparency and integrity in the implementation process*

ADVOCAY AND WATCHDOG ROLES

Another important role for civil society envisaged by the Convention is that of advocate and watchdog, notably so as to achieve transparency and integrity in the implementation process. The International Federation of Coalition for Cultural Diversity[12] is one of the main actors in this respect the national level. Such coalitions can play an important role in bringing diverse voices to bear on implementing the Convention, in particular as regards key issues, both national and international, such as trade agreements, human rights protection, censorship and gender.

Currently, 43 countries have a national Coalition for Cultural Diversity, as shown in Map 4.4; there is also one covering the Caribbean region. There appears to be a positive relationship between civil society activities taking place in these countries and the presence of a Coalition: Parties with a Coalition for Cultural Diversity in place report on average nearly seven types of activities, compared to those where no such Coalition exists (under five types of activities). This finding underscores the importance of a civil society infrastructure that both includes and amplifies diverse voices from the cultural sector.[13]

12. See *www.ficdc.org*

13. See Chapter 10 for another example of a cultural watchdog initiative.

CORE INDICATORS AND MEANS OF VERIFICATION

In the light of the evidence presented above, the issues discussed and the indicator framework for monitoring purposes that has been presented in the Towards a Monitoring Framework chapter, as a core component of the present exercise, the following core indicators and means of verification may be put forward as regards the topic of this chapter:

Indicator 4.1

Legislative and financial base to support civil society is a) established and b) covers a wide range of civil society organizations

Means of verification

• Evidence of relevant laws to create and support an enabling environment for civil society

• Assessments of the impact of laws to support civil society

• Civil society organizations receive financial support from the State and have programmes and projects to support their members

Indicator 4.2

Civil society participates in the design and implementation of policies to promote the creation, production, distribution and access to a diversity of cultural goods and services

Means of verification

• Diverse types of mechanisms established for civil society to participate in cultural policy design and implementation on national and local level (e.g. hearings, working groups, questionnaires, etc.)

• Evidence of cultural policies adopted with active involvement of civil society and in a broad range of cultural fields

• Civil society collects and analyses information and data required for informed and transparent policy making and makes it available for decision-makers

• Evidence that National Coalitions for Cultural Diversity and other CSO 'cultural watchdogs' produce regular reports evaluating policies relevant to the Convention

Indicator 4.3

Civil society is actively involved in the ratification and promotion of the Convention at the country and international level

Means of verification

• National Coalition for Cultural Diversity (NCCD) or other CSO 'cultural watchdogs' are established and functioning

• Civil society through programmes, projects and events raises awareness of the Convention at the national and local level

• Civil society is consulted and provides input to Parties quadrennial periodic reports

• Civil society organizations from a broad range of cultural fields[14] submit information documents to the governing bodies of the Convention

• Civil society organizations from a broad range of cultural fields[15] participate in the debates of the Convention's governing bodies

14. See above.
15. See above

CONCLUSION

There can be no doubt that the implementation of the Convention, and its Operational Guidelines, constitutes 'new ground' for the international community, posing major challenges to the Parties and civil society actors. As shown above, previous assessments have pointed to the problems encountered in state-civil society relations. Some of our findings resonate with these previous assessments, but we have also found indications for progress and achievement.[16]

We found that 50 out of 70 QPRs mentioned the inclusion of civil society in the implementation of the Convention. Some Parties include civil society organizations in the policy making process, however others have reported on gaps between national and local government capacity for cooperation in policy making, lack of financing and qualified human resources and lack of awareness about the Convention in civil society in general.

We also found that a variety of civil society organizations took part in report preparation and consultation, and participated in report writing. We analysed 25 reports that nominally cited CSOs and found that the majority of these were networks or association representing various cultural groups.

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16. We should also keep in mind that the national reports vary in detail, meaning that civil society may have played a bigger role de facto than was indicated.

However, we also found that the diversity of organizations in terms of gender, minorities, youth and cultural entrepreneurship could be improved.

As to whether the Convention has increased transparency in cultural policy making, our analysis shows that the various Coalitions for Cultural Diversity that already exist in 43 countries and in one region (Caribbean) have played an important role, but one that clearly ought to be strengthened.

Clearly, several aspects of the Convention's implementation require much closer analysis than has been possible on the basis of the evidence available in the QPRs. In particular, the sometimes perplexing performance of civil society seems worthy of closer investigation, as also the frequent inefficiencies and tensions in cooperation between government and civil society.

With this aim in view, we would recommend the following:

- **Assistance:** Some Parties have indicated that they require assistance in compiling their QPR, even though the documentation provided by the Convention Secretariat for this purpose is extensive and readily available. Many Parties appear to require more direction and training in this respect, especially those with weak civil societies and low degrees of professionalization. Technical assistance needs to be provided.

In addition, civil society entities could be encouraged to submit reports in formats they can manage or to use social media.

- **Framework:** A simple yet meaningful common framework with standard indicators for civil society involvement that range from awareness-raising and capacity-building to activities leading to verifiable outputs or outcomes (even if these are difficult to quantify) should be established. This would help to harmonize reports. Generally speaking, the focus on outcomes should be strengthened.

- **Awareness:** Measures to increase awareness of the Convention among civil society entities are needed; here too, the greater use of social media should be explored.

- **Learning:** It is necessary to identify best practices in terms of state-civil society cooperation to overcome distrust and 'operational distances' that appears to exist among officials, civil society actors and the cultural community.

- **Partnerships:** Parties should be encouraged to work with each other horizontally across national borders – government with government, civil society with civil society, both North and South, to build capacity and to facilitate trade in creative goods and services (van Graan, 2012); it would be useful to explore to what extent current forums and platforms can facilitate such horizontal modes of cooperation.

"

Together, we can develop a more balanced flow of cultural goods, as well as new platforms for meetings and exchanges, which will be the pillars of our creative diversity for the future

Brahim El Mazned
Director Visa for Music Festival

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

Minding the gaps: promoting mobility

Mike van Graan[1] and Sophia Sanan[2]

KEY MESSAGES

>>> *The mobility of artists and other cultural professionals is crucial to maintaining a heterogeneous world of ideas, values and views.*

>>> *Access to international markets for artists and cultural professionals is also crucial to the promotion of sustainable cultural and creative industries and their potential contribution to human, social and economic development, particularly in the global South.*

>>> *There is a vast gap between the principles and ideals of the 2005 Convention and the world realities concerning the mobility of artists and cultural professionals from the global South. Indeed, implementation of the Convention so far does not yet appear to have contributed to increasing such mobility.*

>>> *The obstacles to the mobility of artists and cultural professionals include increasing security, economic and political constraints, particularly in the global North; hence the Convention needs to be used more effectively in countering these constraints in a spirit of international solidarity.*

>>> *Information, funding and other opportunities that can promote the mobility of artists and cultural professionals need to be gathered and shared by all Parties.*

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1. Executive Director, African Arts Institute, Cape Town, South Africa.
2. Research Manager, African Arts Institute, Cape Town, South Africa.
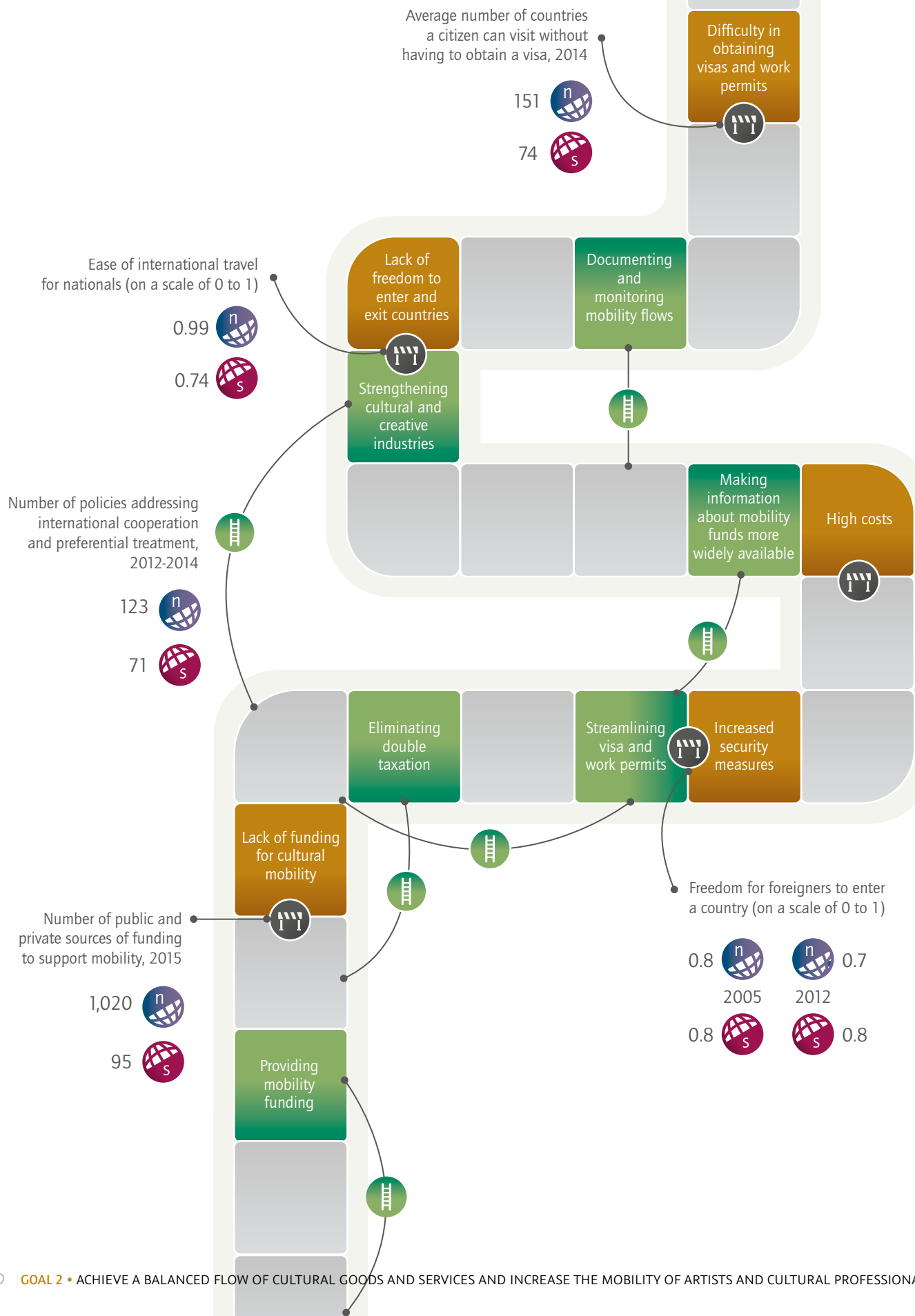
Average number of countries
a citizen can visit without
having to obtain a visa, 2014

151 **n**

74 **s**

Difficulty in
obtaining
visas and work
permits

Ease of international travel
for nationals (on a scale of 0 to 1)

0.99 **n**

0.74 **s**

Lack of
freedom to
enter and
exit countries

Documenting
and
monitoring
mobility flows

Strengthening
cultural and
creative
industries

Number of policies addressing
international cooperation
and preferential treatment,
2012-2014

123 **n**

71 **s**

Making
information
about mobility
funds more
widely available

High costs

Eliminating
double
taxation

Streamlining
visa and
work permits

Increased
security
measures

Lack of funding
for cultural
mobility

Freedom for foreigners to enter
a country (on a scale of 0 to 1)

Number of public and
private sources of funding
to support mobility, 2015

1,020 **n**

95 **s**

0.8 **n**   **n** 0.7

2005   2012

0.8 **s**   **s** 0.8

Providing
mobility
funding

This chapter provides an overview of the measures taken by 'developed' countries in favour of 'developing' countries with regard to the mobility of artists,[3] in accordance with Article 16[4] of the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions (hereafter the Convention) and the related Operational Guidelines that outline the kinds of mobility measures that need to be implemented.[5] It also reflects briefly on measures taken by 'developing' countries in favour of other 'developing' countries,

in the framework of 'South-South cooperation' as per the relevant Operational Guideline.[6]

The evidence used for this analysis has been extracted largely from the Quadrennial Periodic Reports (QPRs)[7] of Parties submitted from 2012 to 2014 and the results of a global survey on the implementation of the 1980 Recommendation Concerning the Status of the Artist (UNESCO, 2015b).[8] As regards terminology, we will use the terms 'global South' and 'global North' in preference to referring to 'developed' and 'developing' countries. While countries that comprise the 'global North' are generally electoral democracies with

free market economies, countries in the 'global South' have vastly different political and economic systems, with highly varied understandings, practices and protections of human rights. 'Global North' countries – historically comprising those countries generally referred to as 'developed', may thus take certain values, ideas and worldviews for granted, while the 'global South' is varied and needs to be understood as nuanced with great levels of disparity between and within regions and countries that comprise the 'global South'.

For the purposes of this Chapter, the global South is understood to be:

- all the countries of Africa;
- all Asian countries excluding Japan, Singapore and the Republic of Korea;
- all countries in Latin America and Central America, as well as Mexico;
- all countries in the Pacific Islands region;
- all countries in the Caribbean region;
- all countries in the Arab world.

The global North refers to Japan, Singapore and the Republic of Korea in Asia, Western Europe, North America (including the USA and Canada but excluding Mexico) and Australia and New Zealand (Map 5.1).

The 'global South' and 'global North' are not defined simply in terms of hemispheres, but rather in relation to having and exercising economic, political and military power, factors that have direct bearing on issues of mobility. The authors have also consulted databases providing indicators pertaining to visas and other measures, funding mechanisms and practices outside state support. [9]

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3. As defined by the ERICarts Institute, cultural or artists' mobility is the temporary cross-border movement of artists and other cultural professionals (ERICarts Institute, 2008).

4. 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.

5. Paragraph 3.3.2 of Article 16 in the Operational Guidelines encourages 'developed' countries to develop and implement measures that promote preferential treatment of artists from 'developing' countries such as '(v) taking measures to facilitate the mobility of artists, other cultural professionals and practitioners, and, in particular, to favour those from developing countries who need to travel to developed countries for professional reasons. These measures should include, in conformity with the applicable provisions in this respect, for example, simplification of procedures for issue of visas regarding entry, stay and temporary travel; lower cost of visas', and '(vii) providing specific fiscal incentives for artists and other cultural professionals and practitioners from developing countries within the framework of their activities related to the present Convention.'

6. Operational Guideline 2.4 of Article 16: 'Whereas Article 16 does not provide an obligation for developing countries to offer preferential treatment to other developing countries, developing countries are encouraged to offer a preferential treatment to other developing countries in the framework of South-South cooperation.'

7. The Quadrennial Periodic Reports are available at *http://en.unesco.org/creativity/monitoring-reporting/periodic-reports*

8. The 1980 Recommendation calls upon Parties to 'recognise that artistic life and practice of the arts have an international dimension and accordingly provide those engaged in artistic activities with all the means and in particular, travel and study grants, likely to enable them to establish lively and far-reaching contacts with other cultures' and 'take all appropriate steps to promote the free international movement of artists, and not to hinder the freedom of artists to practice their art in the country of their choice.' *en.unesco.org/creativity/monitoring-reporting/status-artist*

9. The Hertie School of Governance provided a database of the number of mobility policies per country, gleaned from its research of QPRs. Other databases consulted include Freedom House's Index of Freedom in the World (*freedomhouse.org*), the Democracy Index of the Economist's Democracy Unit (*www.eiu.com/Handlers/WhitepaperHandler.ashx?fi=Democracy-index-2014.pdf&mode=wp&campaignid=Democracy0115*) and the Institutional Profiles Database (2001-2012) (*www.cepii.fr/institutions/EN/ipd.asp*) on the Convention's signatory countries.

Map 5.1

Global North and global South classification

Source: Wikimedia, 2015

Global North   Global South

These data sets have been analysed to provide an overview of the progress that Parties have made. The analysis is accompanied by a selection of the best practices and trends that have emerged. A paucity of data, particularly from global South countries, has been a major constraint, countered by a more general observation-based approach. While there is anecdotal and experiential evidence and information from global South areas that would inform this discussion, such evidence and information exists in oral rather than written form, and is thus difficult to include here as such sources, evidence or information cannot easily and independently be corroborated. This issue will be addressed in the conclusion to the chapter.

On the basis of this analysis, we shall cover themes such as the freedom of movement of global South artists to the global North, policy measures taken to facilitate such mobility, and measures implemented to provide funding to support artists' mobility as specified in the Operational Guidelines. We will also identify non-official practices that enhance artists' mobility. We will highlight the kinds of mobility challenges encountered by global South artists, technicians, promoters and related cultural professionals. It should be noted that apart from Article 16, there are Articles and Operational Guidelines that have an indirect impact on the mobility of artists.[10] For example, the global North is encouraged to invest in the cultural industries of the global South; this would help to ensure that global South artists and other cultural professionals would have the technical ability and would produce the quality products to be able to compete in global North markets.

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10. Thus Article 15 (Collaborative Arrangements) refers to 'innovative partnership' that 'shall, according to the practical needs of developing countries, emphasise the further development of infrastructure, human resources and policies as well the exchange of cultural goods, services and activities.' Paragraph 3.3.2 of Article 16 in the Operational Guidelines refers to '(i) providing support and expertise to developing countries for the development of policies and measures aimed at nurturing and supporting artists and others involved in the creative processes'; '(iii) capacity building, notably by means of training, exchanges and orientation activities (for example, residencies for artists and cultural professionals)...' and '(v) funding arrangements and resource-sharing, including supporting access to cultural resources of developed countries.'

> **"**
>
> *Artists, by the nature of their work, do not comply with the conditions set for granting visas*

There would be little point in promoting and facilitating mobility to global North markets if global South artists and their products were rejected by such markets on the basis of quality. Furthermore, such investment would equip global South promoters and tour managers with the necessary skills, knowledge and networks to enter and engage with global North markets on a sustainable basis, rather than being dependent on initiatives taken by global North promoters for them to access such markets. It is, however, not within the ambit of this chapter to interrogate such indirect support for artists' mobility.

Finally, this chapter will cover a range of cultural mobility-related issues identified by the cultural mobility information network 'On the Move':[11] artists' residencies or fellowships; grants to participate in events e.g. festivals; scholarships for study or training; support for participating in transnational networks; exploration or research grants; market development grants, project or production grants and travel grants.

PRINCIPAL CHALLENGES FACED BY ARTISTS AND CULTURAL PROFESSIONALS FROM THE GLOBAL SOUTH

'The Flare Festival which takes place in Manchester (United Kingdom) in mid-July, is a celebration of performance by emerging artists from all over the world. Although, maybe not from Georgia. The New Collective, based in Tbilisi, are due to perform with a durational piece, Welcome, selected by festival director Neil Mackenzie....The Festival invited them and would pick up their costs.

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11. See *http://on-the-move.org/*

But the British authorities are so concerned that this young collective will want to migrate to the UK that their visa application has been refused. They are young, single, without dependents and have very little in their bank accounts, so cannot prove that they are 'genuine' visitors to the UK and would leave following their performances.'[12]

The news report cited above alludes to many of the key challenges to mobility faced by artists and other cultural professionals from the global South. It would appear to affirm a conclusion drawn seven years earlier in a report on artists' mobility: 'There is a vast distance between the intentions of the new UNESCO Convention and the reality faced by artists and organisers' (Reitov and Hjorth, 2008).

A first group of mobility challenges has to do with visas and work permits. Artists, by the nature of their work (and this also applies to many artists in the global North) do not comply with the conditions set for granting visas (e.g. regular income in their home countries, permanent jobs in their home countries, proof of intent to return, etc.) and they are seen as potential economic refugees in the host country. Another challenge is that some embassies require visa applications to be processed by the country that is the main destination when artists are conducting multi-country tours, while others require visa applications to be processed in the country that is the point of entry. This may result in artists not obtaining the multiple-entry visas they require to tour a number of countries. Concomitant difficulties are encountered by artists and their support personnel to obtain work permits in the global North, with some countries requiring foreign artists to use local technical and related workers. The administrative overload and potential financial losses lead to the reluctance of promoters to invite artists from countries whose artists face complex visa and work permit administrative systems.

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12. 'Georgian theatre company refused visa to perform in Britain'. The Guardian, 3 June 2015. *www.theguardian.com/stage/theatreblog/2015/jun/03/georgian-theatre-company-refused-visa-to-perform-in-britain*

A second group of challenges relates to increased security measures in the global North leading to the denial of visas. With biometric information such as fingerprints being required, cultural professionals are required to apply for visas in person at embassies or consulates that may not be located in their home cities.

This points to a third group of challenges: costs, together with the availability of funding to cover the costs related to cultural mobility.

The impact of these challenges on the mobility of global South artists and other cultural professionals to the global North, in particular, includes a loss of market opportunity and thus a potential lack of poverty-alleviating income; less diversity of cultural expressions in the global North as there are fewer visiting artists from the global South; greater polarization when global South artists believe that they are being treated unfairly with their dignity being undermined, and the potential undermining of the credibility of the Convention as an instrument to promote global cultural cooperation, collaboration and exchange.

CORE INDICATORS AND MEANS OF VERIFICATION

We propose to select a number of core indicators and means of verification to evaluate the measures being taken to address at least some of the challenges, as presented below.

Indicator 5.1

Legislative base to ensure freedom of movement for nationals and foreigners is a) established, b) evaluated and c) functioning

Means of verification

• Evidence of relevant laws to ensure freedom of movement (e.g. freedom of entry for foreign nationals, freedom to leave the country, freedom of movement for foreign nationals)

• Evidence of laws that restrict freedom of movement

Map 5.2

Ease of travel (without obtaining a visa) for nationals
Source: Henley and Partners, 2015
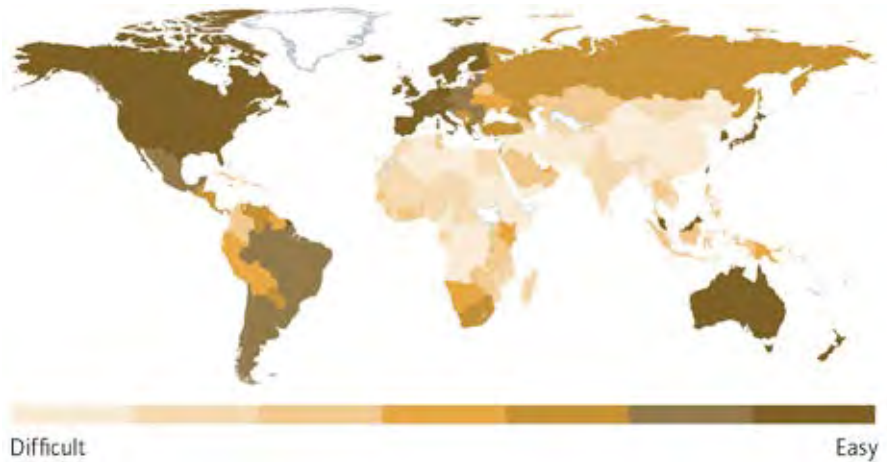
Difficult   Easy

• Evaluation reports on the impact of laws to ensure freedom of movement

• Evaluation reports on the impact of laws restricting freedom of movement

Indicator 5.2

Policies and measures to support the mobility of artists and cultural professionals from the global South a) established, b) evaluated and c) functioning.

Means of verification

• Evidence of legal frameworks that support the inward and outward mobility of artists and cultural professionals (e.g. cultural agreements, memoranda of understanding, simplified visa procedures)

• Evidence of policies and programmes that address mobility and are linked to strengthening the cultural and creative industries (e.g. carried out in the context of culture and development projects, initiatives to grant market access for cultural professionals)

• Evidence of mobility funding programmes and/or funding mechanisms (e.g. scholarships, travel or research grants, lowering transaction costs, etc.)

• Evidence of institutional frameworks to support transnational cultural collaborations, joint ventures, networking and partnerships (e.g. arts residencies for foreign nationals, training/education

opportunities for foreign national cultural professionals)

Indicator 5.3

Non-governmental initiatives that facilitate the mobility of artists and cultural professionals from the global South

Means of verification

• Funding programmes and/or institutional mechanisms for foreign national artists and cultural professionals (e.g. art residencies, grants, scholarships, training programmes)

• Resource centres and information services providing practical guidance to incoming and outgoing artists and cultural professionals

While it will take additional research to be able to collect all data foreseen above, we can already proceed to analyse progress with regard to greater access to global North markets for global South cultural professionals. This can be done in the three following areas:

■ Measures taken by global North countries to facilitate travel or touring by global South artists (cultural agreements, laws, memoranda of understanding, visa relaxation, etc.);

■ Funding mechanisms and/or funding made available to support such mobility;

- Formal or non-formal practices that facilitate the mobility of artists, particularly from the global South, and that are not supported or implemented by government, and which may exist without any reference to the Convention.

ASSESSING MEASURES TAKEN BY GLOBAL NORTH COUNTRIES TO FACILITATE MARKET ENTRY BY GLOBAL SOUTH CULTURAL PROFESSIONALS

In order to analyse progress, we have assessed the relative ease of access and control of borders between countries in the global South and the global North by analysing data from the Institutional Profiles Database (2001-2012)[13] on the Convention's signatory countries. This data set has been given values to freedom of entry for foreign nationals and freedom for nationals to leave their own countries, and is presented in Figure 5.1 (such data would apply to cultural professionals in both cases).

On the basis of the available data and from its analysis as represented in Figure 5.1, it appears that there has been a slight decrease in the freedom of entry of global South cultural professionals to the global North, while the freedom to leave one's country has remained constant for both the global South and the global North, in the period since the Convention came into force. The following table (Table 5.1) – also drawn from the Institutional Profiles Database (2001-2012) on the Convention's signatory countries – represents the relative power of nationals to move around internationally, indicating clearly the relative ease of acquiring a passport and access to another country for citizens of the global North as opposed to the relative difficulty for citizens of the global South to obtain visas. This insight demonstrates the primary challenge of global inequality in terms of freedom of movement.

13. See: www.cepii.fr/institutions/EN/ipd.asp

Figure 5.1

Average level of freedom to enter a country for foreigners and average level of freedom to leave a country for nationals

Source: IPD, 2006-2012
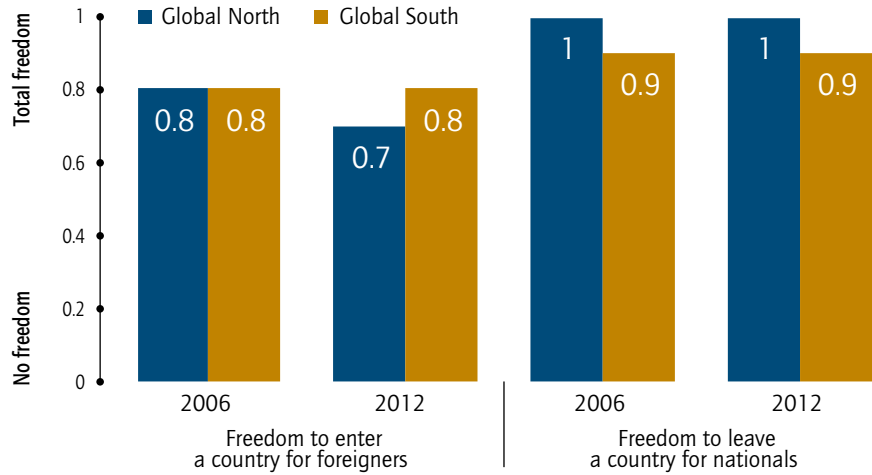
Table 5.1

Ease of international travel for nationals of different regions

	Regions	Total
Global North	Asia & Pacific	1.00
	Europe	0.98
	North America	1.00
	Global North Total	0.99
Global South	Africa	0.75
	Arab States	0.77
	Asia & Pacific	0.73
	CIS (Commonwealth of Independent States)	0.77
	South/Latin America	0.70
	Global South Total	0.74

0 = no freedom to leave the country for nationals
1 = easy to obtain visa (tourist or business) for nationals

Source: Institutional Profiles Database (2001-2012) on the Convention's signatory countries.

The Convention does not appear to have made an overall difference in facilitating movement from countries, particularly from the global South, to the global North. If this is the case, it may be deduced that the Convention has not necessarily enhanced the mobility of global South cultural professionals to global North markets.

Some of the most significant impediments to the mobility of artists and other cultural professionals result from a global trend towards more stringent border controls since the attacks on the World Trade Center in New York in September 2001 and the economic recession of 2008. As shown by the 2015 global survey regarding the implementation of the 1980 Recommendation Concerning the Status of the Artist, 'for all artists, particularly those in the developing world, the entire (visa application) process can be

challenging and expensive, requiring substantial paperwork and often travel to a distant embassy or consulate... Some successful artists are able to cross borders easily while others are unable to obtain the necessary visa even if they are established professionals. These challenges are not just limited to the travel of artists from developing countries to developed countries, but also between developed countries as well' (UNESCO, 2015b). These findings resonate with the findings of the report conducted seven years earlier by Freemuse (an anti-censorship body operating in the music field) and its partners Pen International (an advocacy group for freedom of expression, especially for writers). Their report points out that under some authoritarian regimes, it is often difficult even for leading artists to leave their home countries, notwithstanding their international reputations or if they work globally (Reitov and Hjorth, 2008). In such cases, having its artists gain access to international markets is less important for the country (even if it is a Party to the Convention) than the possible damage that the artist/s may do to its reputation on international platforms.

The Visa Restrictions Index, produced by Henley and Partners in association with the International Air Transport Association (IATA) and which ranks countries according to travel freedom, affirms the freedom with which global North citizens may traverse the world, while citizens from the global South experience significantly more restrictions. If such restrictions apply to citizens generally, they would apply to cultural professionals as well. Countries whose cultural professionals may travel to 170 countries or more without requiring visas include Austria, Belgium, Canada, Denmark, Finland, France, Germany, Ireland, Italy, Japan, Netherlands, New Zealand, Norway, Portugal, Spain, Republic of Korea, Singapore, Sweden, Switzerland, United Kingdom and the United States of America, which are also significant global North markets. On the other hand, of the countries on the Visa Restrictions Index whose cultural professionals can travel to 50 countries or less without visas, 24 are in Africa (44% of the total number of countries on the continent).

© Chiharu Shiota, *Accumulation-Searching for the Destination*, 2015, photo by Sunhi Mang, Japan

"

*T*he importance of artists' mobility for fostering creativity and the diversity of cultural expressions.

Mobility has become an intrinsic part of artists' lives. Artists' residencies play a substantial role in this development as they provide artists with time, space and context for cultural exchange, practice, encounters and expression. They are diverse and take a wide range of formats, answering the ever-evolving artistic needs and interests, from well-equipped studios, to community collaborative projects, short-term peer-to-peer workshops, artist-run research centres and often they have a cross-sectorial approach. Artists' motivations towards residencies vary: seclusion, education, production, collaboration with other art forms, sectors or communities, or reach of new audiences.

Despite the growth of residencies worldwide, the chances for artists to access them remain unfair and imbalanced. Visa problems seriously hinder, limit or even block mobility opportunities for artists. Limited, disappearing or non-existing availability and access to funding opportunities are also a huge issue. Budget cuts, notably in European and North American countries, were severe and have had an impact on residencies, artists and the possibilities to invite international artists, for instance, from emerging and developing countries.

There is a crucial need to support existing good practices and initiatives to tackle such obstacles if we want artists' mobility to contribute significantly to creativity and the diversity of cultural expressions.

Maria Tuerlings
Programme Director TransArtists (DutchCulture)

Figure 5.2

Total number of policies reported by Parties that address mobility (2012-2014)

Source: QPRs

Figure 5.3

Average number of policies targeting international cooperation and preferential treatment (and mobility) adopted by global North and global South (2012-2014)

Source: QPRs

These figures and table – quantitative rather than qualitative in nature – are useful primarily insofar as they confirm a lack of data from the global South on the one hand and, on the other, confirm the attention paid to cultural mobility by global North regions.

Table 5.2 indicates that Europe is the leading global North region with regard to measures that promote cultural mobility. This is largely because each of its countries has its own policy measures, in addition to mobility measures that may be instituted by the European Commission. As for qualitative measures to promote cultural mobility of individual artists from developing countries, it is one of the main objectives reported on by Parties in implementing preferential treatment provisions of the Convention. It is also one of the biggest challenges, considering that the artists' mobility is linked not only to financial but also to security issues. The trend in developed countries party to the Convention has therefore been to initiate advocacy discussions with various national stakeholders, including civil society and relevant Ministries, such as the Interior Ministry, regarding visas for artists from developing countries (for instance, the initiatives taken in Canada, France and Germany).

A report prepared for the European Parliament in 2010, entitled *The implementation of the UNESCO Convention on the Diversity of Cultural Expressions in the EU's External Policies*, states (Baltà, 2010):

Difficulties found by artists and cultural professionals from non-EU countries in obtaining visas have become a recurring concern, which impacts negatively on cultural mobility and cooperation… Both the Convention and the increasing interest paid by the EU to cultural mobility call for this situation to be addressed. Concerns remain as regards the lack of harmonization among member states, as well as the awareness of the specificities of cultural mobility among officials in charge of visa procedures.

In other words, it is producers in countries that face the greatest challenges of poverty and inequality that also encounter the most challenges in accessing global North markets, thereby undermining their ability to earn foreign income that could address poverty and inequality.

Figures 5.2, 5.3 and Table 5.2 display the total number of policies reported by the Parties to the Convention that address mobility (national, regional and

international) on the one hand, and cooperation and preferential treatment on the other.[14] They compare the global South and the global North (Box 5.1), indicating that the global South has developed far fewer policies directly addressing mobility.

14. The data used for these figures has been gleaned from QPRs relating to the Convention (the data was selected according to the amount of policies where the goal was 'mobility').

Table 5.2

Total number of international policies reported by Parties that address international cooperation and preferential treatment (2012-2014)

	Regions	Total
Global North	Asia & Pacific	6
	Europe	112
	North America	5
	Global North Total	**123**
Global South	Africa	21
	Arab States	9
	Asia & Pacific	9
	CIS (Commonwealth of Independent States)	10
	South/Latin America	22
	Global South Total	**71**
	Grand Total	**194**

Source: QPRs

As an example of this lack of harmonization, the 2010 report submitted to the European Parliament observes that 'even the 2008 EU/CARIFORUM Economic Partnership Agreement provision for a special visa for Caribbean artists to facilitate mobility does not appear to be implemented fully'.

MEASURES TO DO WITH VISAS AND WORK PERMITS

Information on measures related to work permits and visas, taken from the analysis of QPRs (2012-2014) shows that one of the more restrictive measures with regard to cultural mobility is Canada's Labour Impact Assessments (both costly and time-consuming) that need to be conducted when foreign artists and crew are to visit the country, to assess whether and how this visit impacts on the employment of local artists and technicians. On the positive side, various countries have measures to facilitate the mobility of artists and cultural professionals.

The European Commission, for example, is hosting discussions about a Schengen touring visa for artists. Latin American countries agreed in November 2014 to allow the free circulation of artists in their region and in East Africa, artists may travel within the region without visas (specifically between Kenya, Rwanda, Tanzania and Uganda). Costa Rica and Paraguay issue temporary work permits for cultural exchanges and artistic work; in Spain, artists who perform specific activities – including recordings for broadcast – for a temporary period are excluded from having to obtain work permits. Artists do not require visas if they are 'short-term employed' in Austria but only if they are from territories that do not require a tourist visa to enter Austria. Moldova and Turkey have similar measures. New Zealand has simplified entry for artists who only require tourist visas rather than work permits. France has three types of artists' visas: visas for 'renowned' artists; visas for specific activities where an artist may be contracted for 3-12 months and visas and temporary work permits for stays of less than three months.

Figure 5.4

Number of public and private funding sources for the mobility and development of artists by region

Source: On-the-Move, 2015

Box 5.2 • *Mapping funding opportunities for mobility in Asia*

The Asia Europe Foundation (ASEF) is a non-profit intergovernmental organization located in Singapore, which promotes opportunities for cooperation between Europe and Asia.

ASEF has commissioned a compilation of 21 guides on Funding Opportunities for International Cultural Exchange in Asia, which was first launched in October 2012. The guides are part of an ongoing initiative to make available online information on funding sources for the international mobility of artists and cultural operators in Asia, and to provide input to funders on how to fill in the existing funding gaps for international cultural exchange in Asia.

The guide follows the model of the Guide to Funding Opportunities for the International Mobility of Artists and Cultural Professionals in Europe produced by the Foundation Interarts, On the Move and PRACTICS (a three-year project that took place between 2008-2011 under the EU 'Artist Mobility' pilot programme, with the aim to facilitate the provision of information on EU cross-border mobility targeted to the cultural sector).

Thanks to these guides, artists and cultural practitioners are able to readily access information on different types of mobility (such as artists' residencies or production grants) available for different artistic disciplines. In addition, recommendations directed at public and private funders call for measures to close existing gaps by funding less-frequently supported artistic disciplines as well as reciprocal 'two-way' mobility schemes that promote cultural diversity.

The guides are organized in three sections:

• 19 country guides that map opportunities in Asian member countries of the Asia-Europe Meeting (ASEM);

• A regional guide for Asian nationals looking for opportunities within Asia and internationally

• An international guide that covers opportunities for cultural professionals (of all nationalities) to come to Asia as well as for schemes for Asian nationals to undertake international exchange.

Source : www.asef.org/pubs/asef-publications/3477-mobility-funding-guides–third-edition-2014

Slovakia concluded a number of agreements with Parties to the Convention (e.g. Armenia, Georgia, India, the Syrian Arab Republic and Ukraine) to create the legal frameworks to promote the mobility of cultural professionals overseas and to render the market more accessible to the distribution of cultural goods and services; this has led to more international music and theatre festivals, literary seminars and exhibitions.

TAXATION MEASURES

The QPRs show that the best case scenario is that artists who pay taxes abroad can receive credit for that payment when they file their domestic tax return, but typically this requires the existence of a bilateral tax treaty. Hungary avoids double taxation through bilateral tax treaties, but points out that 'these treaties have different provisions... [and] detailed rules vary in virtually all countries.' Japan and Argentina also give credit to the artist for taxes paid abroad. Artists from Botswana have to declare all their worldwide income and are not entitled to a credit for foreign taxes paid. Cuban artists on the other hand are required to declare all income earned in a year, both domestically and abroad, but the artists do not pay taxes in foreign countries (should they be required to do so, their taxes in Cuba will be reduced accordingly provided they can provide proof of payment). According to the reports from Ethiopia, Sri Lanka and Suriname, artists from these countries are not required to pay domestic taxes on income earned abroad, while artists are exempt from paying departure taxes in Costa Rica.

MEASURES TO DO WITH INFORMATION

Many global South cultural professionals simply do not have the necessary information to guide their accessing and negotiation of global North markets. Accordingly, Austria's *Guide on the Mobility of Artists and Culture Professionals*, targeting both foreign artists and Austrian organizers or cultural institutions hosting events in order to help overcome the typical barriers to mobility, is exemplary.

> *Many global South cultural professionals simply do not have the necessary information to guide their accessing and negotiation of global North markets*

A detailed proposal on *Information Standards for the Mobility of Artists and Cultural Professionals* has been prepared by an expert group of the European Commission to provide policy makers in the EU member states with practical guidance on developing quality information services for both outgoing and incoming artists and culture professionals, whether from an EU or non-EU country.

ASSESSING FUNDING AND FUNDING MECHANISMS TO PROMOTE CULTURAL MOBILITY

Preferential treatment, access to global North markets and investment in the cultural and creative industries of the global South are also facilitated via specific fiscal measures aimed at cultural professionals.

From Figure 5.4, again, it is clear that there is significant funding from European sources for cultural mobility, both from individual countries as well as the European Commission. Figure 5.6 also underscores the potential of the EU and its member states as significant markets for cultural goods and services from the global South. The following figures – analysing more than 1,000 mobility funding opportunities – show the types of mobility funded and provide a breakdown of the disciplines that are supported.

The On the Move database provides comprehensive information on mobility funding opportunities for cultural professionals in Europe, Asia, North America and the Arab Region, with Latin America and Africa being more poorly represented at the moment. Figure 5.5 illustrates 12 options for mobility funding, of which at least 8 – residencies, event participation grants, travel grants, research

Figure 5.5

Number of public and private funded programmes that provide support by type of mobility

Source: On the Move, 2015
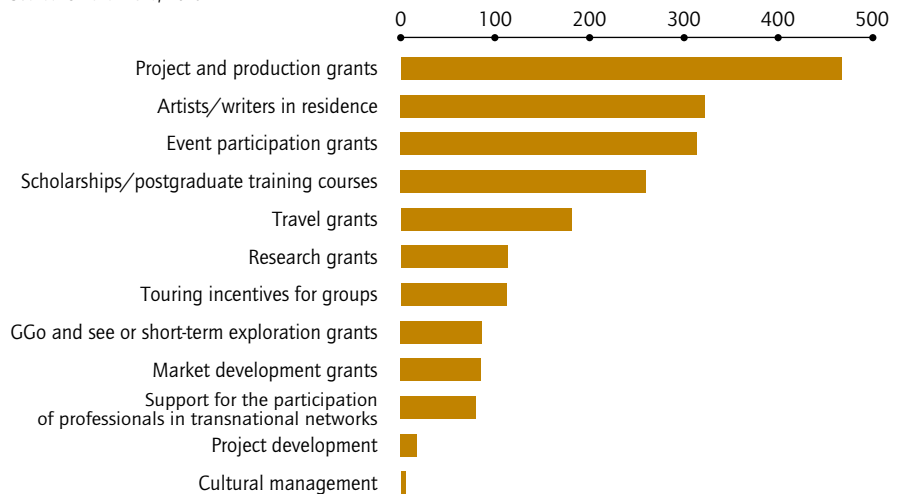
Figure 5.6

Number of public and private funded programmes that provide support to cultural professionals by discipline

Source: On the Move, 2015
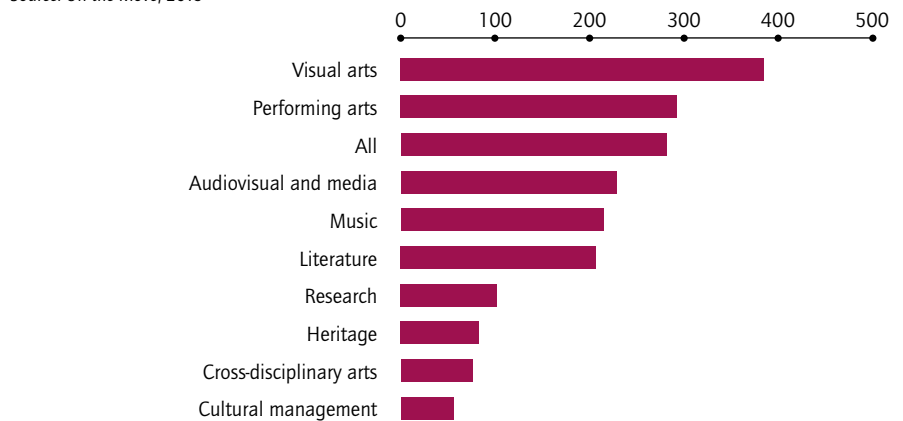
grants, touring incentives, exploration grants, market development grants and support for professionals – could be related directly to market development, or accessing markets. What is not clear from the above analysis is the number of such opportunities being made available particularly for global South artists to access global North markets.

As a matter of interest, Figure 5.6 confirms the number of opportunities for cultural professionals in the core disciplines.

EXAMPLES OF INTERNATIONAL MOBILITY FUNDING

North-International: While many countries have indicated – in the submission of their QPRs – significant funding cuts to cultural mobility programmes as a result of recession-induced austerity programmes, there remain examples of funding and funding mechanisms in global North countries to support their artists and cultural professionals abroad, irrespective of destination. National cultural institutions

such as the French Institute, the Goethe Institute and the British Council play significant roles in promoting the arts and culture of their respective countries internationally, providing funding as well as infrastructural, administrative, networking and information support to their artists and cultural professionals based in the countries in which these centres have a footprint. 'Cultural seasons' have been a key means of 'cultural diplomacy' with bilateral economic and political relations between countries being affirmed through cultural activities in which two countries exchange and collaborate in the artistic field over a period of two years, with one country

hosting the artistic productions from one country in one year and the other reciprocating in the year after, e.g. the United Kingdom-China Season. Kuwait provides leave arrangements for authors and writers when they participate in cultural and artistic festivals abroad.

North-North: Examples of funding and/or funding mechanisms specifically for North-North cultural exchanges include the Performing Arts Fund of the Netherlands that supports the touring of Dutch theatre, music and dance to key international, primarily global North markets that are key economic and/or political partners of the Netherlands.

Bosnia and Herzegovina provides support to its artists and cultural professionals to participate in major international fairs and festivals such as the Cannes Film Festival, the Venice Biennale and the Frankfurt Book Fair, which are deemed to be key markets and/or key international benchmarks for quality

North-South: Examples of funding and/or funding mechanisms instituted by agencies in the global North to support the creative industries of the global South and to make global North markets more accessible, include many training residencies and opportunities, e.g. residencies in Belgium for cultural professionals from Burkina Faso; arts management residencies in Germany for African cultural operators facilitated by the Goethe Institute; opportunities for heritage service professionals from South Africa, hosted in the United Kingdom, etc. The Asia-Europe Foundation (ASEF), with funding from member countries in both Asia and Europe as well as the European Union, provides financial support for cultural exchange and collaboration between Asian and European cultural practitioners (Box 5.2). Portugal supports authors from Portuguese-speaking African countries to participate in international literary festivals, colloquia, seminars and public readings and provides support for foreign publishers who invite the authors to launch their translated works. France and Germany also provide translation facilities for literature from the global South. France supports the *Pavillon du Sud* (Pavilion of the South) at the Cannes International Film Festival Market featuring films from the global South, while Germany has established the Berlinale Talent Campus that brings young film professionals from across the world to the festival, giving them and their works international exposure and opportunities to build networks. Spain promotes the presence of artistic expressions originating from African countries at Madrid's International Contemporary Art Fair, with the purpose of helping to raise their international profile.

North-South-South: Examples of funding made available to cultural operators in the global South, specifically to facilitate

Box 5.3 • *Art Moves Africa*

Art Moves Africa (AMA) is an international not-for-profit organization that aims to facilitate cultural and artistic exchanges within the African continent. AMA offers travel funds to artists, arts professionals and cultural operators living and working in Africa to travel within the African continent in order to engage in the exchange of information, the enhancement of skills, the development of informal networks and the pursuit of cooperation.

Its objectives are to:

- *Facilitate regional and trans-regional cultural exchanges in Africa for individual artists/cultural operators and cultural organizations and encourage the mobility of artists and cultural professionals to exchange experiences, information and ideas;*
- *Encourage artists and cultural operators to work towards shared projects and artistic collaborations across the continent;*
- *Provide the opportunities for artists and cultural operators to gain more knowledge of the diverse contexts and the cultural environments of the African continent;*
- *Encourage independent initiatives, small projects and participation in highly professional artistic and arts management workshops, seminars and residencies for artists;*
- *Encourage the attendance of festivals that provide artists and cultural operators with the opportunity to gain wider exposure and enrich their own creativity;*
- *develop methodologies to increase access to information and knowledge on arts and culture within Africa.*

The global funding cuts for culture led in May 2013 to the temporary suspension of AMA's work in allocating mobility grants to cultural practitioners living and working in Africa. During this time, AMA continued providing key information through its Facebook page, namely on opportunities about capacity-building programmes, funding schemes and partnership calls. A range of organizations (On the Move, Arterial Network, Mimeta and YATF) provided AMA with support and solidarity during these two years. Grants from the Norwegian Ministry of Foreign Affairs and Stichting Doen were instrumental in the re-launch of the AMA grants programme. This support is an invaluable asset in a long and ongoing effort to diversify funding resources, in which the participation of all stakeholders is crucial.

AMA commissioned an important study in 2011 on 'Mobility &Touring in East Africa', including a comprehensive database of performance venues, contacts and case studies.

Source: www.artmovesafrica.org/

global South cultural cooperation, networking and mobility include the efforts of Pro Helvetia, the Swiss Arts Council, that channels funds from the Swiss Agency for Development and Cooperation, to its liaison office in Johannesburg to facilitate mobility and cultural exchange among Southern African countries – particularly Mozambique, South Africa and Zimbabwe. The European Commission, through its relationship with the African-Caribbean-Pacific (ACP) network, provides funding specifically for the development of cultural industries in the regions concerned. Spanish Cultural Centres in Latin America facilitate mobility between countries in the region, but also between Latin America and Spain.

South-International: Examples of funding and/or funding mechanisms made available by global South countries to support cultural mobility and market access include South Africa's Mzanzi Golden Economy Tour Fund that supports artists to tour their work nationally, on the African continent as well as internationally. This is consistent with a national policy shift that focuses on the creative industries as means to address the country's triple challenges of inequality, poverty and unemployment. China's Confucius Institutes are helping to export Chinese culture, art and language internationally, and facilitate artistic and cultural collaborations between Chinese practitioners and cultural professionals from elsewhere.

South-South: Examples of initiatives to promote South-South cultural cooperation through funding and/ or funding mechanisms provided by governments include the Southeast Asian Creative Cities Network,[15] comprising second cities in Indonesia, Malaysia, Philippines and Thailand to promote touring and cultural collaborations between creative practitioners in these cities, and the cultural desk of the East African Community, established to help faciliate the mobility of artists and cultural professionals in this region.

15. *www.seaccn.com/*

"

Over the last four decades, the Arab region has suffered from poor governance. This has been recently aggravated by the wave of political strife that has engulfed the region and a humanitarian crisis with millions of displaced populations. At AFAC, it is our belief that an engaged, active and open cultural scene can counter such events and produce deep and long-lasting change in civil society, acting as a multiplier effect for other forces of change and revival. Cross-cultural collaborations to promote diversity, openness and tolerance are hampered though by long-standing barriers to free expression and movement. Arab artists face innumerable travel impediments and restrictions, both financial as well as political. Furthermore, the lack of legislation and funding for distribution of cultural production drastically limits the access to audiences, thus reducing its impact. Film documentaries dealing with crucial topics and acclaimed at international festivals are banned from being screened in public theatres. Quality critical publications struggle for survival and are incapable of reaching a sustained mode of operation. Enhancing cultural exchange and developing distribution channels for Arab cultural production in the region and beyond is extremely important. This will require the support and awareness of local governments and will greatly benefit from the implementation of the 2005 Convention.

Oussama Rifahi
Executive Director of the Arab Fund for Arts & Culture

An analysis of QPRs from 2012-2014 shows that generally, preferential treatment tends to be given to countries that are located in the same or nearby geographic region. 'Several EU member states indicated that they offer support and preferential treatment to countries of Eastern and South-Eastern Europe but not necessarily to countries of the global South and to countries with which there exists linkages based on culture, language and/or the colonial past for instance, France, Portugal and Spain. Some Parties stated that they do not have the capacity to offer support to developing countries and therefore the type of assistance they can provide is limited' (UNESCO, 2014e). Official support for cultural exchange and collaboration is also provided through embassies, donor programmes funded by government, residencies and fellowships administered by tertiary institutions and non-governmental organizations (NGO) , but funded by public funding.

ASSESSING FORMAL OR NON-FORMAL PROCESSES THAT FACILITATE ARTISTS' MOBILITY AND THAT ARE NOT GOVERNMENT INITIATIVES

A number of non-formal or NGO-led mobility initiatives exist, some of them predating the adoption of the Convention, others having come into being after its adoption, but without necessarily being inspired by it, and still others receiving funding support from state agencies or Parties to the Convention, without overt acknowledgement of the Convention. Most prominent among these initiatives is the online mobility network, On the Move, whose work has already been cited. The network has produced mobility guides for Europe, the Arab World, Asia and USA, and is currently working on a similar guide for Africa. These online (and some printed) guides provide details of where artists and other cultural professionals may obtain funding for mobility purposes. European-based donors such as the Prince Claus Fund for Culture and Development financed by the Netherlands' government and National Lottery supports South-South mobility in particular, as well as South to North mobility; Germany's Robert Bosch Stiftung supports collaboration between German and Arab filmmakers and the pan-European Roberto Cimetta Fund supports mobility within and by the practitioners in the Middle East and North Africa (MENA) region, among others. Art Moves Africa funds the mobility of artists and cultural professionals within the African continent (but not between Africa and other continents) (Box 5.3). Data collected through desk research from Transartists[16] and Resartis[17] websites, reflects a number of art residencies with Table 5.3 highlighting these numbers per global South and global North regions.

16. See *www.transartists.org/*

17. See *www.resartis.org/en/*

Table 5.3

Average number of art residencies per region

Regions		Total
Global North	Asia & Pacific	107
	Europe	931
	North America	410
	Global North Total	**1 448**
Global South	Africa	30
	Arab States	30
	Asia & Pacific	92
	CIS (Commonwealth of Independent States)	7
	South/Latin America	133
	Global South Total	**292**
	Grand Total	**1 740**

Source: Transartists and Resartis, 2015

Figure 5.7

Art disciplines supported by residency programmes

Source: Transartists and Resartis, 2015
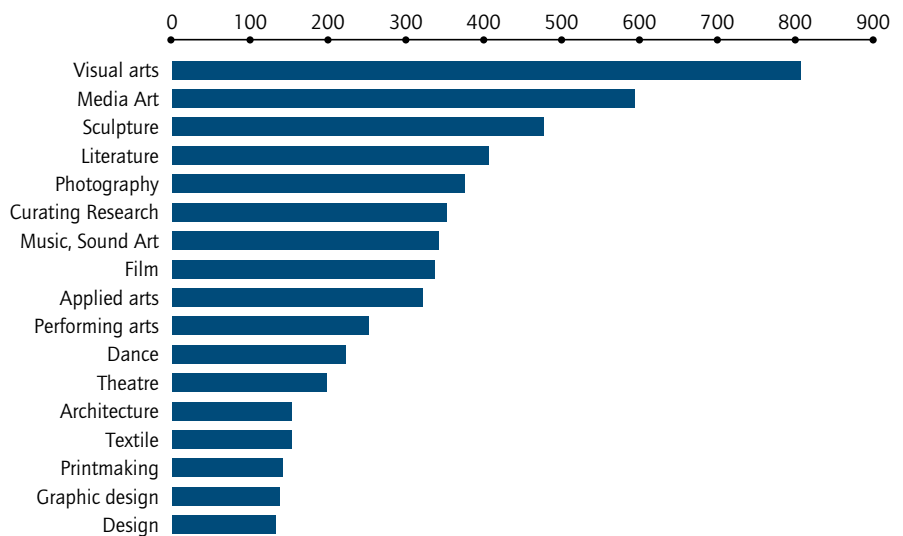
From the table, it would appear that there are nearly five times more artist residency opportunities available in the global North than in the global South; from the information available though, it is not clear how many of these – global North and global South residencies – are specifically available for global South practitioners and cultural professionals.

Figure 5.7 appears to confirm Figure 5.6 by indicating that – of the various art disciplines – practitioners in the visual arts sector are most likely to benefit from residency or mobility opportunities. Residencies tend to favour those disciplines in which work is created individualistically e.g. visual arts, photography and literature rather than in cooperation with others e.g. dance and theatre.

CONCLUSION

The evidence base for this chapter has emerged mainly from countries in the global North that have submitted QPRs or have responded to the global survey on the implementation of the UNESCO 1980 Recommendation Concerning the Status of the Artist. Most of these countries have relatively stable economies and democratic political systems that allow for freedom of artistic expression, as well as freedom of association and movement and also recognize the importance and value of supporting freedom of expression and mobility of artists, even in cases when these may not necessarily enhance the international image of the country.

Among the positive developments that have emerged are initiatives such as interdepartmental committees to streamline visa and work permit application processes, making available information about artist mobility funds and processes, and the elimination of double taxation. All these are to be welcomed.

More importantly, however, many countries in the global South whose development would benefit from accessing global North markets, do not have the critical mass of cultural and creative industries to compete in such markets yet. If they do, providing support for their cultural professionals to access international markets does not appear to have become a priority in these countries. Some may also have authoritarian regimes that are not supportive of either freedom of artistic expression or of the international mobility of artists, who may express dissident views on international platforms. Mobility funding is also linked to economic wellbeing so that it is no coincidence that when recessionary conditions prevail, cultural mobility funds – both national and transnational – are adversely affected.

In the global South, a combination of a lack of funding and a lack of vision around the issue (other than the utilitarian appropriation of artists for cultural diplomacy ventures), generally means that artists must depend on funding from global North sources in order to be mobile. Along with such

dependency, there are often unspoken power relations that impact on the respective artistic collaborations, with artists or promoters from the global North making final aesthetic and related decisions, so that while global South artists may benefit from international travel, they may experience forms of artistic or professional disempowerment in the process. Furthermore, language barriers may inhibit South-South cultural collaboration. For example, cultural relations between Africa and Latin America are minimal because of the difficulties of communicating in other languages where English and French are dominant (Africa), and Spanish is dominant in Latin America. The best opportunities for collaboration between these major continents are between Brazil and Portuguese-speaking Angola, Cape Verde and Mozambique.

In light of these realities, a certain number of concrete recommendations may be usefully envisaged:

- Parties in the global North could make visible – on a website and in booklet form distributed to embassies worldwide – the measures put in place to facilitate visa requirements for artists from the global South, with detailed information about how artists and related cultural professionals may apply for visas and work permits, how taxation will apply to them, and the contact details of a civil society organization and/or government officials who may be contacted to provide assistance, if necessary.

- It is also important for these Parties to develop relationships with at least one civil society organization that engages in, facilitates, advocates for – particularly global South – artists' mobility, and to support them in easing administrative entry to their respective countries, to provide comprehensive advice and support where necessary, and to serve as contact points in the host country for touring artists. Details of funding as well as other opportunities – residencies, study grants, etc. – available in the country to support artists and other cultural professionals from the global South,

should also be provided. Such funding and opportunities are to include those available from non-official sources and institutions.

- Countries in the global South could work with a civil society organization/agency (establish and support one if necessary) that specializes in international tours, gathers information about administrative, taxation and funding issues related to various global North markets, and provides training and administrative support to artists and cultural professionals from their countries in their pursuit of opportunities abroad. It would also be advisable to appoint a contact person/official in a relevant ministry (arts, culture, foreign affairs, trade and industry, etc.) to provide government backing for artists who wish to travel abroad, and who need to apply for visas, to provide the necessary assistance, advice and support – in terms of the Convention – where necessary, should their artists experience difficulties. Any difficulties and challenges are to be reported by this contact person/official to UNESCO.

- Finally, the Convention Secretariat may consider ways of supporting existing mobility funds and initiatives, of making available experts to work with national entities and regional and global structures with a view to establishing and implementing policies, strategies and structures to facilitate mobility of artists and working with civil society and other partners in the global South to collect evidence, information and experiences related to mobility.

The present climate of security concerns, unstable economic conditions and rising political pressures to limit immigration, clearly hinders the attainment of the goals set out above and makes it difficult to envisage the concrete measures that are necessary. Considerably greater effort is required in using the Convention to help overcome these obstacles.

Striking a balance: Flows of cultural goods and services

Lydia Deloumeaux[1]

KEY MESSAGES

〉〉〉 *The total value of exports worldwide of cultural goods was US$212.8 billion in 2013. Developing countries share represents 46.7% which is a marginal increase from 2004. Only China and India are significantly competing with developed countries in the global market.*

〉〉〉 *The total value of exports worldwide of cultural services was US$128.5 billion in 2012. Developing countries share represents only 1.6%. Developed countries dominate this world share with 98%, in particular due to the increase in the flows of electronically transmitted audiovisual and artistic related services.*

〉〉〉 *Within the framework of South-South cooperation, the levels of trade among developing countries have increased, but provisions relating to specific preferential treatment measures for cultural goods and services in such free trade agreements remain rare.*

〉〉〉 *Evidence shows that new policies in trade exchanges, whether at individual, institutional or industry levels, can help achieve a more balanced flow of cultural goods and services. Discussing indicators, policy measures or instruments relating to trade and culture will be critical to monitor the impacts of the Convention.*

2004 (US$ billion)

7.5
31.8
Audiovisual
and music

2.0
18.9
Publishing
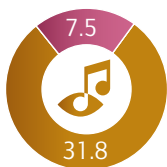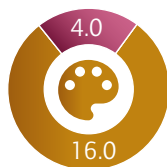
4.0
16.0
Visual
arts

● Global export of cultural services
● Global export of cultural goods
● Share of developing countries
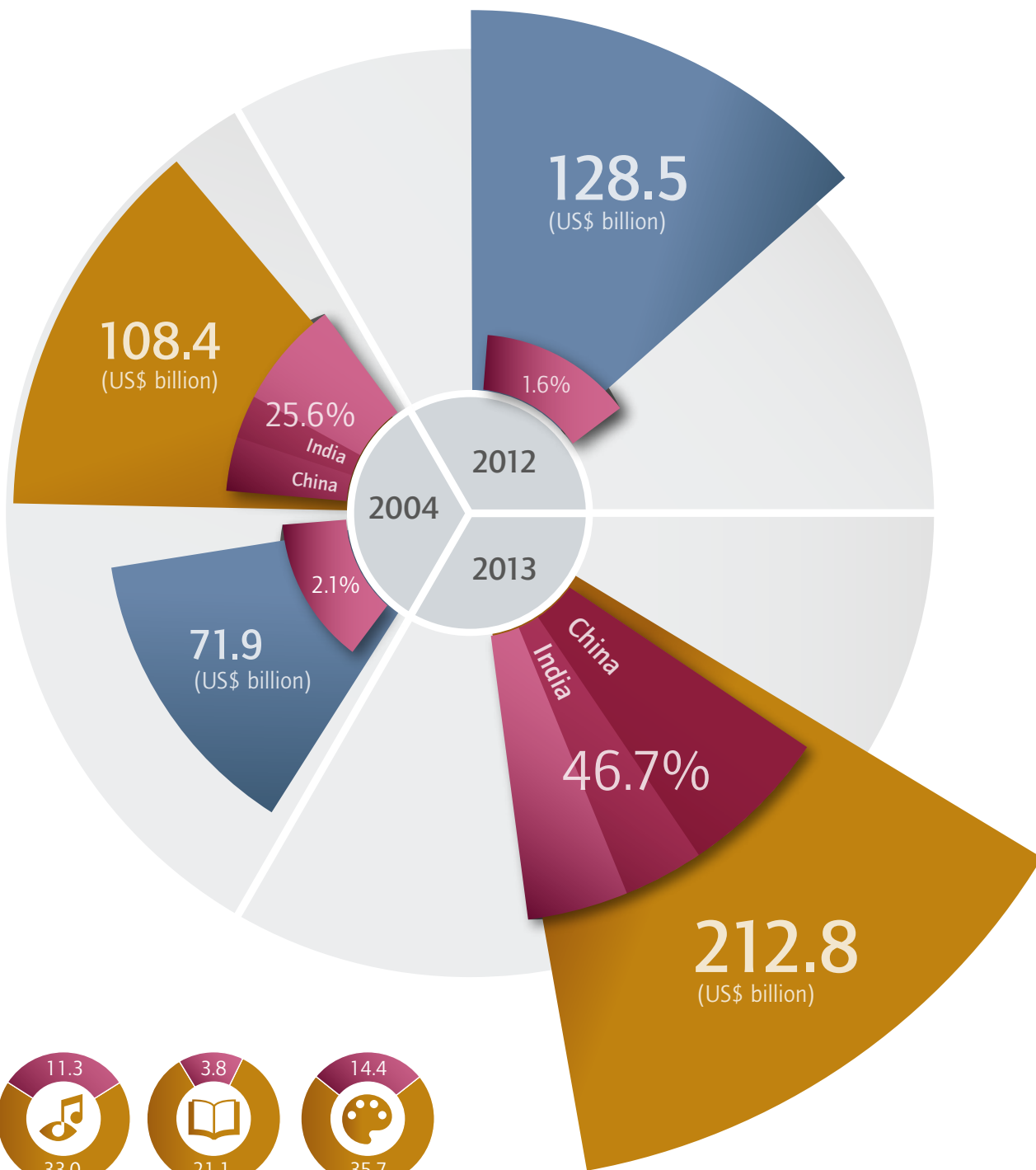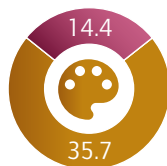
128.5
(US$ billion)

1.6%

2012

2004

108.4
(US$ billion)

25.6%
India
China

2013

71.9
(US$ billion)

2.1%

China
India

46.7%

212.8
(US$ billion)

2013 (US$ billion)

11.3
33.0
Audiovisual
and music

3.8
21.1
Publishing

14.4
35.7
Visual
arts

Equitable access to 'a rich and diversified range of cultural expressions from all over the world and access of cultures to the means of expression and dissemination constitute important elements for enhancing cultural diversity and encouraging mutual understanding'. This is a key Guiding Principle of the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions (hereafter the Convention), which aims to achieve a balanced flow of cultural goods and services around the world. Concretely, Article 16 of the Convention stipulates that '[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'.

This chapter analyses evidence of how Parties have implemented Article 16 to facilitate the distribution of flows of cultural goods between developed and developing countries. Have they become more balanced since the Convention entered into force? How great is the level of international trade in cultural goods and services? Have the cultural exports of developing countries reached new markets in developed countries (or elsewhere)? Is there a significant amount of diversity in the variety of cultural goods and services traded worldwide?[2]

Implementing Article 16 requires developed countries to enact policies aimed at opening their markets to cultural goods and services from developing countries. Assessing the effectiveness of these policies is crucial. One means of measuring cooperation and engagement in this realm is to study the level of cultural investments countries make in others. Analyzing data on foreign entities in the culture sector in a national territory could be an avenue.

> *If the Convention is properly implemented, developing countries would benefit from preferential treatment through easier access to the markets of developed countries*

Finally, the feature film statistics produced by the UNESCO Institute for Statistics (UIS) shed significant light on diversity in the production and consumption of one of the world's most popular and visible forms of cultural expression. Are cinemagoers around the world watching the same films?

The preferential treatment envisaged in Article 16, in addition to related trade agreements, includes the development of adequate institutional and legal frameworks in both importing and exporting countries. Unfortunately, as regards the data sets used for this analysis, little can be said about the success or progress of policy implementation. However, ten years down the line, some evidence of the impact of the Convention on public policies relating to cultural goods and services has begun to emerge (UNESCO, 2014e). The chapter will include key best practices through the North-South-South Cooperation Framework and discusses key indicators and policy instruments allowing stakeholders to effectively monitor the impact of the Convention.

MEASUREMENT AND POLICY ISSUES

What is preferential treatment in the exchange of cultural goods? How to identify countries benefiting from preferential treatment? If the Convention is properly implemented, developing countries would benefit from preferential treatment through easier access to the markets of developed countries. This requires developed countries to either 1) lower their import tariffs or 2) encourage distribution of cultural goods from developing

countries within their territory. Common sense dictates these policies should be adapted to the degree of development and trade capacity of exporting countries. So what criteria should be used to classify countries that ought to benefit from preferential treatment?

The Convention refers only to the distinction between developed and developing countries. Most classifications differentiating developing from developed countries are based on purely economic measures, such as the level of Gross Domestic Product (GDP) or Gross National Income (GNI).[3] However, recently, new classificatory categories have emerged to distinguish countries that are in a developing stage or in transition. Whatever the means of classification, the definitions of these categories can change and a country can shift from one category to another.[4] One new country in the 'upper-middle income' category is China, which, owing to its new affluence, no longer benefits from the EU General System of Preference (Melchior, 2014).[5] Least developed countries and low-income economies can benefit from additional trade policy measures, such as the WTO's duty-free and quota-free regimes.[6] Another factor of classification is the identification of countries benefiting from development aid. Official Development Assistance (ODA) recipients can be used to identify countries that should be accorded preferential treatment.[7]

Map 6.1

Exports of cultural goods in 2013

Source: Data from UN Comtrade, Department of Economic and Social Affairs (DESA)/
United Nations Statistics Division (UNSD), April 2015

| <10 | 10 – <100 | 100 – <1 000 | 1 000+ |
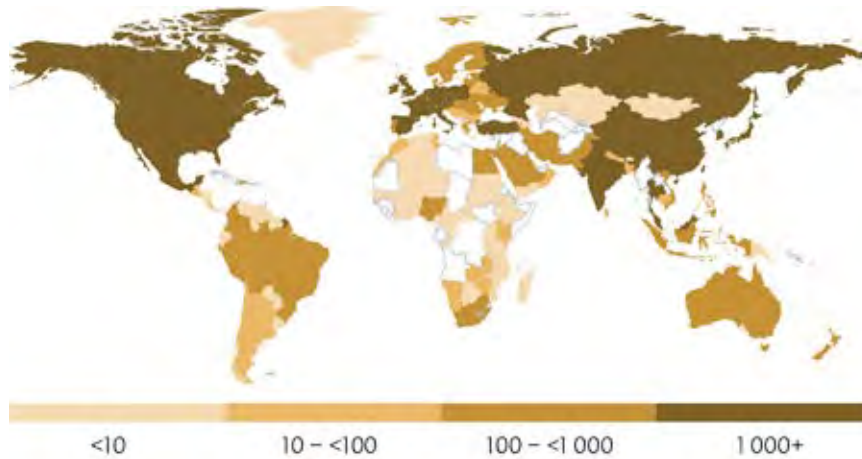
ODA recipients are defined by the Organisation for Economic Co-operation and Development (OECD) using only the three following categories: 1) the least developed countries (LDC) which are usually associated with low-income economies; 2) other non-LDC low-income countries; and 3) lower-middle and upper-middle income countries, as defined by the World Bank.[8]

It is important to note the bias that can be introduced in any criterion used for purposes of classification. So is a new classification system for flows of cultural goods and services needed?[9] No matter which definitions are used, it is important to be mindful that the 'developing country' category is heterogeneous and hides contrasting patterns (De Beukelaer, 2014).

The experience of UNESCO itself may be relevant in determining what type of diversity measure is appropriate for cultural flows.

The UIS and the Secretariat of the Convention convened an Expert Group on the measurement of the diversity of cultural goods from 2007 to 2011. The aim of this Expert Group was to explore methods, instruments and concepts for the measurement of diversity of cultural expressions.[10] Exploratory studies were undertaken to better understand the global dynamics shaping cultural diversity. One such study applied a diversity measure from the natural sciences — the Stirling model — to two forms of popular cultural expression for which there were robust amounts of data: UIS feature film statistics and television viewership from three countries (UNESCO-UIS, 2011). The Stirling model measures three features of diversity: variety, balance and disparity. The first and second are relevant for our purposes here.[11]

'Variety' refers to the number of descriptive categories, such as cultural types. For this chapter, 'variety' refers to the diversity of goods exchanged internationally, but also to the variety of countries—developed or developing—involved in these exchanges. The variety of cultural goods and services is measured using the six core domains defined in the 2009 UNESCO Framework for Cultural Statistics: a) Cultural and Natural Heritage; b) Performance and Celebration; c) Visual Arts and Crafts; d) Books and Press; e) audiovisual and Interactive Media; and f) Design and Creative Services (this chapter focuses on the domains covered by the Convention and therefore does not include data on cultural or natural heritage).

'Balance' refers to the market share, frequency or any measure of the proportion of a given category revealing a pattern in the data. The Convention refers to the 'balance of exchanges' of cultural goods between developing and developed countries. What is meant by 'balance,' and how might it be measured? Balance can be viewed both in terms of trade between partners (an exporter and an importer), as well as in terms of the goods being exchanged. In terms of trading partners, this analysis assesses the role played by developing countries in the exchange of cultural goods and services over the last ten years. In this case, 'balance' does not imply that the objective is for all countries to have parity with one another in cultural trade. Unique cultural influences relating to history, language and geography have an impact on cultural exchanges; countries often specialize in particular niche cultural goods and services that provide a competitive advantage. Rather, the goal is a dynamic market of diverse cultural goods and services.

> "
> *Total global exports of cultural goods more than doubled from US$108.4 billion in 2004 to US$212.8 billion in 2013*

8. data.worldbank.org/about/country-and-lending-groups

9. As the United Nations Conference on Trade and Development (UNCTAD) is the UN agency responsible for analysing international trade statistics, this chapter uses an adapted form of the UNCTAD classification. Slight adjustments have been made in defining developed and developing countries. For this chapter, the Republic of Korea, as an OECD Member Country, is categorized as a developed country and transition countries, i.e. those having moved from centrally planned to market-oriented economies, as developing countries. See: www.worldbank.org/depweb/english/beyond/global/glossary.html

10. www.uis.unesco.org/Culture/Pages/cultural-diversity.aspx

11. Disparity—arguably, the most challenging concept—refers to the degree to which each category differs from the others. For example, two forms of musical performance – classical and jazz – could be considered more closely related than salsa and reggae despite the fact that they represent the same type of expression. The example illustrates the challenge of applying the notion of disparity to the cultural domain.

TRENDS IN WORLD CULTURAL FLOWS

ANALYSIS OF INTERNATIONAL FLOWS OF CULTURAL GOODS

The analysis starts with the flows of cultural goods. In an effort to determine the degree to which developing countries contribute to the export of certain key cultural goods, it continues with a description of exchanges of cultural goods in three domains: audiovisual goods, publishing and visual arts.

UIS data from 2004 to 2013 show developing countries played a growing role in exports of cultural goods. However, this picture is skewed significantly by the cultural exports of China and India, both of which increasingly compete with developed countries in the global cultural export market. If China and India are excluded, the great majority of developing countries would be seen to still play only a marginal role in the export of cultural goods (Map 6.1); the share of these developing countries is limited to flows of only a few cultural goods.

Map 6.1 shows that the growth of exports of cultural goods during this period is probably concomitant with the increasing importance of developing countries in the international market of *all* goods. Total global exports of cultural goods more than doubled from US$108.4 billion in 2004 to US$212.8 billion in 2013. The value of exports of cultural goods of developing countries more than tripled during this period from US$27.7 billion in 2004 to US$99.3 billion in 2013. Over the same period, the market share of developing countries in global exports of cultural goods increased significantly, from 25.6% in 2004 to 46.7% in 2013. This increase is mainly due to the level of exports of China and India (representing US$60.1 billion and US$11.7 billion respectively of exports of cultural goods in 2013). Without both countries, the market share of developing countries in global exports of cultural goods increased only by 5% from 2004 to 2013 (Table 6.1).

Most global trade markets were significantly impacted by the 2007-2008 global financial crisis, which resulted in a downturn in economic activities in most developed countries. As a result, the global trade of goods in 2009 decreased significantly. The turmoil of these events helps to explain the significant 13.5% drop in exports of cultural goods between 2008 and 2009. However, the downturn did not affect all markets or all countries in exactly the same manner. The drop in global exports of cultural goods was due mainly to a decrease in exports from developed countries by 19%; developing countries, on the other hand, saw exports decrease by only 1.6% (Figure 6.1). By 2010, most trade markets had recovered. Export rates have increased though developed countries experience generally slower growth than developing economies. As of 2012, data indicate the beginnings of a downward trend in global trade of cultural goods due largely to an economic recession and slow recovery in Europe.

At 39.3% of total exported goods in 2013, developing countries had a greater proportion of global exports of cultural goods than of total trade of cultural goods. This largely reflects changes in the patterns of industrial manufacturing of goods, including the production of most physical media.

Table 6.1

Share of exports of cultural goods between developed and developing countries (excluding China and India) 2004-2013

Share of exports of cultural goods	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Developed countries	85.7%	84.9%	84.8%	83.2%	81.5%	81.5%	78.9%	79.4%	79.7%	80.5%
Developing countries without China and India	14.3%	15.1%	15.2%	16.8%	18.5%	18.5%	21.1%	20.6%	20.3%	19.5%

Source: Based on UN Comtrade, DESA/UNSD, April 2015

Table 6.2

Share of exports of publishing goods between developed and developing countries

Share of exports of publishing goods	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Developed countries	89.20%	88.47%	87.35%	85.45%	85.09%	85.41%	84.23%	83.86%	83.03%	82.00%
Developing countries	10.80%	11.53%	12.65%	14.55%	14.91%	14.59%	15.77%	16.14%	16.97%	18.00%

Source : Based on UN Comtrade, DESA/UNSD, April 2015

For example, the share of developing countries in exports of audiovisual media and music increased from 23.6% to 34.3%. This category includes musical instruments, recorded media, films and video games. Importantly, recorded media and video games are produced mainly in developing countries, such as China – the world's largest exporter. Export statistics for films relate to the physical media itself (i.e. the tape or casing). To gain a full understanding of cultural exchange in the audiovisual category, it is necessary to examine exchanges taking place over the internet (see the following section).

The visual arts category is a sector for which the weight of exports of developing countries can vary considerably depending on the data coverage. The 2009 UNESCO Framework for Cultural Statistics (FCS) includes such expressions as paintings, sculpture, statuettes of any kind and jewels[12] in precious metals (gold or silver). The inclusion of jewels in precious metals would see developing countries' share of global exports accounting for 54.4% in 2013 (India led the world in exports of jewels in precious metal in 2013). For the purposes of the Convention, this would be beside the point and the category should not be included. Without it, the share of developing countries was only 40.2% in 2013. It should be noted, however, that African countries are almost inexistent in this picture; only South Africa is listed among the top 30 largest exporters of visual arts.

In some categories, in particular publishing (representing US$21.1 billion of global exports in 2013), the role of developing countries is still marginal. The proportion of total publishing-related exports for developing countries has increased slightly from 2004, representing only 18% of exports in 2013 (Table 6.2).

12. The category 'jewels' refers to articles of jewellery such as gold and silver necklaces or earrings (mainly handmade) and if it is taken into consideration , developing countries outranked developed countries in 2013. The category does not include gems or trade involving multinationals dealing in them.

Figure 6.1

Global exports of cultural goods and share of global exports of cultural goods for developing countries, 2004-2013

Source: Based on UN Comtrade, DESA/UNSD, April 2015.
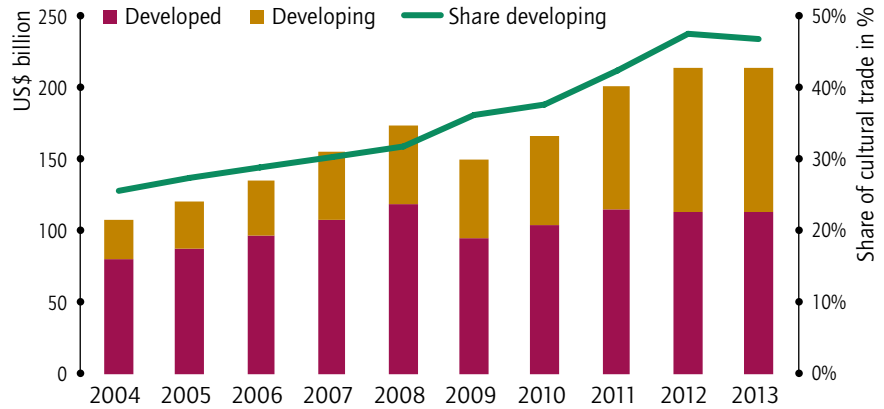
Figure 6.2

Cultural trade among members of free trade agreements in 2004 and 2013

Source: Data from UN Comtrade, DESA/UNSD, April 2015
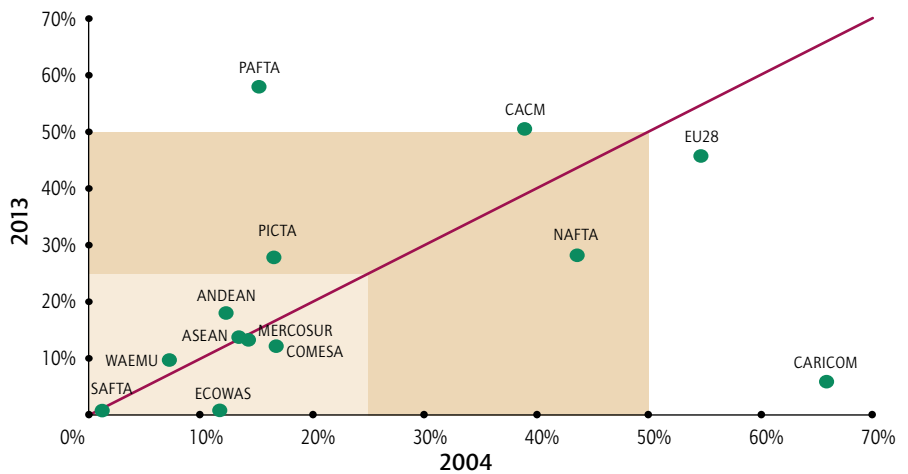
In terms of tariffs and import quotas, least developed countries are supposed to benefit the most from the preferential treatment protocol outlined in Article 16 of the Convention; unfortunately, these countries also have limited export capacity. In 2013, low-income economies accounted for 0.2% of the global exports of total goods, but only 0.04% of world exports of cultural goods. Their status was weaker than it was in 2004, when lower-income economies represented 0.07% of global trade of cultural goods. Typically, their trade in cultural goods is neither regular nor sustainable.

The Convention stipulates that developed countries should open their markets for cultural goods and services to developing countries. Trade statistics indicate that developed countries have increasingly imported cultural goods from developing countries, from 28.7% of culture imports in 2004 to 40.8% in 2009. However, between 2009 and 2013, the share dropped slightly to 36.9%. The data show that between 2004 and 2013, developed countries imported visual arts goods mainly from developing countries (representing 55.1% of imports from developing countries in 2013) in particular China, India and Malaysia.

However, if jewels are excluded, the type of cultural goods originating from developing countries entering the developed market changes. In this case, developed countries imported mainly music and audiovisual goods from developing countries. However, the share of these goods imported in developed countries reduced from 47.4% in 2004 to 39.6% in 2013. Books and press were the second largest group, taking a 32.3% share of imports originating from developing countries, whose imports also declined to 26.1% in 2013. Meanwhile, developed countries increasingly imported visual arts goods from developing countries. The share of visual arts from developing countries imported to developed countries rose from 15% in 2004 to 25.6% in 2013.

Bilateral or multilateral trade agreements are another type of instrument for implementing preferential treatment. While this domain is the subject of the following chapter (see Chapter 7), an ancillary goal of this analysis was to evaluate the magnitude of trade in cultural goods among members of different regional trade agreements and organizations around the world (Figure 6.2). Most of these agreements are characterized by the regional proximity of their members, often referred to as a 'community'. Ties between these communities often run deeper than economics and geography. Are the majority of traded cultural goods moving within such communities? Most of the instruments among these countries are free trade agreements that include clauses reducing or eliminating tariffs and other trade barriers among members. In most cases, they cover trade of goods, but not trade in services. So far, this analysis has focused mainly on the obligation of developed countries to developing countries. However, the Operational Guidelines pertaining to Article 16 stipulate that 'developing countries are encouraged to offer a preferential treatment to other developing countries in the framework of South-South cooperation'. Hence this section sheds light on regional trade among developing countries that signed trade agreements.

© Asim Waqif, *Prototype for Control*, 2013-2014, India

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Cultural content is laden with values and meaning and must be valorized by political decision-makers, cultural actors and civil society. They must take pride of place in public debate.

When I founded the Timitar Festival of Amazighe culture and world music 12 years ago, I was driven by a determination to promote Moroccan and international cultural diversity. The half a million people who attend this festival each year show the public interest in these forms of artistic expression. Morocco's 'Visa for Music', the first market for African and Middle Eastern music, sprang from the same desire to encourage closer international cooperation.

Promoting African and Middle Eastern music around the world; facilitating artistic mobility; supporting the development of national cultural sectors; contributing to the improvement of conditions for artists in the South; strengthening North-South and South-South relations in the cultural sector: these are the urgent priorities

The celebration of the tenth anniversary of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions invites us to pursue our efforts. Together, we can develop a more balanced flow of cultural goods, as well as new platforms for meetings and exchanges, which will be the pillars of our creative diversity for the future.

Brahim El Mazned
Director Visa for Music Festival

In most cases, trade agreements result in higher levels of trade of goods among countries that are Parties to them. Even so, such agreements mostly do not include dedicated clauses related to cultural goods and services. Figure 6.3 distinguishes the agreements by level of exports among their members. For the majority of these agreements, members exported less than 25% of cultural goods (among ANDEAN, ASEAN, COMESA, MERCOSUR, SAFTA and WAEMU).[13] Among these agreements, the South Asian Free Trade Agreement (SAFTA) had the lowest level of exchanges of cultural goods among members (less than 1% in 2013). This is perhaps due to the fact that this agreement will only be fully implemented in 2015. Similarly, members of the Economic Community of West African States (ECOWAS) also exchanged almost no cultural goods within their members in 2013.

Part of the problem lies in the fact that preferential protections pertaining specifically to cultural goods and services are not built into the agreements. For example, the Andean Sub-regional Integration Agreement (ANDEAN) includes only a restriction on all kinds related to protection for national treasures of artistic, historic or archaeological value. The goods and services generated by the cultural and creative industries are not addressed. From 2004 to 2013, the exports of cultural goods of ANDEAN members increased from 12.3% to 18% of intra-group cultural exports. However, the percentage remains low.

Member States of the North American Free Trade Agreement (NAFTA), the European Union (EU) and Caribbean Community and Common Market (CARICOM) saw a decrease in the trade of cultural goods among themselves. Within CARICOM there exists an instrument for 'the active promotion of export of internationally competitive goods originating within the Community'.

13. ANDEAN: Andean Community; ASEAN: Association of Southeast Asian Nations Free Trade area; COMESA: Common Market for Eastern and Southern Africa; MERCOSUR: Southern Common Market; SAFTA: South Asian Free Trade Agreement and WAEMU: West African Economic and Monetary Union.

Table 6.3

Modes of supply of international trade

Modes of supply	Description
Cross border (Mode 1)	Both the supplier and the consumer remain in their respective territories Example: Film download purchased from non-resident company
Consumption abroad (Mode 2)	The consumer receives the service outside his or her home territory Example: Foreign tourists spending on cultural activities (purchase of dance performance ticket)
Commercial presence (Mode 3)	Service suppliers establish (or acquire) an affiliate, branch or representative office in another territory through which they provide their services Example: Foreign Affiliate of an international film company
Movement of natural person (Mode 4)	An individual (either the service supplier himself if he or she is a self-employed person or his or her employee) is present abroad in order to supply a service Example: Earnings gained from a music group performance abroad

Source: Adapted from *Manual on Statistics of International Trade in Services*, 2010

In 2004, CARICOM had one of the highest shares of exports of all cultural goods among its members, at 65.8%; this share decreased to 5.7% in 2013. Several factors could explain this big drop, one of which was the economic downturn. This may explain why in December 2010, the Council for Trade and Economic Development (COTED) of the Caribbean countries identified Recreational, Cultural and Sporting Services as having 'priority status in the development of the Regional Plan for Services'. The Regional Task Force on Cultural Industries recommended a regional exemptions regime for the cultural industries (CARICOM, 2011). As these provisions are relatively new, more time will be needed to determine whether or not these recommendations will be implemented.

The European Union (EU) is a single market of 28 countries with free movements of goods. However, the share of exports of cultural goods among its member states has recently declined. The results mirror the trends observed in overall exports of goods; the proportion of overall trade among the EU partners declined from 2002 to 2013 (Eurostat, 2015). In 2004, 54% of cultural goods exchanged in Europe were European in origin.

By 2013 this proportion had declined to 45.6% of exported goods, most likely due to the economic recession that affected European countries.

Between 2004 and 2013, exports of cultural goods within the three-member NAFTA bloc decreased by almost half, from 44.4% to 28.1%. This was due largely to the global economic downturn, which greatly affected the United States of America.

Finally, the share of exports of cultural goods among members was above 50% only in Central America (Central American Common Market: CACM) and in the Arab Region (Pan-Arab Free Trade Area: PAFTA), where there was a dramatic increase in trade between members from 15.1% in 2004 to 58.2% in 2013.

The analysis shows that trade agreements such as PAFTA, which reached full trade liberalization of goods including cultural goods and services, had a dramatic impact on increasing the level of trade in cultural goods among its members.

While the data above refer purely to market access — the goods entering and leaving a country — the data below allow us to assess the domestic use and consumption of these cultural goods.

THE CASE OF DIVERSITY IN CINEMA

Another approach is to examine a specific sector, for example, the case of cinema. Globally, approximately 7,000 films intended mainly for commercial exhibition in cinemas are produced each year. The developing countries account for more than 50% of global film production. With an average output of more than 1,000 films per year, India is the world's leader in film production by volume. Further, Indian filmmaking is characterized by a wide diversity of languages; in 2013, India produced 1,966 movies in as many as 35 languages. Figure 6.3 shows the linguistic variety of films produced in India in 2013.

Figure 6.3

Diversity in languages of films produced in India in 2013

Source: Data from Indiastat, 2015
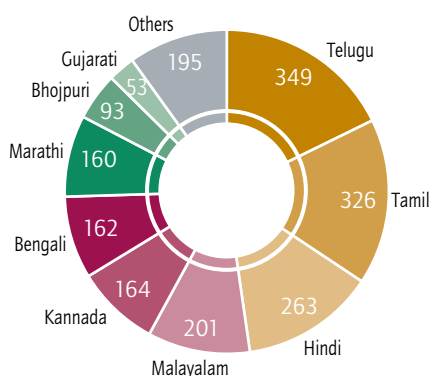
Nigeria (Nollywood) is the leading producer of films released directly on DVD. Copies of these Nigerian films and television programmes are traded and viewed widely throughout Africa, and are also accessed by the African diaspora outside the continent. Despite the high level of piracy, the Nollywood industry is one of the largest in Nigeria; it is highly profitable and employs a large number of filmmakers, performers and technicians (see also Box 1 in the *UNESCO-UNDP's United Nations Creative Economy Report, Special Edition, 2013*).

Analysis of the top ten most popular films of 2012 and 2013 can shed light on the diversity of films consumed, as well as provide insights into the extent to which some cultural factors influence consumer taste. The analysis of the 10 most popular movies of 51 countries around the world shows that 6 of 10 of the most viewed films were American in origin. However, the distribution of national to foreign film viewership varies widely. For example, in India and South Korea, the majority of the most popular films were produced locally, while in Latin America, up to eight or ten of the ten most-viewed films were American-produced. Across Asia, viewer preferences for films from neighbouring countries can be observed. For example, Thai films are quite popular in Laos. A common language is also a major factor in the popularity of certain film producers; Egyptian films in Arabic are very successful across the Arab world, while Russian-produced films are popular in Russian-speaking Central Asia.

ANALYSIS OF INTERNATIONAL FLOWS OF CULTURAL SERVICES

The 2010 *Manual on Statistics of International Trade in Services* (hereafter, the Manual) laid the groundwork for the better measurement of international exchanges of most types of cultural expressions. The Manual includes the Extended Balance of Payment (EBOPS 2010) classification, which provides an additional distinction useful to tracking flows of cultural services: making clear the categorical difference between 1) audiovisual and related services, such as television and radio activities and music recordings; and 2) artistic services, such as live performances (UN *et al.*, 2012). Music downloaded from the internet is classified as 'audiovisual and related services,' while downloaded books are categorized as 'artistic and related services.' In order to define what type of transactions occurred between two entities, the Manual defines four modes of supply of international services (UN *et al.*, 2012). Table 6.3 shows the four modes of supply with examples applicable to cultural expressions.

This section provides examples of commercial presence (Mode 3) and cross border (Mode 1) flows, which can usually be derived from regular international trade statistics.

The movement of natural persons (Mode 4) may refer to artists performing abroad. But data on this topic are very limited (see Chapter 5). One potentially fruitful avenue for future research could be to examine the spending of persons travelling abroad for professional cultural purposes. While a handful of developing countries play an increasingly significant role in the export of cultural goods, their role in exports of cultural services remains marginal. Table 6.4 shows that developed countries were highly dominant in the global exports of cultural services[14] from 2004 to 2012,

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14. Data covers 97 countries. Cultural services covers: Information services, other royalties and license fees and audiovisual and related services as defined by EBOPS 2002.

Table 6.4

Share in exports of cultural services of developed and developing countries, 2004 to 2012

Share of exports of cultural services	2004	2005	2006	2007	2008	2009	2010	2011	2012
Developed countries	97.89%	97.65%	97.52%	97.40%	96.95%	98.33%	97.94%	98.40%	98.34%
Developing countries	2.11%	2.35%	2.48%	2.60%	3.05%	1.67%	2.06%	1.60%	1.66%

Source: Data from UNCTAD/WTO International trade database, 2015

representing US$70.4 billion from US$71.9 billion of global exports of cultural services in 2004 and accounting for US$126.4 billion of US$128.5 billion of global exports of cultural services in 2012.[15] In 2008, developing countries reached the highest share of exports with 3.05%; this period corresponds to the global financial downturn. The consistently low share of exports over the data coverage period may be partly explained by the absence of important developing countries able to report services data. For example, China does not report detailed services statistics and India's services data are incomplete. There is a lack of capacity for collecting and compiling international services statistics in many of these countries.

In terms of balance of exchange of cultural services, the top ten countries accounted for 87.8% of global exports of cultural services in 2012. This percentage was slightly lower than it was in 2004, at 91.5%. The United States of America (USA) ranked first and accounted for 52.4% of global exports of cultural services in 2012, slightly lower than in 2004, at 58%. The remaining countries in this category are all developed countries in Europe and North America: United Kingdom, France, Canada, the Netherlands, Sweden, Germany, Luxembourg, Ireland and Belgium.

Diversity can be measured by examining the countries to which services are being exported. Figure 6.4 shows that in 2013, American exports of audio-visual and related services and reproducible rights were mainly directed to Europe, which received 57.2% of their exports. Compared to 2004, the share of USA exports of audiovisual and related services and reproducible rights to developing countries increased from 11.34% to 20.28%.

Private sector investment in the cultural industries of developing countries can also be a pertinent axis of analysis.

The internationalization of the modes of production of key cultural expressions, such as music and audiovisual resources, resulted in the growing share of multinational corporations in the international trade and private investments in developing countries. Foreign Affiliates Trade Statistics (FATS) and Foreign Direct Investment data (FDI) have been developed to track these phenomena. The commercial presence of foreign entities, such as foreign affiliates in a country (Mode 3), can be tracked using FATS data but also FDI which is a 'precondition for the establishment of commercial presence' (UN *et al.*, 2012). In 2015, FDI data were not yet established enough to provide a global overview. However, some partial results in general services are available to illustrate the international flows of cultural services. For example, ASEAN general services accounted for 50% of GDP of ASEAN countries. [16] In 2011, the services sector of ASEAN countries received 58% of total ASEAN FDI, and amounted to US$51.4 billion (Dato-Talib, 2014). These data demonstrate that South-South cooperation can lead to significant development opportunities and growth in services for the region.

In Africa, a United Nations Industrial Development Organization (UNIDO) study showed that 3.5% of foreign investment occurred in paper and publishing and printing in 19 African countries in 2010 (UNIDO, 2014). FDI data in motion pictures radio, television and other entertainment activities are available mostly for developed countries. However, data from the International Trade Centre database shows that foreign investment in motion pictures and other entertainment activities occurred in Malawi at US$6.7 million in 2011 and at US$4.2 million in 2012.

FATS show the extent and nature of the presence and involvement of foreign companies in a country.[17]

15. Detailed international harmonized services data are not available for 2013. National data for 2013 are available and used in Figure 6.4 for USA.

16. Includes a wide range of commercial services, such as (but not limited to) transportation, travel, telecommunication and cultural services, such as royalties and license fees, communications services and audiovisual services.

17. Refers to the trade between multinational headquarter in the home country and their affiliate entities in different countries. In the film industry, several distribution companies follow this structure.

Figure 6.4

Destination of exports from the USA of audiovisual and related services and reproducible rights[18] in 2013

Source: Data from US Bureau of Economic of Analysis, 2014
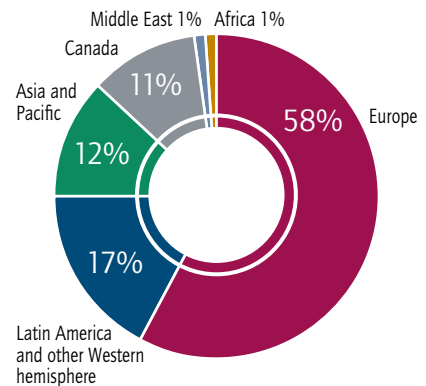
Foreign affiliates in the audiovisual sector established in Europe increased by 22.4 % between 2008 and 2012, reaching a total of 1,019 foreign entities.[19] Revenues from this sector in Europe decreased by 0.1% in 2013. This was mainly due to the decrease in physical media and cinema revenues not complimented by the production of online VOD services (European Audiovisual Observatory, 2014).

Some challenges still remain. The boundaries between goods and services of activities delivered on the internet are still blurred. Are digital materials goods or are they services? How to ensure that intellectual property rights are respected? In terms of recordkeeping, many countries record the same type of transaction differently, making the data very difficult to compare. Alternative measures such as the Global Value Chain[20] have been

18. Charges for the use of intellectual property not indicated elsewhere.

19. This category includes production, post-production, distribution, film exhibition, recorded music, radio, television, specialized retailing, video rentals, video games, on-demand audiovisual services and distribution platforms for audiovisual services (Audiovisual European Observatory, 2014)

20. OECD-WTO : Measuring trade in value added initiative: www.oecd.org/sti/ind/measuringtradeinvalue-addedanoecd-wtojointinitiative.htm

developed to better assess the respective contribution in value added of each country to global cultural goods exchanges. However, the current data do not provide any information on the culture sector.

This section presents some best practices that have helped to achieve a more balanced exchange of cultural flows.

In his analysis of the first round of QPRs, Nurse (2012) analysed the policy mechanisms that developed countries have implemented to facilitate the flow of cultural goods and services from developing countries. The most common type of cooperation measure reported by Parties was technical assistance (at 28%), followed by financial aid (21%), trade facilitation[21] (18%) and market access (15%). The policy measures put in place by developing countries were slightly different. At 37%, policy support was the most common means of cooperation, followed by fiscal measures (20%) and technical assistance/trade facilitation (12%).

In 2014, UNESCO undertook a study on policy measures that countries have put in place to implement Article 16 on preferential treatment (UNESCO, 2014e). The study reveals that 'assessing the impact and relevance of policies and measures to promote preferential treatment can be done at three levels:

- the individual level, through measures benefiting artists and other cultural professionals (e.g. mobility, funding, capacity-building, etc.) (See Chapter 5);

- the institutional level, through access of cultural goods and services to regional and international markets (e.g. participation in culture and trade events, co-production agreements, fiscal measures, etc.);

- the industry level, though bilateral, regional and multilateral mechanisms and frameworks (e.g. cultural cooperation protocols linked to economic or trade agreements) (UNESCO, 2014e).

At the institutional level, there are interesting initiatives showing North-South-South cooperation to promote the exchange of cultural goods. For example, co-production and co-distribution agreements in the audiovisual sectors were signed to improve developing countries' capacity to produce cultural goods and to reach the market of developed countries.

UNESCO cites New Zealand-India (2011), New Zealand-China (2010) and Australia-South Africa coproduction agreements as good examples of audiovisual partnerships between developed and developing countries. These agreements aim to facilitate the distribution of developing countries' films in the markets of developed countries.

The EU has also implemented several agreements or platforms of cooperation to promote the distribution of diverse cultural expressions. The Mediterranean Distribution Network (MEDIS) is an association of distributors created with the support of the European Audiovisual Observatory.[22] Its purpose is to enhance the distribution of films from Mediterranean countries and territories; it also aims to reach international markets. The members of MEDIS

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22. *medisnetwork.net/index.php/en/*

have created a network of professionals hailing from North African countries, the Middle East and the Arabian Peninsula.

NEW POLICY MEASURES

The analysis of policy measures taken by Parties regarding the treatment of cultural goods and services in bilateral trade agreements has highlighted the creation of a new measure: a cultural cooperation protocol (UNESCO, 2014b). The CARIFORUM-EU Economic Partnership Agreement (EPA) is one example of this type of measure, which includes a direct reference to the 2005 Convention. This agreement includes two types of cultural provisions:

- 'Market access provisions for entertainment services, enabling Cariforum artists and cultural professionals to have access to the EU market to provide services;

- Cultural cooperation provisions, embodied Protocol on Cultural Cooperation to facilitate exchanges of cultural goods, services and activities, including the audiovisual sector' (KEA European Affairs, 2011).

Subsequently, the culture sector of CARICOM countries was able to benefit from greater market access to developed countries. As will be described in greater detail in the following chapter (see Chapter 7), there are also other types of measures including the application of a 'cultural exemption' and the liberalization of cultural services using a positive or negative list of commitments.

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21. Simplification and harmonization of international trade procedures to facilitate the transactions and cross border movements of goods and services.

Box 6.1 • *IBERESCENA: A platform of exchanges for Ibero-American artists*

El Fondo Iberoamericano de ayuda Iberescena *(IBERESCENA) was created in 2006 by the Ibero-American Conference of Heads of State and Governments. The purpose of this fund was the promotion, exchange and integration of performing arts in Latin America. Two of the objectives of the fund were to develop 'the distribution, circulation and promotion of Ibero-American performances and to promote co-productions among public and private actors'.*

In 2014, 22 projects involving dramatic creation and choreography were funded from 10 countries of the region.

Source: *www.iberescena.org/es/que-es-iberescena*

The Ibero-American countries have put in place a system of regional cooperation for the promotion of performing arts, musicals and film from the region (Box 6.1). This competitive fund is likely to contribute to greater access to cultural goods and services within the region (Peru, QPR 2012).

In the Lusophone context, Portugal has developed measures favouring the dissemination of audiovisual work of Portuguese-speaking countries (Box 6.2).

South-South cooperation has taken the form of international events where artists from developing countries have displayed their work (UNESCO, 2014e). For example, regional festivals create marketplaces and platforms for the regional distribution of cultural goods and services. In these festivals, artists have access to new live audiences (required for services) and enlarge their distribution networks. Film festivals, which bring together a variety of industry stakeholders, also serve an immediate cultural purpose (the showcasing of an artistic expression), as well as providing a long-term economic benefit to film producers and distributors. In the previous section, it was noted that South-South exchanges of cultural goods for some regions such as Africa were somewhat limited. However, the existence of many cultural festivals in Africa better reflects the dynamism of the flows of cultural goods between these countries (see two cases cited below). Also worth mentioning are the following:

■ the African Music Exports Office (BEMA), described as the 'West-African music network supporting the circulation of artists, business development and the production and distribution of African music' (UNESCO-UNDP, 2013);

■ FESPACO (*Festival Panafricain du cinéma et de la télévision de Ouagadougou*), the international film festival in Burkina Faso, has served to raise awareness of African film, as well as to create financial opportunities for filmmakers in West Africa through the marketplace for industry professionals held at the same time as the festival;

Box 6.2 • *Portugal's support to Portuguese-speaking African countries in the audiovisual sector*

Portugal has developed numerous projects and initiatives to support the exchange of artists and their works within the Community of Portuguese-Speaking Countries. For example Rádio e Televisão de Portugal (RTP) broadcasts 'audiovisual work of authors from Official Portuguese-speaking African countries'. RTP also supports the coproduction of films with these countries. Brazil was Portugal's main coproduction partner in film production from 2005 to 2013, followed closely by France. Portugal coproduced up to ten films with Brazil in 2010, an average of three films per year. At least one official Portuguese-speaking African country (Mozambique, Angola or Guinea-Bissau) appeared in the top ten partner countries with which Portugal coproduced films between 2007 and 2013. This close link with Portuguese-speaking countries is also reflected in the exchanges of Portugal's cultural goods. Portuguese-speaking countries hold a privileged position as export destinations for Portuguese cultural goods (In 2013, Angola was in 2nd position, Mozambique in 8th position and Brazil in 12th position). However, the goods of these countries did not reach the Portuguese market; of all Lusophone countries only Brazil appeared (at number 14) in the top 15 countries whose cultural goods entered in Portugal in 2013.

Source: QPRs, 2012

■ The SAFRA Festival, considered 'a sub-regional bridge building event' (UNESCO-UNDP, 2013), takes place every year in one of seven West African countries.[23] More than 1,000 artists from this region present handicrafts and other cultural goods.

Unfortunately, potentially important data regarding event attendance, revenue generated from attendance and sales, and the country of origin of featured artists are currently unavailable for the above-mentioned examples.[24]

CIVIL SOCIETY

The role of civil society in promoting the distribution of cultural goods and services is highlighted by the two following examples:

■ The Cuban *Fundación del Nuevo Cine Latinoamericano* is an a non-governmental organization mandated to support the distribution, exhibition and promotion of films across Latin America.

23. Semaine de l'Amitié et de la fraternité. *www.unesco.org/culture/dialogue/2010iyrc/projects/project.php?id=120*

24. UNESCO-UIS published the 2009 UNESCO FCS handbook on Festival statistics #3 which provides some guidance on how to measure social and economic impact of festivals: available at: *www.uis.unesco.org/culture/Documents/fcs-handbook-3-festival-statistics.pdf*

■ The *Association pour la Promotion de l'Audiovisuel et du Spectacle* (APPAS) created a database of African audiovisual and film productions (BIMAC) to raise visibility of African cinema and the potential for such productions to be distribution and shown. In 2012, this database contained more than 400 African films for dissemination throughout Cameroon (UNESCO-UNDP, 2013).

CORE INDICATORS AND MEANS OF VERIFICATION

In light of the evidence presented above, the issues discussed and the indicator framework for monitoring purposes (see the chapter entitled 'Towards a Monitoring Framework'), as a core component of the present exercise, the following core indicators and means of verification may be put forward as regards the topic of this chapter:

Indicator 6.1

Legislative base for flows of cultural goods and services are a) established, b) evaluated and c) functioning

Means of verification

• Evidence of relevant laws to ensure a balanced flow of cultural goods and services

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• Evaluation reports on the impact of laws to ensure a balanced flow of cultural goods and services

Means of verification

• Export-import strategies for cultural goods (e.g. financial investments, capacity development, fiscal/tax measures, information services)

• Programmes to foster North-South-South cooperation (e.g. codistribution agreements, support for participation in culture-related trade events)

• Data on flows of international trade of cultural goods (e.g. export and import statistics, country of origin and destination)

• Data on foreign and domestic consumption of cultural goods

Indicator 6.3

Policies and measures to support international flows of cultural services are a) established, b) evaluated and c) functioning

Means of verification

• Export-import strategies for cultural services (e.g. financial investments, capacity development, fiscal/tax measures, information services)

• Programmes to foster North-South-South cooperation (e.g. capacity development, festivals, networks, direct foreign investment in cultural activities)

• Data on flows of international trade of cultural services (e.g. export and import statistics, country of origin and destination)

• Data on foreign direct investment and foreign affiliates trade of cultural services

• Data on foreign and domestic production and consumption investment in cultural services

CONCLUSION

Close examination of the flows and exchanges of cultural goods and services provides intriguing results. The overall balance of exchange of cultural goods was more favourable to developing countries in 2013 than in 2004. However, the increase benefited primarily a small number of powerful exporters, in particular China. This reflects a broader shift in industrial practices, as well as the rise of China in international trade generally. In addition, film consumption data reveal the regional as well as international preponderance of some producers, such as Bollywood and Nollywood.

Beyond the question of balance, what also emerges is the dynamism, creativity and strength of some developing countries, especially in the visual arts. Unfortunately, the market for these cultural goods from the developing world is almost exclusively located in developed countries. So far, we have not witnessed an increase of exchange of cultural goods amongst developing countries themselves.

On the other hand, cultural services are mainly dominated by developed countries (accounting for more than 95% of all exports). Technological progress has led to the digitization of many cultural practices and productions (see Chapter 3). Piracy can greatly skew the results of any dataset. This highlights the need to look at new measures including FATS and FDI data, as well as non-economic measures to assess the balance of flows of cultural services. In the meantime, urgent support is required for capacity-building, especially training in cultural statistics to inform policy making. Such training should lead to 1) improving overall services statistics and 2) encouraging the creation of adequate instruments to properly monitor cultural exchanges within developing countries. Partnerships to support these efforts could be undertaken by international organizations, such as the United Nations Statistics Division (UNSD), UNCTAD and UNESCO.

The following main recommendations emerge from the present analysis:

■ The introduction of a cultural cooperation protocol within economic and trade agreements should be encouraged. Several countries have signed audiovisual coproduction agreements, which allow artists and producers from developing countries access to greater resources and wider audiences. Additionally, tariffs and other taxes disadvantaging the distribution of cultural goods from developing countries should be lowered or abolished.

■ At the institutional level, it is clear that countries need to create an enabling environment allowing for freer development of and access to their cultural goods and services within their own countries in order to enable them to fully participate in regional and/or international markets. Finally, artists' participation in festivals, international fairs and exhibitions exemplifies South-South cooperation, which should facilitate exchanges of cultural goods and services (see Chapter 5). Alternative data will track the number of artistic works from other countries in particular art fairs or exhibitions. More detailed data should be collected on these activities.

■ The Convention appears to have an impact on the trade policies of Parties; however, it is not yet clear what impact these policies will have on achieving the goal of a balanced flow of cultural goods and services around the world. While the data presented in this chapter show that there has been an improvement between the years 2004 and 2013, an assessment of the principle of equitable access is still far from being attained. Some developing countries are playing a stronger role (China, India and Malaysia), however their number is still quite limited.

■ Finally, it is important to point out the limitations of trade statistics, which only provide a partial picture. Specific indicators that could be monitored over time to help complete the missing information required to determine the real impact of the Convention are required.

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.

Promoting the Convention in international forums

Véronique Guèvremont[1]

KEY MESSAGES

>>> *Seven trade agreements concluded by the European Union (EU) since 2005 incorporate one or more explicit references to the Convention. Given that the EU has 28 member states and that the 7 agreements have been concluded with 26 other states, together they implicate 55 states as well as the EU itself, 50 of which are Parties to the Convention.*

>>> *The promotion of the objectives and principles of the Convention in other international forums is not limited to the trade arena. Since 2005, it has been referenced in over 250 texts in dozens of international, regional and bilateral organizations.*

>>> *Since 2005, there has been an increase in the use of the 'cultural exemption' measure to exclude some cultural goods and/or services from the trade agreements.*

>>> *New trade instruments have emerged in the past ten years, namely, Protocols for Cultural Cooperation annexed to trade agreements. These Protocols recognize the specificity of cultural goods and services, but also provide for the attribution of preferential treatment to promote the mobility of artists and cultural professionals, especially from the global South. The Protocol for Cultural Cooperation annexed to the EU and Central America free trade agreement may be seen as a best practice in this regard.*

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More than
250 documents
refer to the principles
of the Convention

bilateral

international

regional

7

Trade agreements explicitly reference the Convention

Canada

Ukraine

Republic of Korea

Republic of Moldova

CARIFORUM States

Georgia

Central America

THE EUROPEAN UNION

Antigua and Barbuda
The Bahamas
Barbados
Belize
Dominica
Dominican Republic
Grenada
Guyana
Haiti
Jamaica
Saint Lucia
St. Kitts and Nevis
St. Vincent and the Grenadines
Suriname
Trinidad and Tobago

Costa Rica
El Salvador
Guatemala
Honduras
Nicaragua
Panama

United Kingdom
Sweden
Spain
Slovenia
Slovakia
Romania
Portugal
Poland
The Netherlands
Malta
Luxembourg
Lithuania
Latvia
Italy
Ireland
Hungary
Greece
Germany
France
Finland
Estonia
Denmark
Czech Republic
Cyprus
Croatia
Bulgaria
Belgium
Austria

Incorporation
of a reference to
the Convention

Adoption of
of a cultural
protocol

Inclusion
of a cultural
exemption

Use of positive lists
of specific commitments

Formulation of
some reservations

Ways to implement the Convention
in bilateral and regional trade agreements

Design credit: plural | Katharina M. Reinhold, Severin Wucher

The 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions (hereafter the Convention) is being implemented in a constantly changing international legal environment. Even before the Convention was adopted, agreements negotiated and implemented in various fields of international law were already having an impact on the 'diversity of cultural expressions'. Over the past decade, these agreements have multiplied. The provisions of Part V of the Convention (Articles 20 and 21) devoted to the 'relationship to other treaties' are thus crucial for managing the interactions and overlaps between these other instruments and the Convention. In addition, while other instruments may restrict the rights that the Parties recognized in adopting the Convention, they can also be major levers for disseminating its objectives and principles within other international forums especially those promoting equitable access, openness and balance in the flow of cultural goods and services as well as the mobility of artists and cultural professionals around the world. These linkages and the quest for coherence in the evolution of international law, which the Parties envisaged in terms of 'mutual supportiveness, complementarity and non-subordination', (Article 20) are of particular importance here.

Over the last ten years, Parties have promoted the objectives and principles of the Convention in various international forums, introducing a new approach to international cooperation involving cultural, trade and development policies. This chapter will focus on actions taken by Parties in multilateral, regional and bilateral trade forums, as well as in others, and will propose indicators to help monitor the implementation of the Convention over time.

TRADE FORUMS

THE WORLD TRADE ORGANIZATION (WTO)

Trade in cultural goods and services is regulated by WTO agreements. As the negotiations of the Doha Round, launched in 2001, are still ongoing, no WTO member has been bound by any new obligation in the field of culture since 1994, which marked the conclusion of the previous round of negotiations, the Uruguay Round. It is thus irrelevant to assess the impact of the Convention on the evolution of WTO commitments. It may nevertheless be interesting to recall the scope of the WTO agreements and their possible overlap with the Convention. It is also significant to mention that in one case brought to the WTO Dispute settlement body (DSB) since 2005, a Party (China) has cited the Convention.

The scope of the WTO agreements

No cultural good or service is formally excluded from the scope of the WTO agreements. The 'diversity of cultural expressions', as well as the right of the Parties 'to formulate and implement their cultural policies and to adopt measures to protect and promote the diversity of cultural expressions' (Article 5) can thus be limited by their WTO commitments.

There is no list of 'cultural goods' covered by the General Agreement on Tariffs and Trade (GATT), but it certainly includes books, magazines, periodicals, CDs, music and films. Any cultural policies related to these products must comply with GATT's provisions, which means that no discrimination should be established for the benefit of national cultural goods, except for the screen quotas (Article IV). As for the General Agreement on Trade in Services (GATS), it applies to all services, but its obligations are divided into two categories: firstly, some general obligations apply to all WTO Members and all services; secondly, market access and national treatment commitments apply exclusively to the designated services, as laid out in each country schedule. Cultural services that can be qualified as 'cultural expressions' in the context of the Convention include services such as audio-visual services, libraries and live performances.

It is worth noting that the dematerialization of certain cultural goods (for example, the e-books are a dematerialization of physical books) and the emergence of new cultural goods and services (such as applications for digital tablets) could create difficulties for classifying these goods and/or services and applying the relevant regulations (Box 7.1). The categorization of audiovisual downloads, which have been subject to less sweeping liberalization under GATS, is one of the sensitive issues. Treating digital products under GATT rules would provide for automatic extension of national treatment, which in the GATS is a negotiated commitment, and would limit the right of States to protect and promote the diversity of cultural expressions.

Box 7.1 • *Court of Justice of the European Union rulings on taxation regimes and digital or electronic books (2015)*

The European Court of Justice ruled against France and Luxembourg in a case on the application of a reduced VAT rate on digital or electronic books. Both countries introduced reduced VAT rates into national legislation (5,5% in France and 3% in Luxembourg) on digital or electronic books aligning them with reduced rates allowed by Community law on printed books. The current VAT Directive excludes 'services provided through an electronic medium'. The court ruled that the purchase of a digital book is equivalent to an electronic service, whose physical medium is required for its reading (computer, reading tablet, mobile phone). Consequently, digital books whose supply is operated through an electronic medium cannot benefit from a reduced VAT rate.

Sources: Court of Justice of the European Union - Case European Commission v. Grand Duchy of Luxemburg, C-502/13, 5 March 2015; Case European Commission v French Republic, C-479/13, 5 March 2015. See also Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (JOUE, L 347, p. 1) as modified by Council Directive 2010/88/UE of 7 December 2010 (JOUE, L 326, p. 1), also called 'VAT Directive'.

Lastly, the phenomenon of convergence spurred by the evolution of digital technologies in the telecommunication sector and the cultural industries could encourage Parties to take into account the possible impact of any new commitments in the telecommunication sector on their right to adopt and implement cultural policies. In effect, digital technologies are merging the historically fragmented telecommunication (centred on 'media' and 'networks) and audiovisual (that generally refers to the 'content') market segments. Digital technologies thus link the availability of content to network accessibility (see Chapter 3). They transfer power to the players in the telecommunication sector, which are being called up on to take on a growing role in making digital content available, notably through the internet access services they provide. As a result, commitments under GATS in the telecommunication sector could have unexpected effects on the supply and control of audiovisual content and vice versa.

The WTO Dispute settlement body

Since the creation of the WTO in 1995, two complaints have been lodged by the United States of America before the WTO concerning measures related to cultural goods and services. The first case, opposing the United States of America and Canada, arose in 1996, well before the adoption of the Convention.[2] Canada's loss in this case raised the awareness of many States about the vulnerability of their cultural policies in the face of the WTO agreements. The second case, opposing the United States of America and China, was examined in 2009.[3] Even though the United States of America won once again, the reasoning of the court showed a certain degree of openness in acknowledging cultural considerations. In effect, in this case the panel proved to be relatively open

towards the acknowledgment of the intangible dimension of cultural goods and services, in dealing with a complaint concerning several Chinese measures related to various cultural goods and services. The panel took an important step by recognizing and establishing a link between the intangible content of a number of cultural goods falling within the scope of the GATT and the objective of protecting public morality mentioned in Article XX a., dealing with general exceptions. The recognition of a link between the content of a cultural good and public morality, as advocated by China, was influenced by the text of the UNESCO Universal Declaration on Cultural Diversity of 2001.

REGIONAL AND BILATERAL TRADE AND ECONOMIC FORUMS

The paralysis of the Doha Round, which was intended to extract new multilateral trade commitments from WTO Members, contrasts with the effervescence of bilateral and regional trade negotiations. The dynamism of the States is reflected not only in the number of agreements reached and the number of negotiations launched since 2005, but also in the emergence of new trade agreement models, which include new approaches in the cultural field. The attention devoted to cultural concerns by some regional dispute settlement mechanisms also deserves comment.

Box 7.2 • *Legal cases that have resulted in the adoption of public policies regarding film, publishing, video games and music drawing support from the Convention*

Austria adopted the 'Austrian Film Support Scheme' (2010-2012), whose main objective is to provide support for the production of feature-length films and documentaries with Austrian and European cultural content. Citing EU law and the Convention, the European Commission validated the measure. Case N96/2010 – Austria, Austrian Film Support Scheme.

Italy's 'Lazio Regional Film Support Scheme' was adopted in 2012. Its objective is to provide support for the production of cinematographic and audiovisual works that could make a significant contribution to the development of cultural resources and, in particular, to the regional identity of the Lazio region. The Commission has indicated that the promotion of culture and of the diversity of cultural expressions are recognized in the Treaty and in the Convention, and concluded that the measure was compatible with the Treaty. Case SA.34030 (2012/N) – Italy, Lazio Regional Film Support Scheme, para. 28.

Lithuania adopted a fiscal measure called the 'Lithuanian Film Tax Incentive' (2013-2018), the objective of which is to create conditions that are favourable to film production in Lithuania and to attract film producers to the country. Again, the Commission cited EU law and the Convention to declare the measure compliant. Case SA.35227 (2012/N) –Lithuania, Lithuanian Film Tax Incentive, para. 40.

Spain introduced 'Publishing Aid for Literature in the Basque Country', whose main objective is to provide an incentive for the production of literary publications in Basque (Euskera) and Spanish (Castilian) and to support the creation, translation and adaptation of novels, poems, games and books for children. Case SA.34168 (2012/N) – Spain, Publishing Aid for Literature in the Basque Country – Amendment, para.28.

Spain has also provided notification of state aid to the dance, music and poetry sectors that has been validated by the Commission under the Treaty and the Convention. Case SA.32144 (N2011) – Spain, State Aid to Dance, Music and Poetry.

France adopted a new measure, 'Assistance for New Media Projects' (2011-2016), whose main objectives are to promote French and European cultural creation for new networks and digital formats to disseminate and promote cultural diversity in these media. Case C 47/2006 (ex N 648/2005) –France, Crédit d'impôt pour la création de jeux vidéo.

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2. Canada – Certain measures concerning periodicals (1997), WT/DS31/AB/R (Appellate Body Report) and WT/DS31/R (Panel Report).

3. China — Measures Affecting Trading Rights and Distribution Services for Certain Publications and Audiovisual Entertainment Products (2009), WT/DS363/R (Panel Report).

Regional and bilateral trade agreements

Cultural policies intended to protect and promote the diversity of cultural expressions require provisions to reflect the dual nature of cultural goods and services (Box 7.2). Agreements reached over the course of the past ten years have used various techniques for this purpose.

These can be placed in five main categories:

❶ the incorporation of a reference to the Convention and/or its objectives and principles;

❷ the adoption of a cultural protocol;

❸ the inclusion of a cultural exemption;

❹ the use of positive lists of specific commitments; and/or

❺ the formulation of some reservations.

Additionally, provisions that can have an impact on the e-commerce of cultural goods and services may also be envisaged (as a category ❻).

❶ The incorporation of explicit references to the Convention

The most straightforward way to promote the Convention in trade agreements consists of incorporating explicit references to this instrument. Seven trade agreements concluded by the EU since 2005 establish such a link by incorporating one or more explicit references to the Convention. Taking into consideration that the EU has 28 member states and that the seven agreements have been concluded with 26 States, this practice is shared by 54 States as well as the EU, 50 of which are Parties to the Convention.

The first three agreements to incorporate an explicit reference to the Convention were concluded with the Republic of Korea (2010), the CARIFORUM States (2008) and several States of Central America (2012). These agreements have in common their unique structure; they consist in

a main agreement mainly devoted to trade liberalization, to which is annexed a *Protocol on cultural cooperation* (hereinafter 'PCC'). Every PCC contains a reference to the act of ratification of the Convention by the Parties and also refers to the willingness of the Parties to implement the Convention and to cooperate in accordance with its principles and provisions. The PCC annexed to the agreement concluded with countries in Central America also contains explicit references to Articles 14, 15 and 16 and specifies that this treaty constitutes the reference for all definitions and concepts used in the protocol. This model free trade agreement, which includes a PCC, can be considered a good practice.

Four other agreements concluded by the EU (with Georgia, Moldova and Ukraine in 2014) contain explicit references to the Convention; however they do not include a PCC. In these cases, the references are incorporated into the main agreement in a chapter devoted to 'Cooperation on culture, audiovisual policy and media'. Finally, in the case of the agreement concluded with Canada in 2014, the reference to the Convention appears in the Preamble.

The incorporation of such references to the Convention in trade agreements pursues the specific goal of ensuring coherence in the action of States on the international stage. Coherence must be maintained through a proactive approach from the Parties who have a vested interest in reiterating the objectives and principles to which they have adhered under the Convention, even when they step outside this enclosure to negotiate agreements in other sectors of activity. This practice is in line with the objective of ensuring recognition of the dual nature of cultural goods and services of the Parties (Article 1g). It accurately reflects two Convention Principles: i) the sovereign right of States 'to adopt measures and policies to protect and promote the diversity of cultural expressions within their territory' (Article 2.2) and ii) 'the complementarity of economic and cultural aspects of development' (Article 2.5).

❷ The adoption of a Protocol for Cultural Cooperation

The three agreements containing a PCC not only recognize the specificity of cultural goods and services, but also provide for the attribution of preferential treatment to their benefit, thereby specifically implementing Article 16 as regards the mobility of artists and cultural professionals, especially from the global South (see Chapter 5). In this respect, the PCCs contain various clauses. In any case, a first strand of the preferential treatment deals with the admission and the temporary stay of artists and other cultural professionals. A second strand provides for the negotiation of new coproduction agreements as well as the implementation of existing agreements. The PCCs involving the Republic of Korea and the CARIFORUM States contain a third section on preferential trade access for audiovisual works. Finally, other complementary provisions can be found, including clauses aimed at establishing bodies or committees of cultural cooperation, as well as provisions related to the settlement of disputes.

Other trade agreements do not contain a PCC, but incorporate provisions related to cultural cooperation and audiovisual co-production directly into the main agreement. For example, the agreement concluded between the Republic of Korea and Australia contains a provision on audiovisual coproduction in the chapter on services and refers to an Annex of 22 Articles entirely devoted to this question. This Annex contains an actual coproduction agreement and provides for the attribution of a preferential treatment to co-produced works, which are granted the same benefits normally reserved for works of national origin. Finally, some other agreements do not provide for the attribution of a preferential treatment for cultural goods and services of the Parties, or to their artists and cultural professionals, yet call on the Parties to cooperate towards this end, for example in the agreements concluded by the EU with Georgia, Republic of Moldova and Ukraine.

❸ The inclusion of a cultural exemption

The 'cultural exemption' allows for the exclusion of some cultural goods and/or services from the trade agreements it incorporates. The exemption has the advantage of being permanent, in that once incorporated into an agreement, it is generally not subject to subsequent negotiations regarding its elimination or a reduction of its scope, contrary to specific commitments or reservations (described below) that may eventually be subject to review. The use of the cultural exemption therefore allows the preservation, for an unlimited period, of the right of States to intervene in favour of the diversity of cultural expressions, even in a context of an opening of the markets to competition. However, only a careful examination of the wording of the exemption allows for a precise evaluation of the room for manoeuvre available.

"

Several agreements concluded by the European Union contain a cultural exemption, but its scope is always limited to audiovisual services

The scope of the 'cultural exemption' incorporated in some agreements concluded by New Zealand is especially extensive. This exemption is worth citing and reads as follows:

[...] subject to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between Parties where like conditions prevail, or a disguised restriction on trade in services or investment, nothing in these Chapters shall be construed to prevent the adoption or enforcement by a Party of measures necessary to protect national treasures or specific sites of historical or archaeological value, or measures necessary to support creative arts of national value.

As shown by a footnote, the scope of this cultural exemption is relatively large, since it covers a wide range of cultural goods,

services and activities, extends to digital cultural products and even covers cultural practices.[4]

A number of agreements concluded by Canada also contain a cultural exemption, however of more limited scope than that of New Zealand. The standard formulation is the following: 'nothing in this Agreement shall be construed to apply to measures adopted or maintained by either Party with respect to cultural industries except as specifically provided in Article [xxx] (National Treatment and Market Access for Goods – Tariff Elimination)'. These agreements contain an extensive definition of the term 'cultural industries'.[5] This exemption is therefore directed towards cultural goods and services. In one case (the agreement with Colombia), the Parties have adopted a more extensive definition of cultural industries, so that it includes 'f) [the] production and presentation of performing arts; g) [the] production and exhibition of visual arts; or h) [the] design, production, distribution and sale of handicrafts'. The cultural exemption in this case therefore has far-reaching scope. However, given the emergence of digital technologies in the audiovisual landscape, the definition of cultural industries that has been retained does not necessarily ensure that digital cultural goods and services are systematically covered.

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4. A footnote specifies that 'Creative arts' 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 term encompasses those activities involved in the presentation, execution and interpretation of the arts, and the study and technical development of these art forms and activities'.

5. '...a) the publication, distribution, or sale of books, magazines, periodicals or newspapers in print or machine readable form but not including the sole activity of printing or typesetting any of the foregoing; b) the production, distribution, sale or exhibition of film or video recordings; c) the production, distribution, sale or exhibition of audio or video music recordings; d) the publication, distribution or sale of music in print or machine readable form; e) radio communications in which the transmissions are intended for direct reception by the general public, and all radio, television and cable broadcasting undertakings and all satellite programming and broadcast network services'.

Several agreements concluded by the EU also contain a cultural exemption, but its scope is always limited to audiovisual services. The cultural exemption of the *Comprehensive Economic and Trade Agreement (CETA)* linking Canada and the EU is unique, in that its scope is asymmetrical; the Canadian cultural exemption covers 'cultural industries', while the European exemption is limited to 'audiovisual services'. Furthermore, since this exemption applies to five chapters of the agreement only (Subsidies, Investment, Cross-Border Trade in Services, Domestic Regulation and Government Procurement), it does not cover all commitments related to cultural goods.

The cultural exemption contained in the agreements of New Zealand is therefore more protective of the right of States to intervene in favour of culture, not only because it applies to each and every one of the chapters in the agreements that it incorporates, but especially because it also covers digital cultural products.

❹ The use of positive lists of commitments

States are not always willing to open their markets quickly to every sector of the economy. Thus, they favour a technique that allows them to liberalize progressively. According to this method of 'positive list of commitments', every Party must describe specifically every commitment of liberalization in a list annexed to the trade agreement. When negotiating trade agreements, several Parties to the Convention use this method, which provides them with much leeway in order to introduce policies and measures in favour of local content. This is the case of the EU (in its agreements concluded with the Republic of Korea, the States of CARIFORUM, the States of Central America, Colombia, Georgia, the Republic of Moldova, Peru and Ukraine), China (with Chile, Costa Rica, New Zealand, Peru and Switzerland), the Members of ASEAN in their agreements concluded with China and New Zealand, as well as the Members of EFTA in their agreements with Ukraine and the States of Central America.

It may be noted, however, that this approach does not provide the same degree of protection of the States' right to intervene in the field of culture as that conferred by the cultural exemption. It necessarily limits the scope of action of States in sectors targeted by the commitments, especially the possibility of reviewing their content later on in order to adopt new cultural policies that do not comply with the rules of trade agreements in which they take part. Moreover, the positive lists of commitments are generally intended to be improved, thus increasing access to foreign competitors, by way of the addition of new service sectors, and of the elimination of obstacles to free trade that have been maintained hitherto, such as quotas or subsidies.

❺ The formulation of some reservations

States wishing to pursue a speedy liberalization of trade in services usually set aside the method of 'positive lists of commitment' in favour of another method, that of 'negative lists'. Under this scenario, the scope of the free trade agreement covers every sector, however Parties may negotiate the exclusion of some goods or services. Such exclusions take the form of 'reservations'. This approach entails great risks for States concerned with preserving their right to adopt cultural policies and implement the Convention (Table 7.1) since every policy or measure likely to affect free trade of cultural goods and services must be included in a list of reservations provided to that effect. Such an exercise calls for a careful analysis of all the provisions of a trade agreement and extensive knowledge of all policies and measures directly or indirectly affecting the trade of cultural goods and services.

Several countries in Latin America, as well as Australia, India and the Republic of Korea nevertheless favour this method. This is also the case of the United States of America for its agreements concluded notably with Oman, Peru, Colombia, Panama and the Republic of Korea. However, some Parties (for instance, Colombia,

the Republic of Korea, Panama and Peru) have inscribed numerous reservations in their list in order to preserve sufficient leeway in favour of culture. Inversely, Oman has only inscribed a few reservations concerning culture, and consequently, a significant liberalization of audiovisual services and other cultural services has resulted from the agreement concluded with the United States of America (USA).

❻ The commitments related to e-commerce and their potential impact on culture

Finally, over the last decade, a new generation of trade agreements has emerged in order to cover trade supported by digital technologies. The relevant provisions are consolidated into a single chapter of such agreements specifically devoted to e-commerce. Although the

Table 7.1

Seven trade agreements concluded by the European Union since 2005 with explicit reference to the Convention

Title of the Agreement	Signature	Entry into force	Parties
Canada-European Union: Comprehensive Economic and Trade Agreement[1]	–	–	EU Canada
Association Agreement between the European Union and the European Atomic Energy Community and their member states, of the one part, and Georgia, of the other part	27-06-2014	01-09-2014	EU Georgia
Association Agreement between the European Union and the European Atomic Energy Community and their member states, on the one hand, and the Republic of Moldova, on the other	27-06-2014	01-09-2014	EU Republic of Moldova
EU-Ukraine Association Agreement[2]	27-06-2014	–	EU Ukraine
Agreement establishing an Association between the European Union and its member states, on the one hand, and Central America on the other	29-06-2012	01-08-2013	EU Central America[3]
Free Trade Agreement between the European Union and its member states, of the one part, and the Republic of Korea, of the other part	06-10-2010	01-07-2011	EU Rep. of Korea
Economic Partnership Agreement between the CARIFORUM States, of the one part, and the European Community and its member states, of the other part	15-10-2008	01-11-2008	EC CARIFORUM[4]

1. The Comprehensive Economic and Trade Agreement (CETA), between Canada and the European Union, was concluded on August 5, 2014 but still remains to be signed.
2. This agreement is not yet in force.
3. The States of Central America Parties to this agreement are: Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama.
4. The CARIFORUM States are the following: Antigua and Barbuda, the Bahamas, Barbados, Belize, Dominica, Dominican Republic, Grenada, Guyana, Haiti, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago.

content and the binding force of these provisions vary considerably, some models of commitment are likely to affect the right of States to adopt and implement cultural policies and measures of their choice.

Three levels of commitment may be identified.

■ Firstly, several agreements contain non-binding provisions aimed at promoting cooperation between the Parties. They may cover the development of e-commerce in general, the protection of consumers, transparency, the sharing of information and good practices, etc. These provisions do not affect the right of States to intervene in favour of the diversity of cultural expressions.

■ Secondly, a smaller number of agreements also contain provisions related to the non-imposition of tariffs on products delivered electronically. Even though these provisions may apply to cultural goods and services, they raise few concerns since tariffs on trade are generally considered to be protectionist and can constrain cultural exchanges and the diversity of cultural expressions. Several agreements concluded between Parties and the United States of America, as well as by Canada, the European Union (with the CARIFORUM States, Colombia, Georgia, the Republic of Korea, Republic of Moldova, Peru and Ukraine), New Zealand, Australia and Chile contain such provisions.

■ Thirdly, several agreements (for instance those concluded by United States of America with Colombia, the Republic of Korea, Oman, Panama and Peru) also contain provisions intended to eliminate all forms of discrimination with regard to 'digital products', thus limiting the right of States to implement cultural policies to support the creation, distribution and consumption of digital local content. In all cases, a provision indicates that electronically supplied services remain subject to the rules contained in the chapter on investment and services, as well as to exceptions and

non-conforming measures applicable to those chapters. However, other commitments specifically target the 'digital products' defined as 'computer programs, text, video, images, sound recordings, and other products that are digitally encoded and produced for commercial sale or distribution, regardless of whether they are fixed on a carrier medium or transmitted electronically'. Such commitments could therefore place serious limits on the leeway of the Parties who wish to elaborate and implement measures to protect and promote the diversity of cultural expressions in the digital environment.

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Tariffs on trade are generally considered to be protectionist and can constrain cultural exchanges and the diversity of cultural expressions

REGIONAL AND BILATERAL DISPUTE SETTLEMENT AND CONTROL MECHANISMS

In the case of the *Unión de Televisiones Comerciales Asociadas (UTECA)*, brought before the Court of Justice of the EU (CJEU),[6] the Spanish Supreme Court submitted a question related to the interpretation of some provisions in a European treaty and a European directive, and more specifically to television broadcasting activities. It was submitted in the context of a legal action lodged by UTECA against a Royal Decree of the *Administración General del Estado* requiring television operators to allocate, firstly, 5% of their operating revenue for the previous year to the funding of full-length and short cinematographic films and European films made for television and, secondly, 60% of that funding to the production of films of which the original language is one of the official languages of the Kingdom of Spain.

6. Affaire C-222/07, 12 mars 2009.

In its motion, UTECA sought to have both the Royal Decree and the legislative provisions on which it is based declared inapplicable due to their incompatibility with European law. The Spanish government claimed that the contested measure was based on cultural motives, particularly the protection of Spanish multilingualism. The Court considered that, irrespective of whether a measure adopted by a member state falls within an area covered by the European Directive, member states remain free to lay down more detailed or stricter rules than those contained in European law. The Court specified, however, that such a competence must be exercised with respect to the fundamental freedoms guaranteed by the Treaty, such as the freedom to provide services. A restriction on the fundamental freedoms may be justified only where it serves overriding reasons relating to the general interest, is suitable for securing the attainment of the objective which it pursues and does not go beyond what is necessary in order to attain this objective. In this regard, the Court considered that the objective pursed by a member state of defending and promoting one or several of its official languages constitutes an overriding reason in the public interest. The Court specified that the objective of promoting a language is sufficient and does not need to be accompanied by other cultural criteria in order for it to justify a restriction on one of the fundamental freedoms guaranteed by the Treaty. In its reasoning, the Court relied on the intrinsic link between language and culture, expressly referring to the Convention and to the 14th paragraph of its Preamble which asserts that 'linguistic diversity is a fundamental element of cultural diversity'. The Court concluded that European law does not preclude the Spanish Government from taking those measures.

Cases have also been submitted to the European Commission in the field of state aids. Within the EU, the European Commission controls state aid in all economic sectors so as to prevent member states from granting selective advantages to certain companies to the detriment of others. According to Article 108 of the Treaty on the Functioning of the European Union

© Anh Sang Soo, *the 559th hangeul day poster, 2005, France*

*L*et us salute UNESCO's initiative to commemorate the tenth anniversary of the important Convention on the Promotion and Protection of the Diversity of Cultural Expressions. As the European Commissioner for Trade, I encouraged the preparation of this text and I was proud that the European Union subsequently played a very active role in the drafting process. This was a decisive step in a long story. Recalling that 'culture is not a piece of merchandise like any other,' the European Commission of the 1990s under Jacques Delors was opposed to the inclusion of the cultural industries in the Uruguay Round that liberalized international trade. But as well as this 'defensive' attitude, an international instrument was needed as a reference point to complement the trade rules and to affirm the freedom of each state to foster creativity and cultural expressions as it sees fit. UNESCO rose to the challenge and excelled in its role. Anyone who works towards a more 'civilized' globalization must be delighted with the outcome. It does not involve enclosing cultures within their national or local boundaries; on the contrary, the Convention helps to share them in a balanced way – it encourages cultural exchange and the free movement of artists, and seeks to regulate the concentration of the cultural industries and to ensure that they respect pluralism and the diversity of creativity. It is for this reason that the monitoring of the implementation of the Convention is crucial.

Pascal Lamy
Former Director-General of the World Trade Organization

(TFEU), [7] the Commission has to assess the compatibility of state aid measures with the Single Market, but it is also allowed to recognize the very specific nature of the cultural sector. In fact, Article 107 3) d) explicitly provides for the possibility of granting 'aid to promote culture and heritage conservation where such aid does not affect trading conditions and competition in the Union to an extent that is contrary to the common interest'. In this case, state aid is 'considered to be compatible with the internal market'. This exception to the general rule governing state aid is certainly in line with the general mission of the EU in the cultural sector and its commitment to 'contribute to the flowering of the cultures of the member states, while respecting their national and regional diversity and at the same time bringing the common cultural heritage to the fore' (Article 167 of the Lisbon Treaty).[8]

The specific control of state aids by the European Commission in the field of culture has led to some significant decisions for our purposes. For example, in its analysis of two aids granted by Spain for the publication of cultural magazines (SA.34138 2012/N) and the publication of literature in the Basque country (SA.34168 2012/N), the Commission explicitly mentioned the Convention. Both measures had a cultural objective, thus indicating that the cultural derogation under Article 107 3) d) of the TFEU could be applied. The Commission recalled that the promotion of cultural diversity was considered a common interest goal and therefore found that both measures were compatible with the principles of the internal market.

The Commission also evaluated a tax credit granted by the French government to support the creation of video games with a cultural dimension (C47/2006). On the question as to whether video games could be regarded as cultural products, the Commission indicated 'that UNESCO recognizes the video game industry as a cultural industry and the role it plays in the field of cultural diversity'. It also took note 'of the argument put forward by certain third parties and by the French authorities, and in particular those according to which video games can act as a vehicle for images, values and themes that reflect the cultural environment in which they are created and may act on the ways of thinking and the cultural references of users, especially among young people'. Finally, the Commission noted 'in this connection that UNESCO has adopted the Convention on the Protection and Promotion of the Diversity of Cultural Expressions'.

More recently, the Commission examined an Italian measure consisting of a tax credit for investment in digital projection equipment (SA.27317 N673/08). In its decision, it did not mention the Convention, but referred to the *Communication from the Commission on State aid for films and other audiovisual works* (OJ C 332, 15.11.2013, p. 1) in which it is recalled that, as Party to this instrument,

7. See *http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:12012E/TXT*

8. See *www.lisbon-treaty.org/wcm/the-lisbon-treaty/treaty-on-the-functioning-of-the-european-union-and-comments/part-3-union-policies-and-internal-actions/title-xiii-culture/455-article-167.html*

Box 7.3 • *The contribution of civil society in the application of Articles 16 and 21 (2008-2015)*

Resolutions adopted by the Annual General Assembly of the International Federation of Coalitions for Cultural Diversity held in Bahia, Brazil, from 5 to 8 November 2008, 'urge the Intergovernmental Committee to address the issue of the promotion of the principles and objectives of the Convention in other international forums, in order to establish procedures and other consultation mechanisms and specified in its mandate in Article 23.6 (e)'.

Cultural organizations from ten Caribbean member States of the Commonwealth gathered in Port of Spain, 2008 and called for 'coherence in their actions, to not only ratify the convention, but to uphold and observe its principles and objectives in other international forums—notably by refraining from liberalization commitments in trade negotiations that would constrain their right to apply cultural policies and other measures in support of their domestic cultural sector'.

The conference 'Cultural diversity – For sustainable development' organized by the Swiss Coalition for Cultural Diversity in Zurich in August 2011, held debates on Article 16 of the Convention (on preferential treatment for developing countries). It emphasized that 'urgent measures must be taken with Swiss representations overseas and with immigration and employment authorities in Switzerland'.

An international Conference entitled 'The UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions: ten years after its adoption, issues and challenges for cultural policies of States' was held at Laval University in Quebec, Canada, on 28-30 May 2015, addressing in particular the topic of the linkages between the Convention and trade agreements.

The International Federation of Coalitions for Cultural Diversity organized its congress in Mons (European Capital of Culture 2015), Belgium, on 23-24 October 2015, to coincide with an international forum on 'Cultural Exception facing the challenges of the digital world'. This forum, bringing together European ministers of culture, civil society and cultural professionals, and leading to the adoption of a Final Declaration, highlighted the need to take into account the objectives of the Convention in the negotiation process of new free trade agreements, such as the EU-US Transatlantic Trade and Investment Partnership (TTIP).

Source: UNESCO, 2015

'the European Union, alongside the EU member states, is committed to integrating the cultural dimension as a vital element in its policies'. Relying on Article 4.4 of the Convention, the Communication indicated that 'the fact that a film is commercial does not prevent it from being cultural'.

OTHER RELEVANT FORUMS

The promotion of the objectives and principles of the Convention in other international forums is obviously not limited to the trade arena, but concerns a wide variety of organizations and forums whose activities can have an impact on the 'diversity of cultural expressions' (Box 7.3). By focusing our attention on identifying initiatives that led Parties to refer explicitly to the Convention (therefore excluding more general references to cultural goods and services or cultural cooperation amongst others), in forums other than trade agreements or organizations, we can identify approximately 250 texts drafted in dozens of organizations. A comprehensive presentation of these texts is hardly possible here. Nevertheless, many examples illustrate the type of organization, the major areas and the various activities that led the Parties to make explicit use of the Convention. These examples are divided into three categories: international, regional and bilateral organizations and initiatives.

INTERNATIONAL ORGANIZATIONS AND INITIATIVES

International organizations that have competencies in the field of culture or related areas have been especially active in promoting the Convention. For instance, the efforts of the International Organisation of La Francophonie (IOF) have led its member States and governments to refer extensively to the Convention, particularly in the context of declarations adopted at the conclusion of several summits. The two latest official documents referring explicitly to the Convention have been the Resolution on the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions and the Dakar Declaration[9], both adopted in Dakar in November 2014.

Other international organizations based on the use of a common language, like the International Assembly of French speaking Parliamentarians (APF), the Community of Latin American and Caribbean States (CELAC) and the Community of Portuguese Language Countries (CPLC), have adopted similar declaratory instruments. The Quebec Declaration adopted in February 2011 at the Inter-Parliamentary Conference on the Diversity of Cultural Expressions also contains several references to the Convention, including a request, formulated by the members of the Parliamentary Assembly of *La Francophonie*, 'to bring the whole weight of the Convention to bear in commercial negotiations in order to defend their rights and establish or maintain policies and measures in support of cultural expressions.'[10]

The adoption of three resolutions in the field of culture and sustainable development by the General Assembly of the United Nations also deserves mention.

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9. Francophonie Summit, Dakar, Senegal, 29-30 November 2014. 'The impact of digital technologies on the cultural environment and the need to take it into account in national policies and cooperation activities, in connection with the implementation of the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions based on technological neutrality.'

10. Paragraph 24.3, Quebec Declaration.

These resolutions stress how important it is 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 consumption and, for States parties to it, the provisions of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions'.[11]

The process of defining a post-2015 development agenda has also resulted in interesting reflection on the relationship between culture and sustainable development. Civil society stakeholders have relied on the Convention to promote a better integration of cultural considerations. United Cities and Local Governments (UCLG) has played an important role in this regard; together with several other civil society organizations, the Committee on Culture of UCLG has called on governments and policy-makers defining the post-2015 UN Development Agenda to ensure that targets and indicators on culture be included as part of the Sustainable Development Goals. In March 2015 in Bilbao, Spain, UCLG held its First Culture Summit on the theme 'Culture and sustainable cities', aiming to promote knowledge-sharing and networking among cities and local governments and recognizing the important place of culture in sustainable cities. These initiatives are listed in the wake of an important process of reflection initiated by UCLG in 2010, when it adopted a policy statement entitled 'Culture: Fourth pillar of sustainable development'.

Other major international events have noted the importance of culture and the diversity of cultural expressions for sustainable development.

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11. See §2 d) of the Resolution adopted by the General Assembly on 20 December 2010, Culture and Development, Sixty-fifth session, 65/166, 20 December 2010; the §3 a) of the Resolution adopted by the General Assembly, Culture and Development, Sixty-sixth session, 66/208, 2012; the §11 e) of the Resolution adopted by the General Assembly, Culture and Sustainable Development, Sixty-eighth session, 68/223, 20 December 2013.

> "
> *International organizations that have competencies in the field of culture or related areas have been especially active in promoting the Convention*

For instance, the Third UNESCO World Forum on Cultural and Cultural Industries 'Culture, Creativity and Sustainable Development. Research, Innovation, Opportunities', held in Florence, Italy, in September-October 2014, as well as the international seminar 'Cultural Diversity for sustainable development and dialogue among civilizations', organized by 'the Group of Arab Gulf Countries to UNESCO' in May 2013, explicitly mentioned the Convention and its crucial role in the process of sustainable development.

It is important to note, however, that only a few documents elaborated by United Nations bodies in relation to the elaboration of a post-2015 global development agenda have contained such an explicit reference. Among the exceptions are the publication of the UN System Task Team on the Post-2015 UN Development Agenda, *Culture: a driver and an enabler of sustainable development*, published in May 2012, and the Global Report Post-2015 Dialogues on Culture and Development, elaborated in 2015 by UNESCO, the United Nations Population Fund (UNFPA) and the United Nations Development Programme (UNDP). Moreover, in all three resolutions adopted by the United Nations General Assembly on the topic of 'culture and development' adopted since 2011, the Convention is referenced. Indeed, the protection and promotion of the diversity of cultural expressions has been considered crucial for achieving peace, development and respect of human rights.

Indeed, Parties will continue to face the challenge of promoting the objectives and principles of the Convention in forums where culture is not a priority action area. Yet the work carried out within such forums is of the utmost importance for the future of the Convention since

policies and measures in and for the cultural sector alone are not the only ones that impact upon its objectives. The interactions and overlaps resulting from the work of numerous organizations needs therefore to be turned to the advantage of the diversity of cultural expressions, or at least not be harmful to it. Furthermore, the changes triggered by digital technologies should encourage the Parties to promote the objectives and principles of the Convention within a greater diversity of international organizations. Here are two examples. The Convention was taken into account in the Revised Draft Basic Proposal for the WIPO Treaty on the Protection of Broadcasting Organizations of 2006. More recently, WIPO has started to study the digital divide and its impact on development and intellectual property. Based on certain recommendations in its *Development Agenda* adopted in 2007, WIPO launched a 'Project on Intellectual Property, Information and Communication Technologies (ICTS), the Digital Divide and Access to Knowledge'. Within the framework of this project, the 'Feasibility Assessment on Possible New WIPO Activities Related to Using Copyright to Promote Access to Information and Creative Content', presented in May 2013, proposed a number of activities that could help promote the diversity of cultural expressions.

The International Telecommunication Union (ITU), whose mission is to enable the growth and sustained development of telecommunication and information networks, is also relevant. Given the phenomenon of media convergence, ITU activities can have a major impact on access to content and the evolution of the diversity of cultural expressions. In this regard, it is worth noting that fostering and respecting cultural diversity were identified as fundamental principles at the World Summit on the Information Society (WSIS), which was an initiative of the ITU Plenipotentiary Conference. UNESCO subsequently played a major role in implementing the results of this first summit. During the first phase of WSIS+10, which was held at UNESCO Headquarters in February 2013, and jointly organized by ITU, UNDP and

the United Nations Conference on Trade and Development (UNCTAD),[12] the issue of cultural diversity was examined from several angles (media pluralism, multilingualism, internet access, digital divide, etc.).[13] WSIS also led to the creation of the Internet Governance Forum (IGF), in which UNESCO is a participant. Organized for the first time in 2006, this forum brings together States, non-governmental organizations and representatives of the private sector to discuss the development of the internet. While the Forum does not adopt any decisions, its discussions influence the behaviour of decision-makers and other actors involved in internet governance and regulation. It goes without saying that the debates at both WSIS and IGT, as well as the policy orientations formulated there, can have a major impact on the evolution of the diversity of cultural expressions in the digital environment.

REGIONAL ORGANIZATIONS AND INITIATIVES

Many declarations, resolutions, recommendations or decisions adopted at the regional level in the field of culture also refer explicitly to the Convention. For instance, in the *Declaracion XVIII Foro de Ministros y Ministras de Cultura y encargados de políticas culturales de América Latina y Caribe* adopted on 22 July, 2011, the ministers reaffirmed their commitment to implementing the Convention, which is considered as a 'valuable tool for cultural management' of their countries. In the Asia-Pacific Region, the *Dhaka Ministerial Declaration on the Diversity of Cultural Expressions*, adopted on 11 May, 2012, recommended the ratification of the Convention and invited the States to 'facilitate dialogue [...] on cultural policies promoting and protecting the diversity of cultural expressions' and to 'foster co-production agreements among States, as well as facilitate market access for co-productions'.

The discussion on the link between culture and sustainable development has also led to some interesting initiatives at regional level, some of them referring explicitly to the Convention. This was the case of the *São Paulo Declaration on Culture and Sustainability*, adopted in April 2012 and the *Declaration and the Plan of Action of Sun City*, adopted in September 2006, by ministers, officials and representatives of civil society from the 16 countries of Africa and its diaspora.

Political or economic-oriented regional organizations have also paid attention to the Convention. For example, the European Parliament's resolutions of 12 May 2011 on the cultural dimensions of the EU's external actions (2010/2161 (INI)), and on unlocking the potential of cultural and creative industries (2010/2156(INI)).[14] The Council of Europe has also adopted several instruments promoting the diversity of cultural expressions, such as the *Recommendation CM/Rec(2009)7 of the Committee of Ministers to member States on national film policies and the diversity of cultural expressions*, adopted in September 2009. More recently, in 2014, the Surveillance Authority of the European Free Trade Association (EFTA), adopted the Film and Audiovisual Guidelines. Recalling Article 4.4 of the Convention, the Guidelines state that '[i]n line with [this instrument], the Authority notes that the fact that a film is commercial does not prevent it from being cultural.' The Eastern Partnership (EaP) between EU member states and countries in Eastern Europe and the Caucasus has encouraged the ratification of the Convention and has stressed the importance of cultural investment for social and economic development. Finally, four stabilization and association agreements concluded by the EU with Western Balkan countries refer to the Convention in a provision devoted to cultural cooperation. In Latin America, MERCOSUR has emphasized the importance of the Convention and its principles in several documents adopted in the field of culture or multisectoral cooperation.

BILATERAL INITIATIVES

Finally, the objectives and principles of the Convention can also guide the bilateral relations of Parties. It is useful to distinguish initiatives that are truly cultural from those that are initiated in other domains. With regard to cultural cooperation, the conclusion of agreements in the area of cinematographic co-production seems particularly conducive to the incorporation of explicit references to the Convention, provided of course that such agreements are concluded between two Parties to this Convention. Examples of such agreements concluded by France include the agreement between the Government of France and the Government of Slovenia, the Film cooperation agreement between the National Centre for Cinema and the Moving Image and the Institute of Cinema and Audiovisual of Uruguay, as well as the agreement between the Government of France and the Government of Cambodia on cinematographic co-production.

Article 21 of the Convention has also been implemented through a considerable number of bilateral memoranda of understandings, declarations and programmes in the cultural field. As an example, we can mention the *Common Declaration on cultural cooperation* signed by Quebec City and Buenos Aires, the Memorandum of Understanding between the Department of Canadian Heritage and the Ministry of Culture of the Government of the Republic of India on Cultural Cooperation, as well as the *Executive Programme of cultural cooperation between Italy and Brazil for the period 2010-2013*.

In addition, it is worth mentioning the conclusions of several joint declarations in the field of culture. For instance, in a joint declaration signed in October 2007 by the European Commission (EC) and China, the Parties agreed to promote main existing instruments in the field of culture, referring explicitly to the Convention.

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12. The second phase took place at ITU in May 2013.

13. UNESCO, *Towards Knowledge Societies for Peace and Sustainable Development: First WSIS+10 review meeting. Results*, 25-27 February 2013, UNESCO, Paris, 24 pp.

14. See: *http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:C:2012:377E:TOC*

This was followed by the China Forum on Cultural Industries, held in Schenzen, China, in 2009, and by the High-Level Cultural Forum between the two Parties, which took place in Brussels in October 2010. In 2009, the European Commission also signed a joint declaration with Mexico in which the Parties recognized the vital contribution of international cultural cooperation and expressed their intention to establish a policy dialogue on culture, focusing mostly on cultural diversity and the implementation of the Convention.

Besides these initiatives taken in the cultural field, the Convention has also been used in multi-sectoral cooperation agreements. These agreements, as well as programmes and memoranda of understanding, cover sectors such as education, human rights, terrorism, democracy, health, energy, environment, sustainable development, economic investment and others. Examples include a partnership and cooperation agreement between the EU (and its member states) and Iraq, and the Multisectoral cooperation agreement between the Government of Quebec and the Government of Rio de Janeiro.

CORE INDICATORS AND MEANS OF VERIFICATION

The promotion of the Convention in other international forums is clearly of great importance and needs to be systematically monitored. The following three core indicators for this purpose and their means of verification could be the following:

Indicator 7.1

Parties promote the objectives and principles of the Convention in other international and regional foums

Means of verification

• Evidence of Parties intervening in international or regional ministerial meetings/events to promote the objectives and principles of the Convention

• Evidence of Parties advocating for the inclusion of culture in international and regional development agendas

• Evidence of Parties engaging in dialogue with States not party to the Convention to encourage ratification

Indicator 7.2

International and regional treaties and agreements a) refer to Convention and b) are evaluated

Means of verification

• Explicit references to the Convention in multilateral, regional and bilateral culture agreements

• Explicit references to the Convention in multilateral, regional and bilateral trade agreements

• Explicit references to the Convention in other international and regional agreements (e.g. UN Sustainable Development Goals, EU Digital Single Market)

Indicator 7.3

Policies and measures to implement international and regional treaties and agreements that refer to the Convention are a) established and b) evaluated

Means of verification

• Measures to implement provisions for cultural goods and services outlined in multilateral, regional and bilateral culture agreements that explicitly refer to the Convention

• Measures to implement provisions for cultural goods and services outlined in multilateral, regional and bilateral trade agreements that explicitly refer to the Convention, or its objectives and principles

• Measures to implement provisions for cultural goods and services outlined in other international and regional agreements with explicit references to the Convention, or its objectives and principles (e.g. UN Sustainable Development Goals, EU Digital Single Market)

CONCLUSION

The implementation of the Convention does not depend only on the adoption of national policies to protect and promote the diversity of cultural expressions, and the strengthening of international cooperation and solidarity to enhance the capacities of developing countries and rebalance cultural trade. The successful implementation of this treaty also requires the recognition of its objectives and principles in other international forums. In other words, it requires the capacity and political will of the Parties to refuse any form of commitments under other treaties that could limit their right to adopt cultural policies of their choice.

Over the last ten years, the Parties have been particularly active in promoting the objectives and principles of the Convention in international organizations that have some responsibility in the field of culture. Hundreds of documents reflect this practice. In other forums, however, the results are limited. It must be noted that remarkable progress has been made in some trade agreements, especially those concluded by the EU and several Parties. In addition, the use of the cultural exemption has increased. Several agreements are examples of good practice that could inspire Parties in the implementation of Article 21. But in other areas such as telecommunications, intellectual property, human rights, sustainable development and many others, the challenge remains and Parties will have to stay vigilant so that the diversity of cultural expressions may continue to flourish, regardless of the forums in which they come together to cooperate.

> **The creative sector is a factor of inclusive and sustainable growth across the world, at national and regional levels. Cultural activities can also provide a livelihood to vulnerable, marginalized groups**

Neven Mimica
European Commissioner
for international cooperation and development

INTEGRATE CULTURE IN SUSTAINABLE DEVELOPMENT FRAMEWORKS

© Jaime Rojo, El Anatsui Shows Both "Gravity and Grace" in New York – Ink Splash, 2013, United States/Ghana

Culture in sustainable development

David Throsby[1]

KEY MESSAGES

》》》 *Implementation of the sustainability provisions of the Convention can be interpreted as the formulation of strategies to achieve culturally sustainable development, a concept that brings together the cultural and economic dimensions of development in a framework emphasizing growth, equity and cultural integrity in the development process.*

》》》 *The cultural industries can be a major target for policy leading towards development that is both economically and culturally sustainable; policy initiatives to support the growth of these industries can yield significant long-term economic, social, cultural and environmental benefits.*

》》》 *There is considerable scope for donor countries to promote the integration of culture in sustainable development in the global South through their Official Development Assistance (ODA) strategies and programmes; a particular avenue for such assistance is through technical assistance and expertise to help overcome disadvantage in recipient countries' access to new information and communications technologies, and to promote the connectivity essential for developing countries' participation in international markets for their cultural goods and services.*

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economic
growth and
employment

creativity
and artistic
innovation

17 PARTNERSHIPS FOR THE GOALS

1 NO POVERTY

2 ZERO HUNGER

3 GOOD HEALTH AND WELL-BEING

16 PEACE AND JUSTICE STRONG INSTITUTIONS

4 QUALITY EDUCATION

15 LIFE ON LAND

5 GENDER EQUALITY

14 LIFE BELOW WATER

Culture and
creative industries

6 CLEAN WATER AND SANITATION

13 CLIMATE ACTION

7 AFFORDABLE AND CLEAN ENERGY

12 RESPONSIBLE CONSUMPTION AND PRODUCTION

8 DECENT WORK AND ECONOMIC GROWTH

11 SUSTAINABLE CITIES AND COMMUNITIES

10 REDUCED INEQUALITIES

9 INDUSTRY, INNOVATION AND INFRASTRUCTURE

social equity
and inclusion

environmental
sustainability

Support for culture through official development assistance (ODA)
[US$ million]

2005   373.8

2005   110.2

2013   248.8

2013   82.8

Total sum of cultural ODA
from **top 10 donor countries**

Total sum of cultural ODA
by **top 10 recipient countries**

The concept of sustainability, or sustainable development, was one of the key ideas motivating the evolution of thinking during the 1990s about the possibilities for a new international instrument in the area of culture. Developing countries in particular were becoming increasingly concerned at the impacts that globalization was having on their trade and development. Cultural exports from these countries were being swallowed up in the global market place, while at the same time they had few resources to protect their own cultural diversity from the penetration of cultural influences originating beyond their borders. These concerns were exacerbated in developing countries by the generally slow pace of economic development and by the failure of development strategies to come to grips with the underlying problems that were holding back economic, social and cultural growth. In these circumstances, it was thought that some form of international agreement that integrated culture into development processes could be one way of identifying the specific needs of these countries and of proposing remedies. As momentum for an international convention grew during the 1990s and early 2000s, the paradigm of sustainable development emerged as an appropriate framework within which such an agreement might bring together economic, social, cultural and environmental aspects of development.

However, although ideas about economic and environmental sustainability had become incorporated into policy making in a number of areas following the recommendations of the World Commission on Environment and Development in the 1980s and decisions reached at the Earth Summit in Rio in 1992, their extension to include culture was rare. Despite the work of the World Commission on Culture and Development in 1992–1994, opportunities to recognize the linkages between economic and cultural development within the context of sustainability in both developed and developing countries were being overlooked (World Commission on

Environment and Development, 1987; World Commission on Culture and Development, 1996). It was for these reasons that sustainable development was specifically included as a matter to be taken into consideration in the drafting of the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions (hereafter the Convention). The inclusion of sustainability in these processes was intended to focus attention on the need for a holistic view of the development process, and to bring culture and cultural processes into consideration alongside economic and environmental objectives within a sustainability framework (Throsby, 2012).

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> *Just as natural capital includes natural resources, ecosystems and biodiversity, so also does cultural capital contain cultural resources, cultural networks and cultural diversity*

In the final text of the Convention as it was adopted in October 2005, sustainability appears in Article 2 Paragraph 6 *Principles of sustainable development* and Article 13 *Integration of culture in sustainable development*. The Principle in Article 2 refers to the interpretation of cultural diversity as an item of cultural capital that yields individual and social benefits for present and future generations. The full statement in Article 13 sees culture not just as a pre-condition for development, but as an integral component of the development process. Such a proposition opens the way towards defining culturally sustainable development, a concept that provides a framework within which Parties can foster the protection and promotion of the diversity of cultural expressions by the various means elaborated in other articles of the Convention. The concept of culturally sustainable development derives from the close parallels between natural and cultural

capital, where the latter, in its economic interpretation, is defined as assets which embody or give rise to cultural value in addition to whatever economic value they may possess (Throsby, 1999). Just as natural capital includes natural resources, ecosystems and biodiversity, so also does cultural capital contain cultural resources, cultural networks and cultural diversity. Thus, it is possible to spell out a set of principles for cultural sustainability that mirrors what can be specified for ecologically or environmentally sustainable development (Throsby, 2008). These principles provide a set of criteria by which the impact and potential of Article 13 can be assessed.

The most important principles of culturally sustainable development can be summarized as follows:

- **intergenerational equity:** development must take a long-term view and not be such as to compromise the capacities of future generations to access cultural resources and meet their cultural needs; this requires particular concern for protecting and enhancing a nation's tangible and intangible cultural capital.

- **intragenerational equity:** development must provide equity in access to cultural production, participation and enjoyment to all members of the community on a fair and non-discriminatory basis; in particular, attention must be paid to the poorest members of society to ensure that development is consistent with the objectives of poverty alleviation.

- **importance of diversity:** just as ecologically sustainable development requires the protection of biodiversity, so also should account be taken of the value of cultural and creative diversity to the processes of economic, social and cultural development.

The above criteria are particularly relevant in policy terms to a focus on the cultural industries – those industries that produce cultural

goods and services and that link culture and the economy in ways that acknowledge both the economic importance of creative activities and the specific cultural value inherent in and produced by these activities. Thus, a strong link is established between the aims of Article 13 and the role of the cultural and creative industries in the development process. Assessment of the strength of this link is an important issue in monitoring the implementation of the Convention.

The link between the cultural industries and sustainable development is also especially relevant at the present time, given the focus on sustainability in the UN's new agenda for development that will replace the Millennium Development Goals. In the set of goals that make up the Sustainable Development Goals 2030, culture is mentioned in several contexts, although the only specific reference to culture's contribution to sustainable development occurs in Goal 4 which deals with education. The production and marketing of cultural products is referred to only in relation to sustainable tourism (Goals 8 and 12). There is therefore considerable scope for the Convention in general, and Article 13 in particular, to provide a framework and a forum for keeping the role of culture in sustainable development at the forefront of international policy-making in the years ahead.

This chapter considers the range of strategies and measures undertaken by Parties to the Convention, and reported in their Quadrennial Periodic Reports (QPRs), to fulfil the intentions of Article 13 and discusses the identification of indicators for monitoring progress. The types of overall strategies at both national and international levels are considered first, followed by a detailed account of the measures adopted in implementing these strategies, again at national and international levels. Relevant indicators are then discussed and some policy implications are drawn.

IMPLEMENTATION STRATEGIES

Unlike other Articles in the Convention, Article 13 is somewhat general in its specification of what Parties are expected to do in order to conform to its high-level aspirations. Indeed, the provisions of Article 13 could be seen to extend into a number of areas dealt with in other parts of the Convention. Thus, it is occasionally difficult to pin down which strategies and measures relate specifically to sustainability as such, rather than to cultural policy more generally. Nevertheless, given that all other aspects of the Convention are being discussed elsewhere in this report, the present chapter is confined as far as possible to those aspects that relate specifically to the integration of cultural and creative industries in sustainable development.

Strategies aimed at fostering the cultural sector's contribution to sustainable development may be pursued by Parties to the Convention at national and/or international levels (Box 8.1). National-level strategies refer to those relating to the country itself, whereas international strategies are those aimed at assisting other countries in their development processes, typically seen in overseas development assistance (ODA) programmes. By and large, the latter strategies are undertaken by developed countries, although there are occasional South-South interchanges that fall into this category.

At the national level, three groups of strategies adopted by Parties in implementing Article 13 can be identified. Firstly, some countries have pre-existing national plans for the medium- to long-term development of the whole economy into which culture is to be integrated in some way. When these strategies are labeled as sustainable development plans, they have mostly been instigated to promote sustainable development in the ecological sense, and are oriented towards dealing with overarching environmental problems such as pollution, climate change, waste disposal, etc. in the context of macroeconomic planning. Examples of countries with national development plans focused on general economic development include Burundi, Côte d'Ivoire, Dominican Republic, Ecuador, Kuwait, Latvia, Namibia and Tajikistan.

In some countries, national plans that are explicitly directed at sustainable development include culture as one sector contributing to sustainability objectives; examples include France, Germany, Kenya, Malawi and Serbia. A country where the role of culture in national planning is taken account of in exemplary fashion is Burkina Faso. The formulation of development policy in Burkina Faso is subject to the Strategy for Accelerated Growth and Sustainable Development (SCADD), covering the period 2011–2015 (IMF, 2012).

Box 8.1 • *Strategy for culture in sustainable socio-economic development in Malawi*

Malawi's second medium-term national development plan (Malawi Growth and Development Strategy II) places culture in the thematic area of sustainable social and economic development. This Strategy sees industry development as a priority area, and incorporates the cultural and creative industries on equal terms alongside other industrial sectors. The policy contains guidelines aimed at strengthening institutional capacity, promoting research on the cultural industries, encouraging arts education and entrepreneurship, and establishing a National Arts and Crafts Council. One of the major challenges facing cultural sector development in Malawi is the availability of financial resources. Measures have therefore been set out to ensure financial and technical resources are available to support the sustainable development of the cultural industries. The Malawi case illustrates how a policy vision for integrating culture in sustainable development can be incorporated into a practical national planning framework.

Source: www.mw.one.un.org/wp-content/uploads/2014/04/Malawi-Growth-and-Dedvelopment-Strategy-MGDS-II.pdf

The overall objectives of the strategy address issues of community health, education, poverty reduction, environmental sustainability and growth performance. Culture is included as a priority sector, with a range of objectives including development of the cultural industries, promotion of cultural exports, funding mechanisms and the advancement of cultural tourism.

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In some countries, national plans that are explicitly directed at sustainable development include culture as one sector contributing to sustainability objectives

The second group of strategies concerns sustainable development plans drawn up specifically for the cultural sector. Countries that have implemented or are currently implementing such strategies include the Czech Republic, Mexico, Montenegro, Togo and Ukraine. These plans take an overall view of the cultural and creative industries, providing support and assistance measures that have application across the whole cultural sector and that are consistent with sustainability objectives.

The third group of strategies concerns targeted interventions at the sub-sector or industry level. In some cases, this type of strategy relates to a cultural industry regarded as being of particular national significance as in the case, for example, of the book industry in Armenia, where a multifaceted strategy has been implemented involving such initiatives as support for writers, promotion of translation, an annual festival and free distribution of locally-produced books.

Turning to international strategies, we noted above that these are primarily undertaken by developed countries via their ODA programmes. Such countries specifically identify the cultural and creative industries and the cultural sector more generally as one of

the targets for their overall development assistance activities, often with a focus on local capacity-building. For example, Sweden channels cultural support through its International Development Cooperation Agency (Sida) and through multilateral channels, making a particular priority of culture in the promotion of democracy and freedom of expression. Other countries operating significant development assistance programmes with a strong sustainability focus include Canada, Finland, France, Germany and New Zealand. In some instances, countries engage in joint or collaborative projects aimed at integrating culture into the sustainable development policies and programmes of partner countries in the developing world. For example, Austria has supported initiatives in a number of partner countries including Bosnia and Herzegovina, Bhutan, Nepal, Nicaragua and Uganda.

Box 8.2 • *Culture in sustainable development planning in Kenya*

The blueprint for long-term development in Kenya is the Kenya Vision 2030. Incorporated into the vision is the government's conviction that culture is a key to the country's sustainable development. The policy will ensure that national cultural assets in all their forms will be enhanced and preserved for future generations in accordance with sustainability principles. The vision emphasizes the importance of promoting creativity and dialogue amongst the country's diverse cultures, and fosters international cooperation especially in information and technology transfer.

The Kenya Vision 2030 will be realized over a succession of five-year planning horizons that were initiated in 2008. In addition to national planning, provision is made for the implementation of local-level strategies. Plans are also underway for construction of an International Cultural Centre to act as a flagship project for Vision 2030 and to assist in mainstreaming culture in Kenya's sustainable development.

Source: *www.vision2030.go.ke/*

Similarly, Denmark supports joint projects in Ghana, including a film training project, a music education for children project and a music festivals project.

The above discussion and examples deal with overall strategies for implementing Article 13. In the following sections, we turn to specific national and international measures, classified according to purpose.

Measures undertaken by Parties to promote the role of culture in sustainable development strategies within their own territory can be classified into four groups:

- Measures to integrate culture into national development planning;

- Measures specifically designed to achieve economic, social, cultural and/or environmental benefits, especially poverty alleviation, social inclusion, artistic or cultural outcomes, environmental improvements, etc;

- Measures specifically designed to secure fairness, non-discrimination and gender equity in access to cultural resources and participation across the population and amongst disadvantaged or marginalized groups;

- Measures specifically designed to achieve equitable distribution of cultural resources and opportunities for cultural participation between regions and between rural and urban areas.

In this section, we use this classification to consider the measures undertaken by Parties to integrate culture in sustainable development, with illustrative examples where appropriate.

NATIONAL DEVELOPMENT PLANNING MEASURES

Most governments engage in some form of planning that becomes enshrined in a national development plan extending over some forthcoming time period (Box 8.2).

Typically, such plans cover a five-year or ten-year period and are built around a statement of national objectives. Almost always the management of the national economy is the dominating concern, with the traditional macroeconomic goals of economic growth, full employment, price stability and external balance being the primary focus. If the plan makes reference to sustainable development, it is likely to include a range of environmental objectives as well. Such national development plans may make no reference to culture whatsoever, or simply allude to the country's culture as a determinant of national aspirations. In other cases, some reference to the economic contribution of the cultural industries may be included, as for example in Latvia, where the creative industries are mentioned as having a significant role in realizing the country's economic potential, or Namibia, whose National Development Plan includes measures to optimize the economic contribution of the arts and culture.

In formulating their national-level development strategies, many countries make specific reference to the social and cultural objectives of national planning in addition to the basic goals of promoting economic growth. For example, distributional objectives may be expressed in terms of national targets for poverty reduction, and social issues may be addressed through goals relating to education, health, social welfare, and so on. Three cases illustrate the incorporation of social/cultural objectives into national-level development planning.

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> *In formulating their national-level development strategies, many countries make specific reference to the social and cultural objectives of national planning in addition to the basic goals of promoting economic growth*

The first example is Bulgaria, which includes culture in national strategies for poverty eradication, social inclusion and services for youth and older people. Secondly, Ecuador's National Plan contains a number of social and cultural objectives, including improving citizens' quality of life, affirming and strengthening national identity and building public spaces for intercultural and social interactions. Thirdly, Ukraine's Development Cultural Strategy 2020 aims to foster social cohesion and solidarity via mechanisms, values and goals that respond to the challenges facing that country at the present time. It should be noted, however, that these examples do not target the 'diversity of cultural expressions'.

MEASURES AIMED AT ACHIEVING ECONOMIC, SOCIAL, CULTURAL OR ENVIRONMENTAL OUTCOMES

Economic outcomes

As noted above, policies aimed at integrating culture into sustainable development are likely to be directed particularly towards the cultural industries, which have the capacity to generate direct economic benefits through their contribution to national output, value added, personal incomes, exports and employment. A range of policy instruments is available to government for stimulating and supporting the cultural and creative sector (Boxes 8.3 and 8.4). Those utilized by Parties specifically in their efforts to implement the provisions of Article 13 include the following:

- **Support for small- and medium-enterprises (SMEs):** The importance of SMEs in the cultural and creative industries of developing countries is well known. Such enterprises are a key element in ensuring sustainable development outcomes that deliver both economic and cultural value to local communities. This is well understood, for example, in Bangladesh where support for SMEs in the cultural sector is provided through the Bangladesh Small and Cottage Industries Corporation (BSCIC). This organization strives to create efficient SMEs that can compete in a liberalized market environment. It does this by providing technical and marketing assistance, encouraging an export orientation, and developing creativity, innovation and professional growth. Another example is Lithuania, which supports start-ups and business incubators for SMEs in the cultural sector.

- **Marketing and promotion:** Small independent producers of cultural goods and services frequently have difficulty in accessing markets for their output and in promoting their wares to consumers. National, regional and local authorities can provide assistance in this area, for example by facilitating the establishment of co-operatives, or by sponsoring campaigns to promote local products both domestically and internationally (McComb, 2012). Argentina, for example, has implemented strategies for marketing the country's arts as a means towards revitalizing traditional cultural and creative industries.

Box 8.3 • *Support for cultural micro-projects in Brazil*

A programme was set up in Brazil in 2009 to provide non-repayable financial support to small projects being undertaken by artists, independent groups and cultural producers. The beneficiaries are individuals and organizations who do not or cannot access traditional sources of financing. The areas covered include the visual arts, theatre, music, literature and audio-visual production. The project operates at grass roots level with an added emphasis on cultural equity through its engagement in regions where social vulnerability is high. Small-scale projects can collectively make a significant impact on economic and cultural development, but their very smallness may cause them to be overlooked. This Brazilian programme illustrates how such projects can be made a specific target of intervention.

■ **Training and skills development:**
In many countries, the skills necessary to enable the traditional cultural and creative industries to embrace the modern economy are in short supply or are non-existent. Particular areas where skills development may be necessary are in new technologies and in management. Specific courses to teach skills required for the cultural and creative industries may be provided. Argentina, for example, is conducting a wide range of such courses across the national territory in both traditional craft skills and in the requirements for handling new technologies. In the management field, several countries have established small and medium-sized culture-based projects to deliver training and development of entrepreneurial initiatives. For example, Uruguay has a series of 'Cultural Assembly Plants' in different regions which act as spaces for social and cultural interaction and provide facilities for training, and Croatia has launched a programme to develop entrepreneurial activity in areas such as adoption of new technologies and marketing of cultural products.

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> *Culture and the arts make a significant contribution to the achievement of the social objectives of sustainable development policies*

■ **Support for cultural institutions:**
Included under this heading are measures to ensure the long-term conservation of cultural capital assets and the efficient management of major cultural institutions such as museums, libraries and archives. These assets generate significant economic benefits through the services they provide for local residents and for tourists. Many countries include the conservation of buildings and sites in their sustainable development programmes, including Bolivia, Mexico, Mongolia, Peru, Poland, Portugal and Serbia. For cultural institutions such as museums and archives, digitization of cultural collections is a means of guaranteeing their preservation and greatly facilitates public access to them. Examples of countries venturing down this path are Lithuania and Luxembourg.

Social outcomes

Culture and the arts make a significant contribution to the achievement of the social objectives of sustainable development policies (Kabanda, 2014). A variety of measures are available to governments, non-governmental organizations (NGO), community groups and so on to facilitate the generation of the social benefits yielded by the cultural sector. We draw attention to three such strategies:

■ Sustainable social benefits can be yielded by programmes to raise community awareness and engagement in culture. Countries where these aspects feature in their sustainable development efforts with regard to culture include Jordan, the Republic of Korea and Uruguay. Another example is Germany, where the Council for Sustainable Development has made community awareness a priority, including policy benchmarks for cultural diversity in education for sustainable development and promoting consumption patterns and lifestyles in the context of a sustainable economy.

■ The creative arts have significant potential to foster social cohesion. Community participation, both active and passive, in artistic activity can break down social barriers, reduce tensions and promote intercultural dialogue. An example of a country that is implementing a specific strategy to foster social cohesion and national reconciliation through the arts is Côte d'Ivoire. The strategy involves a series of projects including dance and music performances for the main ethnic communities, as well as a 'national caravan of art and culture' and a 'caravan for national reconciliation' that travelled to various regions of the country in 2012. These different artistic presentations served to bring the people closer together in the various locations visited.

■ Measures providing community education and training programmes as components of sustainable development initiatives can yield considerable social benefits.

Box 8.4 • *Lithuania's Creative Industries Promotion and Development Strategy*

An important policy initiative to foster sustainable development in Lithuania is that country's Creative Industries Promotion and Development Strategy, which was initiated in 2007 and reviewed in 2009. The industries involved include a full range across the entire cultural sector and beyond. One vehicle for implementing the strategy is the Creative and Cultural Industries Association, which undertakes a wide range of functions in research, conference organization, training, policy representation, and so on. It coordinates cooperation between artists, cultural organizations, communities, educational bodies and science institutions in order to promote and raise the profile of cultural industries in Lithuania. Another measure included in the Strategy is support for art incubators – non-profit organizations that support artists, assist in the establishment of creative businesses and encourage the community to participate in cultural life. The Strategy also undertakes some funding of cultural industry projects, including support for international fairs in the fields of visual art, design and books.

The implementation of the Strategy is overseen by the Ministry of Culture and involves the cooperation of other Ministries as well. The Lithuanian Creative Industries Promotion and Development Strategy is a good example of a comprehensive policy measure to advance the contribution of the cultural industries to sustainable development.

For example, both Hong Kong and Macao have initiated such education and training programmes at different levels. The Leisure and Cultural Services Department in Hong Kong organizes free arts education and audience-building activities in schools and communities across the territory, and the Music Office provides a variety of music training courses, music appreciation seminars and workshops among the general public, especially youngsters. A further example is Ukraine's training sessions on 'Cultural strategies for successful community development' delivered in various cities and districts.

Cultural outcomes

The concept of culturally sustainable development outlined earlier in this chapter stresses the importance of cultural value as a necessary aspect of the value created by the arts and cultural sector. In many cases, the cultural value yielded by the cultural and creative industries can be exploited for economic benefit, but it is also important for its own sake. Many of the sustainable development measures discussed in this section can be seen to have a long-term payoff measured in purely artistic or cultural terms. The intrinsic value of cultural expressions may be identified in a variety of forms, including aesthetic, social and spiritual dimensions. Illustrations are provided in a number of countries by artistic activities that reflect local or national cultural identity – such activities yield pure cultural value that can be appreciated for its own sake both within and beyond those countries. For example, the murals in Mexico City are widely recognized as having significant aesthetic qualities as well as social importance in expressing some aspects of Mexican culture. A further example can be drawn from the music industry in Senegal. This industry reflects both folk and colonial traditions that have been adapted and developed to produce a contemporary music genre with strong intrinsic value and a distinctive artistic identity (Pratt, 2008).

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The intrinsic value of cultural expressions may be identified in a variety of forms, including aesthetic, social and spiritual dimensions

A further source of pure cultural value can be found through the stimulation of creativity. Although the promotion of creativity in children and support for the application of creative thinking in the workplace can be pursued for instrumental reasons, there are fundamental long-term benefits of a purely cultural nature to be derived, for example, from the sorts of unexpected artistic innovation that arise in a society where creativity is valued for its own sake. Several countries illustrate the value of fostering creativity and artistic innovation in their cultural development policies, including Brazil, Jordan and Montenegro.

Environmental outcomes

It is possible to link culture with the pursuit of ecological or environmental sustainability. We can highlight three avenues through which this linkage may be established:

- Arts organizations can take a leading role in the adoption of sustainable practices, for example in energy use. Buildings housing museums, theatres etc. may be presented as exemplary cases of the adoption of green design principles.

- Artists and artistic ensembles can be powerful advocates for environmental awareness in regard to major issues such as climate change. In particular, the use of the arts as a vehicle for environmental education of school children can be a powerful educational tool. Greece, for example, emphasizes culture/environment connections in its educational programmes.

- Environmental concerns are a key feature of strategies to improve the sustainability of cities.

Many programmes aimed at urban sustainability invoke cultural dimensions of city life as an element in the planning and implementation of urban development policy (Anheier and Isar, 2012; Basiago, 1999). In so doing, such programmes can contribute to fostering a greater understanding of the linkages between environmental sustainability and the principles of culturally sustainable development interpreted specifically in an urban context.

Countries which make reference to environmental sustainability in their measures for the integration of culture in sustainable development include Canada, France and Switzerland.

MEASURES AIMED AT ACHIEVING FAIRNESS, NON-DISCRIMINATION AND GENDER EQUITY

The achievement of fairness, justice and non-discrimination in access to cultural participation and in the allocation of cultural resources is an important principle of the sustainable development paradigm when applied to culture. Implementation of this principle may be pursued through addition of particular provisions or conditions to more general measures to integrate culture in sustainable development, or through specific policies or strategies targeted at particular groups in the population. Four such groups may be identified:

- People with disabilities may need special provisions to allow them full access to artistic and cultural engagement and participation. A number of countries provide cultural programmes designed specifically for people with disabilities, including Bulgaria, Ireland and the Republic of Korea. An exemplary case is China, which has attached great importance to the cultural needs of blind people, and has taken steps to secure their access to education and culture. For example, China has established a National Braille Press to provide

rich and diverse materials for blind readers, and has set up an extensive braille library in the China Culture and Information Service Centre for the visually impaired.

- A range of vulnerable or disadvantaged groups exists in any society, including the homeless, the chronically ill, the long-term unemployed and those suffering the ill-effects of poverty. A number of countries have programmes of various sorts to assist such people through provision of cultural services, including Guinea and Uruguay. A particular group where a special-purpose educational programme can make a difference is children from poor households; countries implementing such programmes include Bangladesh and the Netherlands.

- In some countries, ethnic minorities can suffer discrimination leading to long-term disadvantages. Social and cultural strategies can be particularly important in easing ethnic tensions and promoting intercultural dialogue. An example of a country implementing such a strategy is Slovenia, which has introduced measures to enable recognition of the rights of the Roma people.

- Discrimination on the grounds of gender or sexual orientation constitutes a serious social problem in many parts of the world. In cases where such discrimination is argued to be justified by reference to traditional cultural norms and practices, it is appropriate to invoke a key principle of cultural sustainability which relies on the fundamental concept of human rights; this implies that when cultural and human rights are in conflict, the latter should prevail. Measures to counter these forms of discrimination include affirmative action programmes of various sorts, and community cultural awareness education and campaigns.

© Tim Green, *House of Knowledge, a sculpture by Jaume Plensa*, United Kingdom

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The European Union has a strong interest and role in culture, both inside the EU and externally. The EU as a signatory to the 2005 UNESCO Convention is fully committed to the principles of this treaty.

Culture can be viewed as a public good par excellence. Through culture, we can promote and strengthen principles and values such as freedom of expression, democracy, tolerance, social justice and mutual respect. Citizens' participation in cultural life improves social cohesion and community empowerment. The creative sector is a factor of inclusive and sustainable growth across the world, at national and regional levels. Cultural activities can also provide a livelihood to vulnerable, marginalized groups.

The important role of culture in international cooperation and development is reflected in the various actions that the EU is financing to promote cultural and creative industries, notably in the Mediterranean region and in the African, Caribbean and Pacific countries. We are particularly conscious of the catalytic role that cultural programmes and projects can have in embedding concepts of freedom of expression, equality (including gender equality) and the free flow of ideas.

The EU has supported the Convention's implementation with the objective of strengthening cultural governance in 13 developing partner countries. I am pleased that this has been instrumental in developing cultural policies in these countries and raising awareness of the importance of such polices and of the Convention itself.

Neven Mimica

European Commissioner for International Cooperation and Development

MEASURES AIMED AT ACHIEVING REGIONAL EQUITY

In many countries, serious imbalances may occur in the distribution of cultural resources between regions, leading to unfairness across the population in access to all types of cultural participation. This situation arises particularly in countries with major metropolitan centres that tend to attract a disproportionate share of cultural services and support. The resulting imbalances may lead to inequities requiring attention. Sustainable development strategies and programmes may include measures designed to correct these regional cultural imbalances (Box 8.5). Examples of countries implementing specific regional measures in this respect include: Cyprus, whose regional cultural development strategy aims to revive and regenerate urban spaces and provide a range of disadvantaged and marginalized groups with better access to arts and culture; Italy, where a priority for investments in sustainable cultural and economic development in regions has been established under the National Strategic Framework; and Slovakia, where EU funds have been used to strengthen the cultural potential of the regions through one of the Priority Axes of the Regional Operational Programme. Other countries with significant regional content in their sustainable development policies in regard to culture include Australia, Bolivia, Brazil, Canada, Croatia, the EU, Lithuania, Mexico, Portugal, Switzerland and Ukraine.

Two examples serve to highlight the implementation of cultural policies aimed at redressing regional disadvantage. Firstly, Viet Nam has a national target programme for rural development over the period 2010–2020. One of the elements making up this programme is a target for developing the cultural life of rural communities, which is overseen by the Ministry of Culture, Sport and Tourism, together with the Ministry of Information and Communication. The latter ministry is involved because a strong element in the programme is improvement in information and communication systems in rural areas to assist in overcoming economic, social and cultural isolation.

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> *In many countries, serious imbalances may occur in the distribution of cultural resources between regions, leading to unfairness across the population in access to all types of cultural participation*

The second example is drawn from Honduras, where a number of Regional Culture Councils have been established to implement local cultural activities and policies. The Councils were supported by funding under the Culture and Development Joint Programme of the MDG Achievement Fund aimed at strengthening human capacities and managing cultural and creative development at a decentralized level.

Box 8.5 • *Culture and regional development policy in Croatia*

Balanced regional development is an important priority for public policy in Croatia. The country's Regional Development Strategy aims to contribute to economic growth in accordance with the principles of sustainable development. The Strategy is applied both at the level of the major statistical regions and at the county level. In the latter respect, all 20 Croatian counties have completed their own development strategies which include cultural production and the sustainable management of cultural assets. A particular focus is on the contribution of art and culture to tourism.

In pursuit of equitable regional development, the Croatian state invests significant funds in the form of aid for local government budgets. This has included finance for a range of projects in the creative arts, including new media, cultural institutions and international cultural cooperation. The Croatian regional policy illustrates a comprehensive approach to ensuring equity in access to cultural resources and participation across the country.

An important objective of this programme was to develop creative and cultural industries, foster socio-economic growth and ensure new opportunities for the population of the eight targeted regions. A further engagement of culture in regional development in Honduras occurred through the Regional Development in the Copan Valley Project, financed by a US$12 million credit from the International Development Association, which was completed in 2009.[2] The project targeted the cultural sector with the aim of creating investment opportunities, fostering employment and reducing poverty in one of the poorest regions of Honduras.

INTERNATIONAL MEASURES FOR PROMOTING CULTURALLY SUSTAINABLE DEVELOPMENT IN DEVELOPING COUNTRIES

Measures undertaken by donor countries to incorporate culture into sustainable development strategies contained in their ODA programmes can be classified into three groups:

- Measures providing general support for culture and the cultural and creative industries, including joint donor/recipient projects to foster cultural development;
- Technical assistance measures including the transfer of technology and the supply of expertise in particular fields;
- Measures providing financial support to stimulate creativity and access to alternative financial systems.

In this section, we consider ODA measures classified under these three headings.

General support measures

Included in this category are measures aimed at strengthening human and institutional capacities for policy development and enterprise development.

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2. See *www.worldbank.org/projects/P081172/regional-development-copan-valley-project?lang=en*

These objectives may be pursued in a variety of ways including training, networking, information exchange, etc. Specific measures include the following:

■ educational and community awareness programmes to target particular social issues through the arts, e.g. in health, nutrition, citizenship, intercultural understanding, etc.;

■ community capacity-building to improve local management of cultural resources such as tourist sites, and to strengthen the performance of locally-based cultural industries;

■ support for public cultural institutions such as libraries, museums, cultural centres, etc. to promote cultural engagement, participation and creativity.

A good example of the implementation of these sorts of measures is provided by New Zealand. This country's ODA programme focuses on the Pacific region and includes initiatives promoting investment in economic development, education and human development. The programme aims particularly to recognize and support the creative arts of the Pacific peoples; it delivers funding support for the creation, presentation and communication of the arts, builds and develops infrastructure, and strengthens inter-agency cooperation to promote and support the arts in the region (Creative New Zealand, 2013).

Measures involving technical assistance

This group includes measures to transfer technology and provide associated expertise to assist developing countries to adapt their cultural and creative industries to the digital environment. It is essential for countries of the global South to improve their information and communication technologies if they are to participate in the international market economy and to improve their exports of cultural goods and services. Donor countries can use their ODA programmes to update information and communications technology (ICT) capacity in developing countries, with significant payoff for the growth of the cultural industries.

For example, Austria's ODA includes cultural and scientific cooperation, information exchange and transfer of technology in collaborative initiatives in a number of developing countries.

This group of measures also contains wider programmes to foster the economic potential of the cultural sector in developing countries, including:

■ assistance in improving the efficiency of production, distribution and marketing of traditional cultural goods and services;

■ skills development and training, particularly in business and entrepreneurial skills in managing creative enterprises.

For example, Germany's Goethe Institut supports culture and media actors and institutions in its 'Culture and Development' initiative; the main goals are professional training and the development of networks and partnership platforms. A further example is provided by the experience of the UK in mounting coproductions in film, television and theatre with partners in the developing world; countries whose cultural and creative industries have been engaged in co-productions with the UK include India, Jamaica, Palestine and South Africa.

Financial support to stimulate creativity

A number of measures are available to donor countries to provide general financial support for promoting culturally sustainable development in countries of the South. These measures include:

■ making contributions to the International Fund for Cultural Diversity (IFCD), enabling the allocation of financial support to approved projects;

■ facilitating the access of cultural producers to public and private funding sources available either within country or from international sources;

■ assistance in the design of innovative funding mechanisms that may be implemented in recipient countries,

possibly including such measures as social investment, venture capital programmes and so on.

To sum up, all three types of donor assistance discussed in this section can be illustrated by the ODA experience of two countries, France and Denmark. Firstly, France recognizes the importance of culture as a factor in sustainable development in its ODA programmes, especially in Francophone Africa. Avenues for the allocation of its foreign aid resources include the development of sustainable tourism; assistance for publishing; a range of measures in the audiovisual industries; and the encouragement of the innovative use of new information and communication technologies. The French experience gained from the inclusion of culture in its ODA programmes illustrates how a complete package can be made up of a range of measures directed at different needs in different countries, tailored to suit their particular circumstances.

The second example is Denmark, a country that has an extensive range of development projects in the cultural sectors of cooperating countries across the developing world (DANIDA, 2013). Denmark's Culture and Development programme supports the local cultural environment in partner countries, works towards the improvement of platforms for diverse artistic expressions, and engages in capacity-building and training. Projects have been undertaken in a number of countries, including Afghanistan, Bolivia, Ghana, Lebanon and Mali. An example of a cross-country project supported by the programme is an initiative promoting interaction between designers across the African continent through Design Network Africa, established in 2011. The Danish case illustrates the value of targeting overseas development assistance to projects on a collaborative basis to meet the particular needs of recipient countries. It also serves to underline the importance of the creative arts as a mainspring for culturally sustainable development.

THE CHALLENGE OF INDICATORS

Devising a set of indicators to monitor progress in the implementation of Article 13 of the Convention encounters the problem noted earlier that the sustainability paradigm is a holistic concept that touches on many of the provisions of the Convention. Thus a number of the inputs, outputs and outcomes that relate to other articles in the Convention will already be covered in other parts of the monitoring framework. In these circumstances, it is appropriate here to focus attention on those indicators that are relevant directly to Article 13, i.e. those that relate specifically to the integration of culture into sustainable development policy and practice within countries and, for donor countries, those that map the extent to which culture is included in sustainable development initiatives in ODA programmes.

As in other parts of the monitoring framework, the extent to which 'measurement' is possible in specifying indicators must be interpreted very broadly. On the one hand, an indicator may be quantifiable in terms of exact statistical data, such as might be assembled to describe increases in the annual value of the output of a particular cultural good. At the other end of the spectrum, measurement may entail nothing more than a simple qualitative judgment – what is the level of social cohesion in a community? (*high/medium/low*) or is a particular policy or strategy in place? (*yes/no*). In all cases, interest should be directed to identifying as far as possible the impacts of measures implemented specifically in accordance with the provision of the Convention. Such indicators should be able to point to successful policies and strategies and provide a warning of shortcomings, gaps or difficulties likely to be encountered in the pursuit of the Convention's overall objectives.

In this section, we suggest a range of indicators that might be assembled over time by Parties to monitor the implementation of Article 13. It is important to adopt a systematic approach to identifying relevant indicators; accordingly we utilize the same typologies as put forward in sections above

to classify measures. We also provide some empirical illustrations of the sorts of data that might be collected.

NATIONAL-LEVEL INDICATORS

Culture in national development planning

As we have noted, one of the most important ways in which the intentions of Article 13 can be pursued is by means of specific efforts to integrate culture into national-level development plans. Relevant indicators here might include responses to the following questions:

- Is there a national development plan in place (e.g. a five-year plan, a ten-year plan etc.)?

- If so, how significant is the cultural sector as a contributor to the plan's objectives?

- Is there a specific development plan for the cultural sector or for particular cultural and creative industries in place?

- If so, how successful has it been in achieving long-term and sustainable growth in the cultural and creative industries?

The answers to these questions will be essentially qualitative judgments that will provide overall indicators as to the extent to which culture figures, if at all, in national sustainable development planning. Such indicators should point the way towards more specific analyses of the successes and failures in countries' efforts to integrate culture into their overall sustainable development policies and practices.

More detailed indicators of outcomes from sustainable development initiatives are discussed below.

Economic, social, cultural and environmental outcomes

Sustainable development of the cultural sector should be reflected in a range of economic, social, cultural and environmental outcomes. Some relevant indicators of achievement or otherwise in respect of each of these types of outcome are as follows:

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Sustainable development of the cultural sector should be reflected in a range of economic, social, cultural and environmental outcomes

- **Economic:** an outcome of primary importance may be the boost to the economy generated by the cultural and creative industries, reflected in such indicators as the gross value of output, value added, employment, business investment, skill development in the workforce, growth in tourism, etc.; in addition, indicators relating to the distribution of the benefits of economic growth might be of concern, such as progress toward alleviation of poverty.

- **Social:** indicators relating to social outcomes revolve around the central notion of social cohesion and the contribution that culture as a component of sustainable development policies can make to promoting intercultural dialogue, celebrating cultural identity, strengthening social capital and protecting human rights; education can also be seen as an indicator of outcomes laying the foundation for future social progress.

- **Cultural:** advancement of community well-being through citizens' active participation in artistic and cultural consumption, production and participation may be an important outcome from sustainable development of the cultural and creative industries; indicators in this group also relate to the sorts of intrinsic benefits that the arts can yield.

- **Environmental:** indicators in this category can highlight the important links between culture and the environment in the context of sustainable development; these outcomes reflect not only awareness-raising in the community, but also benefits to be derived from the close relationships between culture, traditional knowledge and the management of natural resources.

Table 8.1

UNESCO Culture for Development Indicators, selected countries (various years)

Dimensions		Indicators	Range	Bosnia and Herzegovina	Burkina Faso	Cambodia	Colombia	Ecuador	Ghana	Montenegro	Namibia	Peru	Swaziland	Uruguay	Viet Nam
Economy	1	Contribution of cultural activities to GDP	%	5.7		1.5	3.4	4.8	1.5	4.6		1.6			
	2	Cultural employment	%	4.7	2.1	0.5	2.1	2.2	0.0	3.1	0.7	3.3	1.9	3.1	
	3	Household expenditures on culture	%	2.4	0.6	0.3	2.8	3.4	0.7	2.3	9.1	1.6	0.4	3.1	
Education	4	Index of inclusive education	0-1	1.0	0.1	0.4	0.9	1.0	0.6	1.0	0.8	1.0	0.7	1.0	0.8
	5	Multilingual education	%	85.0	42.0	40.0		62.5	40.0	91.1	44.4	33.3	50.0	49.5	46.3
	6	Arts education	%	6.5	0.0	0.0		17.0	0.0	3.0	2.4	5.7	0.0	9.7	12.0
	7	Index of professional training in culture sector	0-1	0.8	0.7	0.7	1.0	0.7	0.6	0.7	0.7	0.7	0.3	0.9	1.0
Governance	8	Index of standard-setting framework for culture	0-1	0.9	1.0	0.4	1.0	1.0	0.8	0.9	0.7	0.8	0.4	0.8	0.8
	9	Index of policy and institutional framework for culture	0-1	1.0	1.0	0.4	1.0	1.0	1.0	0.8	0.8	0.5	0.8	0.9	1.0
	10	Distribution of cultural infrastructures	0-1	0.7	0.5	0.1	0.5	0.6	0.5	0.3	0.3	0.5	0.4	0.5	0.7
	11	Index of civil society participation in cultural governance	0-100	85.0	96.3	0.0	95.0	0.9	92.5	65.0	25.0		68.8	89.0	95.0
Social participation	12	Participation in going-out cultural activities	%	41.1			65.9	8.4						68.8	
	13	Participation in identity-building cultural activities	%				44.1							67.3	
	14	Degree of tolerance of other cultures	%	77.0	88.7		93.2	A	75.8			89.3		92.7	57.1
	15	Degree of interpersonal trust	%	21.9	14.7	7.7	20.5	16.6	8.5		12.0	17.5	9.0	30.9	52.1
	16	Freedom of self-determination	0-10	5.4	4.9		8.1	6.8	7.1			7.1		7.5	6.7
Gender equality	17	Index of gender equality objective outputs	0-1		0.5	0.6	0.6	0.9	0.3		0.8	0.8	0.4	0.7	0.7
	18	Degree of positive perception of gender equality	%	65.8	45.8				45.7	48.7		77.0		80.7	53.4
Communication	19	Index of freedom of expression	30-100	48.0	42.0	63.0	55.0		28.0	39.0	32.0	43.0		26.0	84.0
	20	Access and Internet use	%	61.0	2.6	3.1	40.4	31.4	14.1	66.3	12.0	38.2	20.8	51.4	35.1
	21	Diversity of fictional content on public television	%		27.3	23.7	33.5	6.0	24.7	4.1	12.2		32.4		46.8

Source: CDIS global database, *www.unesco.org/creativity/cdis*

Equity in the treatment of minorities and disadvantaged groups

Indicators of equity or inequity in access to cultural resources and cultural participation for groups in the community that may suffer some form of disadvantage or discrimination can be specified in both qualitative and quantitative terms.

In the case of qualitative indicators, it may be possible to identify simply whether specifically targeted programmes or strategies exist, or whether other measures aimed at fostering sustainable development may have had some impact, positive or negative, on the situation of such vulnerable groups. A range of quantitative indicators might also be able to be specified, such as the proportion of women working in the cultural sector, or the number of artists living with disability who are able to access support in the practice of their art.

Equity in regional distribution of cultural resources

Indicators of the possibility of inequities in the distribution of cultural resources and opportunities between regions or between rural and urban areas can be specified in terms of relative levels of financial support or other quantities calculated on a per capita basis, enabling identification either of successful achievement of equity objectives, or the existence of regional disparities requiring attention. The sorts of variables that could be assessed on a per head basis in particular cases might include: the relative availability of cultural facilities such as libraries, theatres, galleries, cultural centres, etc.; the allocation of financial support for local business start-ups in the cultural sector; and the provision of infrastructure such as internet access to enable regional cultural producers to promote their products and to access global markets.

EXAMPLES OF NATIONAL LEVEL INDICATORS OF CULTURE IN SUSTAINABLE DEVELOPMENT

To illustrate the sorts of indicators that might be assembled to monitor the implementation of strategies to promote the role of culture in sustainable development as prescribed in Article 13 of the Convention, we turn to the Culture for Development Indicators (CDIS), an ongoing UNESCO project launched in 2009 in order to provide a methodology to help countries to measure the role of culture in national development processes. The CDIS is a collection of indicators that are brought together to capture the salient characteristics of different dimensions of the cultural sector and of its contribution to development. The suite has been constructed taking into account the specific needs and realities of low- and middle-income countries, in order to offer them a viable, effective and cost-efficient approach to the systematic assembly of relevant data that will inform their cultural policy making. Among the core groups of indicators that the CDIS identifies are the following dimensions: economy; education; governance; social; gender; and communication. Within each dimension, several specific indicators are identified, many of which relate to aspects of culturally sustainable development as discussed in this chapter.

For example, the economy dimension contains three core indicators: contribution of cultural activities to GDP; cultural employment; and household expenditure on cultural goods, services and activities.

The CDIS has been tested in a number of countries. Table 8.1 summarizes the indicators derived across the above dimensions for 12 developing countries which have taken part over recent years in the CDIS project. The variables shown are measured either as percentages or according to a zero/one scale reflecting degree or intensity, with zero as the lowest and 1 as the highest level. The variability between countries is evident.

The CDIS illustrates how a systematic approach to the collection and organization of data can yield information of relevance for monitoring at least some of the impacts of Article 13 that we have been considering. Although it is by no means a perfect system, it does provide a very useful tool to enable countries with limited statistical capacity to take the first steps towards developing a more systematic approach to the collection of cultural statistics for policy purposes. As such, it can be seen as one possible avenue to assist in the assembly of relevant data for monitoring the role of culture in sustainable development.

Table 8.2a

Top ten donors of cultural ODA* in 2013 (US$ millions)

Donor countries	Volume of cultural ODA given in 2013
France	91.96
Germany	61.81
Norway	21.71
Spain	19.46
Japan	12.16
Republic of Korea	11.65
Denmark	10.68
Netherlands	9.07
Sweden	5.40
Italy	4.87

*Donor countries of the Development Assistance Committee of OECD.
Source: OECD *http://stats.oecd.org/*

Table 8.2b

Top ten recipients of cultural ODA* in 2013 (US$ millions)

Recipient countries	Volume of cultural ODA received in 2013
Brazil	15.48
India	10.47
China	9.53
South Africa	8.85
Afghanistan	8.13
Morocco	7.93
Egypt	6.06
Palestine	5.61
Argentina	5.50
Mexico	5.20

*Donor countries of the Development Assistance Committee of OECD.
Source: OECD *http://stats.oecd.org/*

INTERNATIONAL-LEVEL INDICATORS FOR DONOR COUNTRIES

General support measures

Indicators relating to the incorporation of culture into donor countries' ODA programmes and strategies can be devised for both inputs and outcomes. In the former instance, relevant indicators might include for a given donor:

- level of cultural expenditure in aggregate ODA financing (total and per head of donor-country population);
- proportion of cultural to total ODA financing;
- number of countries targeted;
- number of joint projects initiated in the cultural sector.

Likewise, recipient countries can tabulate the amounts and proportions of cultural ODA that they receive.

To illustrate, Table 8.2 (a and b) shows the volume of ODA for cultural and recreational purposes provided in 2013 by the top ten donor countries among the OECD's Development Assistance Committee (DAC), and the amounts of such aid received by the top ten recipient countries in that year.[3] Notwithstanding the significant levels in financial terms of the transfers involved, they constitute less than 1% of total ODA flows. Moreover, the share of culture in total ODA given and received has been declining steadily since a peak in 2007, as shown for donor countries in Figure 8.1 and for recipient countries in Figure 8.2.

The specification of indicators to monitor the actual outcomes achieved through cultural support measures in countries' ODA programmes is likely to be somewhat less straightforward than simply tabulating the aggregate statistics, because of the potentially diffuse and widespread nature of the benefits that such measures are designed to generate.

Figure 8.1

Share of cultural ODA as a proportion of total ODA given by donor countries (2005-2013)

Source: OECD *http://stats.oecd.org/*
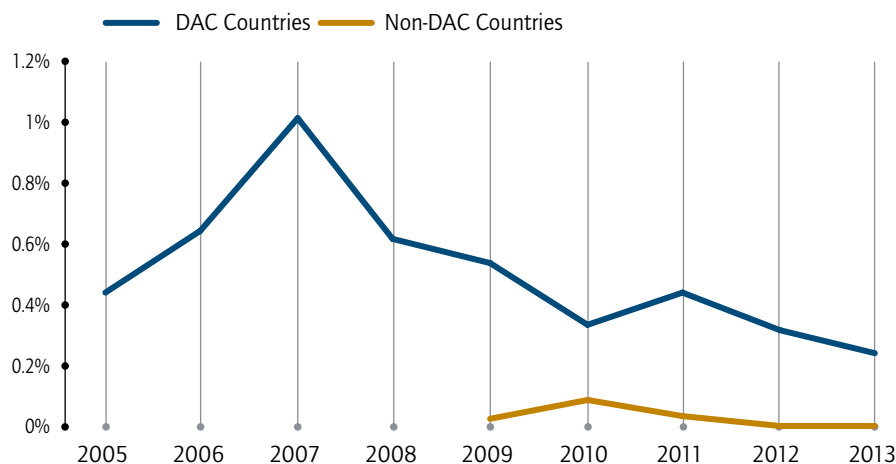
Figure 8.2

Share of cultural ODA as a proportion of total ODA received by developing countries (2005-2013)

Source: OECD *http://stats.oecd.org/*

Some relevant indicators are suggested below which may be measureable only in qualitative terms, expressible as degrees of success in achieving programme objectives.

Technical assistance measures

As noted earlier, a particular focus in this group of measures is likely to be transfer of technology and associated expertise.

Here again relevant indicators may refer to the input side or to the outcomes of interventions. In the former case, indicators might include:

- the number of projects undertaken;
- the finance provided for ICT development;
- the number of person-days of technical expertise and support provided.

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3. See further at *http://stats.oecd.org*

Outcome indicators could be determined relating to variables such as increases in computing capacity for SMEs in the cultural sector, or improvements in connectivity.

In regard to wider assistance measures, indicators will be tailored to particular strategies. For example, impacts on productivity, efficiency and employment levels in cultural and creative industries targeted by ODA measures in recipient countries might be assessed

> "
> *The share of culture in total ODA given and received has been declining steadily since a peak in 2007*

Financial support to stimulate creativity

A range of indicators can be suggested for ODA measures in this category. They might include the levels of public and/ or private finance for culture in recipient countries that were leveraged by projects within a given ODA programme. An obvious set of indicators relates to a donor country's contributions to the IFCD, measured both in absolute terms and as a proportion of the country's total expenditure on ODA or of its GDP. To illustrate, the overall level of contributions to the IFCD over the period since 2007 when the Convention entered into force is shown in Figure 8.3, while Figure 8.4 lists Parties that have contributed a total of US$10,000 or more in this time.[4] Note that these data have been accumulated in current prices and do not account for changes in price levels and exchange rates between years. Also, the relative contributions by country as shown in Figure 8.4 do not account for the differing lengths of time for which the various countries have been Parties to the Convention.

4. Further information from *http://en.unesco.org/ creativity/ifcd/fundraising/donations/parties*

Figure 8.3

Total received contributions to the International Fund for Cultural Diversity: 2007-2014 ($US thousands at current prices)

Source: *http://en.unesco.org/creativity/ifcd/fundraising/donations/parties*
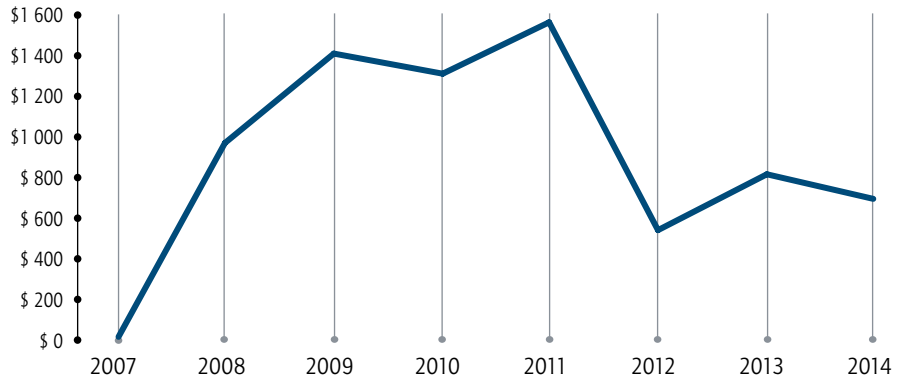
Figure 8.4

Parties that contributed a total of US$10 000 or more to the IFCD between 2007 and 2015 (US$ thousands at current prices)

Source: *http://en.unesco.org/creativity/ifcd/fundraising/donations/parties*

CORE INDICATORS AND MEANS OF VERIFICATION

The chapter of this report entitled '*Towards a Monitoring Framework*' presents an indicator framework for monitoring the implementation of the Convention. It suggests a range of core indicators for culture in sustainable development classified according to the system outlined above. In this section we summarize these core indicators and the possible means for verifying them.

1. Culture integrated into national sustainable development policies and plans

Indicator 8.1.1
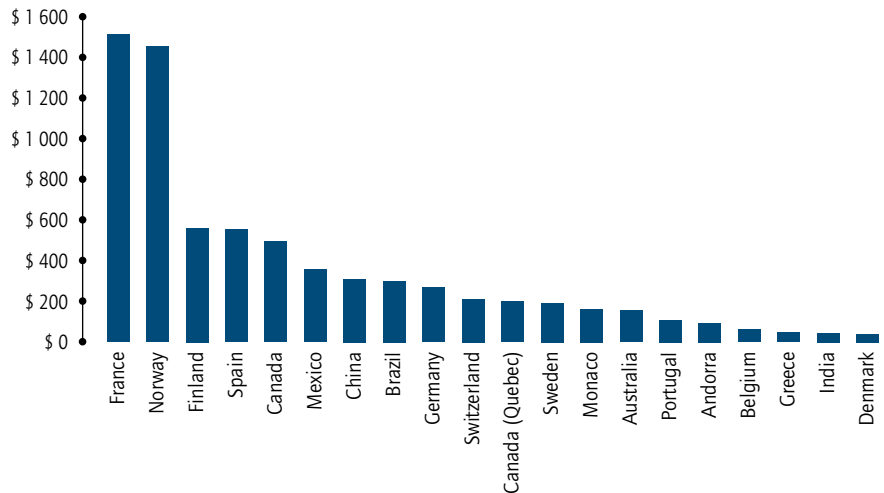
National sustainable development policies and plans that integrate culture are a) established, b) evaluated and c) functioning

Means of verification

• Short- and long-term national growth and development policies and plans incorporate culture and recognize their potential economic, social and environmental outcomes;

• Coordination mechanisms are established with relevant public authorities from different sectors and levels of government;

• Evaluation reports on the impact of national sustainable development policies and plans that integrate culture.

Indicator 8.1.2

Policies and measures to support regional equity in the distribution of cultural resources are a) established, b) evaluated and c) functioning

Means of verification

• Regional and/or rural development plans integrate culture;

• Financial support mechanisms for cultural facilities (e.g. cinemas), infrastructure (e.g. internet access) and local cultural enterprises (e.g. publishing companies) in disadvantaged regional and/or rural areas;

• Support for cultural industry-led regional and/or rural regeneration projects (e.g. fostering employment and investment opportunities, promoting social cohesion and environmental sustainability);

• Support infrastructural mechanisms for independent artists and cultural professionals (cultural centres, clusters that provide space, resources and equipment for independent professionals);

• Evaluation reports on the impact of policies and measures to support regional equity in the distribution of cultural resources.

Indicator 8.1.3

Policies and measures support equity in access to cultural resources by vulnerable groups in the community are a) established, b) evaluated and c) functioning

Means of verification

• Programmes to facilitate full access of disadvantaged or vulnerable groups to artistic engagement and participation in cultural life;

• Support is provided to community projects that have both an artistic and social value;

• Survey evaluating individual participation or reasons for non-participation in cultural events and a level of satisfaction with variety and quality of cultural events;

• Evaluation reports on the impact of policies and measures to support equity in access to cultural resources by vulnerable groups.

2. International sustainable development programmes to strengthen the cultural and creative industries

Indicator 8.2.1

International sustainable development programmes that integrate culture are a) established, b) evaluated and c) functioning

Means of verification

• Evidence of strategies to promote culture in international sustainable development programmes;

• Evaluation reports on the impact of international sustainable development strategies and programmes.

Indicator 8.2.2

Technical assistance programmes aimed at strengthening human and institutional capacities in the cultural and creative industries in developing countries are a) established, b) evaluated and c) functioning

Means of verification

• Evidence of international technical assistance programmes for cultural and creative industry policy development and implementation; small-medium and micro-enterprise development (e.g. the use of technology, skills development to enhance entrepreneurial and business competences); cultural industry professionals to exchange information and build professional networks;

• Evaluation reports on the impact of technical assistance programmes.

Indicator 8.2.3

Financial assistance to support creativity in developing countries is a) established, b) evaluated and c) functioning

Means of verification

• Incorporation of culture into donor countries' official development assistance programmes and strategies (e.g. share of culture in ODA, number of countries targeted, total level of expenditure for culture per head of donor-country population);

• Annual contributions to the International Fund for Cultural Diversity;

• Provision of low interest loans, grants and other funding mechanisms;

• Evaluation reports on the impact of financial assistance to support creativity in developing countries

CONCLUSION

Much has been learnt in the eight years since the Convention entered into force in 2007. The range of policies, programmes and strategies reported by Parties in their efforts to integrate culture into sustainable development in their own territories or in their ODA activities has expanded considerably over this period. Many of the efforts that have been mentioned in this chapter have had positive outcomes and have contributed to the accumulating body of experience regarding effective policies in the pursuit of culturally sustainable development.

This experience has been particularly valuable in the light of a key trend in international cultural policy making at the present time, namely the campaign by UNESCO and other agencies and organizations to raise the profile of culture in the UN's post-2015 sustainable development agenda. This trend, and the debates, discussion and interagency dialogue that it has generated, has direct implications for the implementation of the sustainability provisions of the 2005 Convention. Not only does the Convention provide the overarching policy framework within which rational and effective cultural policy making can be developed in Member States, it points to the means by which the objective of integrating culture into sustainable development processes can be achieved. The strategies and measures as discussed in this chapter that have been and are still being implemented by various countries around the world provide a growing body of evidence on the problems and possibilities for pursuing sustainable development strategies that incorporate the cultural sector.

Nevertheless, despite the promising outlook, there are some significant challenges. Perhaps the most important of these is the difficulty encountered in translating the general precepts of the culturally sustainable development paradigm as implied by Article 13 into practical terms that can persuade planners and policymakers of the contribution the cultural sector can make to national objectives of economic growth, social cohesion, cultural fulfilment, individual and collective wellbeing, and environmental sustainability. In wealthy developed countries these challenges can be met through comprehensive cultural policy formation that brings together a full range of administrative functions in arts, social welfare, education, urban and regional development, industry, trade, the environment, and so on. In countries of the global South, the challenge is more likely to be encountered in attempts to incorporate culture into the framework of national development planning. In this regard, as has been argued in this chapter, the key to progress lies in a recognition of the developmental potential of the cultural and creative industries, and of the SMEs that they contain.

> **A sound administrative basis for the efficient and equitable operation of the cultural sector is essential to ensure that the beneficial outcomes that are sought by sustainable development policies can actually be achieved**

A further challenge lies in the need in some countries to deal with shortcomings in the constitutional, legislative and administrative support for culture. A sound administrative basis for the efficient and equitable operation of the cultural sector is essential to ensure that the beneficial outcomes that are sought by sustainable development policies can actually be achieved. Some countries have used their sustainable development programmes to address these issues by providing various types of new or updated infrastructure support for culture, including Bolivia, Mongolia, Namibia, Paraguay, Peru, Poland, Portugal, Slovenia and Uruguay. However, there remain gaps in a number of countries, especially in the areas of intellectual property protection and copyright enforcement.

> **Future monitoring of the implementation of the Convention will be seriously constrained unless further progress is made in data collection at national and sub-national levels**

Finally, it must be stressed that future monitoring of the implementation of the Convention will be seriously constrained unless further progress is made in data collection at national and sub-national levels. Reliable, relevant and comprehensive data are essential for tracking the impacts of the Convention over time and for identifying strengths and weaknesses in its operation (Mikić, 2012). Data collection procedures can be systematized by reference to the UIS Framework for Cultural Statistics and the UNESCO Culture for Development Indicators Suite. It may be possible for countries to build up databases such as Argentina's Cultural Information System (SINCA), the largest collection of electronic cultural information in the country with data coming in from all provinces. In regard specifically to the cultural and creative industries, it is important to persuade national statistical agencies to rationalize and refine their classification systems for cultural industries and cultural occupations in their national accounts and employment statistics so as to enable accurate monitoring of the economic performance of sustainable development policies. In this respect, more countries could be encouraged to investigate the establishment of satellite accounts for culture, following the lead of countries where such projects have been undertaken or are contemplated.

Accordingly, the following main recommendations emerge from the present analysis:

- A primary arena for the integration of culture into sustainable development strategies lies in national planning processes; every effort needs to be made to persuade planners of the importance of recognizing the cultural context within which development plans are put into effect, and to emphasize the dynamic role that the cultural and creative industries can play in meeting national economic and social objectives.

- Some of the most important measures to promote sustainable development through the cultural and creative industries are those measures aimed at supporting SMEs. These enterprises can be a powerful force in promoting growth and employment. However, for SMEs to fulfil their true potential, policies are needed to address the major constraints that are likely to be holding back their development, including the unavailability of finance, a lack of entrepreneurial skills, and difficulties in accessing new information and communications technologies.

- An essential principle of culturally sustainable development is that requiring equity in the treatment of vulnerable groups in society; attention to this principle requires not only specifically targeted strategies to overcome disadvantage in access to cultural participation, but also vigilance to ensure that cultural policies in other areas do not have unintentional adverse side-effects.

"
I am pleased to note a growing realization of the crucial role artists and artistic creativity play in our societies, and the vitality of ensuring that artistic voices are not silenced by different means. Cultural expressions do not only entertain; they contribute to social debates and invite us to think

Farida Shaheed
Former UN Special Rapporteur
in the field of cultural rights

Goal 4

PROMOTE HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Women as creators: gender equality

Ammu Joseph[1]

KEY MESSAGES

››› *Women are strongly represented in the creative sector in most parts of the world. However, they remain poorly represented in a number of cultural professions and in decision-making positions in many cultural organizations and industries.*

››› *The multiple obstacles in their paths to participation and progression in cultural endeavours are not just unfair to women and violative of their cultural rights. They essentially diminish cultural diversity and deprive everyone of unhindered access to the creative potential of the female half of the artistic community.*

››› *Many countries have taken steps to improve opportunities for women and even leverage women's contributions to the creative economy. However, the need to ensure gender equality in the cultural sector has not yet been adequately addressed.*

››› *A major stumbling block in the way of efforts to tackle gender imbalance in the cultural sphere is the paucity of sex-disaggregated data. Yet only an information-based approach can effectively challenge existing gender-based biases and barriers.*

››› *Equally important is a holistic approach that recognizes the symbiotic relationship between gender equality, cultural rights and cultural diversity. The mission to protect and promote the diversity of cultural expressions cannot succeed unless gender equality is recognized as a central concern that must be integrated into all attempts to achieve this goal.*

››› *Both the letter and the spirit of the 2005 Convention uphold the principle of gender equality as a cornerstone of human rights in general and cultural rights in particular. 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.*

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1. Journalist, author, media watcher, Bangalore, India
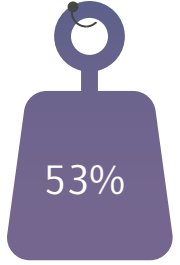
International cooperation and
preferential treatment policies

35%

Cultural policies
and measures

53%

**Share of Parties
that have included women
as targets of cultural policies
in QPRs**

38%

Integration of culture in
sustainable development
policies

Share of male/female Venice Biennale
curated-exhibition participants

63%

37%
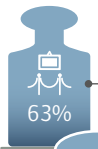
Share of male/female (director) nominees for Best Film
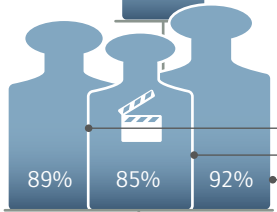
Cannes International Film Festival 2015
FESPACO 2015
Mar del Plata International Film Festival 2014

89%   85%   92%

11%   15%   8%
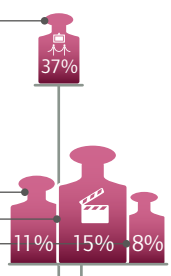
Number of male/female international film festival jurors
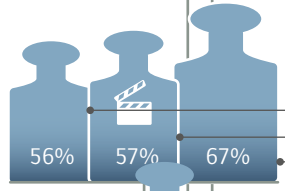
Cannes International Film Festival 2015
FESPACO 2015
Mar del Plata International Film Festival 2014

56%   57%   67%

44%   43%   33%
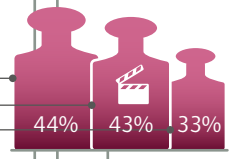
Share of top male/female
150 classical music conductors

97%

3%
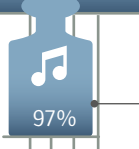
Share of Parties to the Convention that
have male or female Minister of Culture
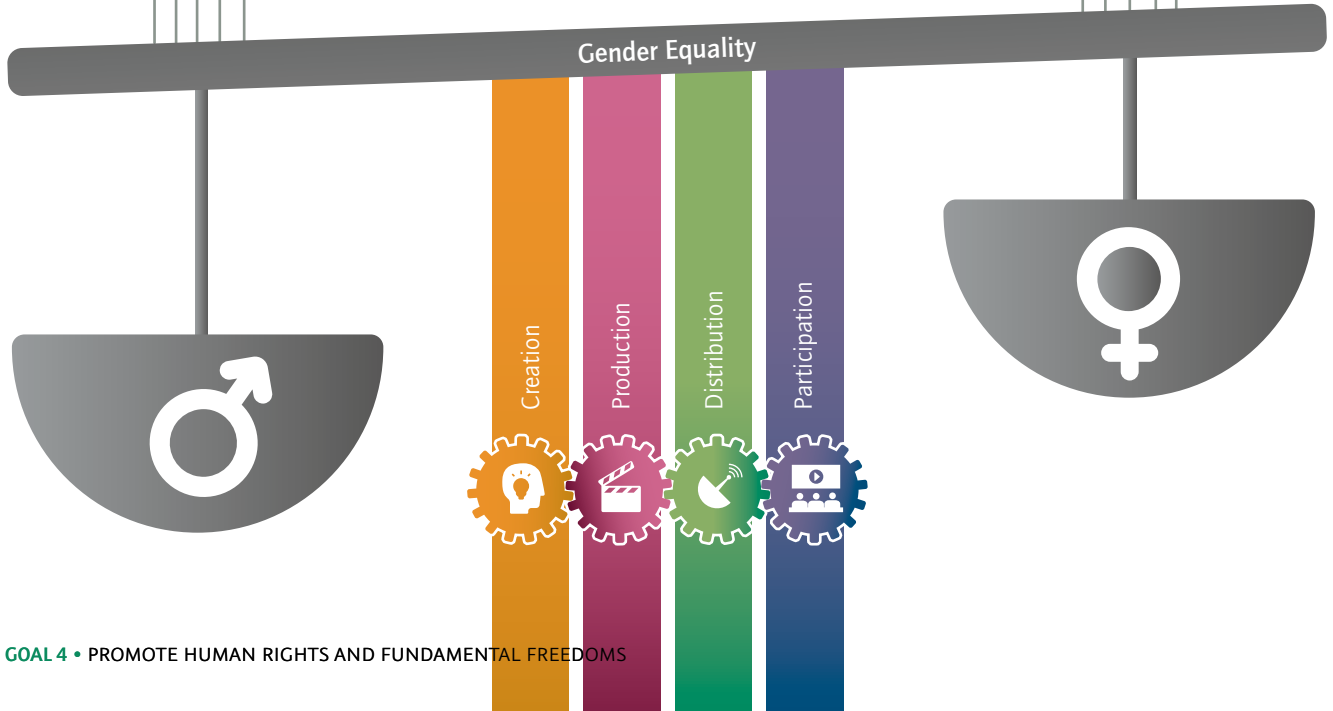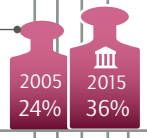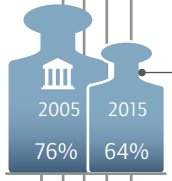
2005   2015
76%   64%

2005   2015
24%   36%

Gender Equality

Creation

Production

Distribution

Participation

The 87th Academy Awards ceremony, held in Los Angeles and watched by millions of viewers across the world in February 2015, will long be remembered for the compelling appeal for gender and pay equity made by Hollywood actress Patricia Arquette in her speech accepting the Oscar for Best Supporting Actress from the American Academy of Motion Picture Arts and Sciences (AMPAS). Video footage of internationally renowned stars like Meryl Streep, Jennifer Lopez and Shirley MacLaine heartily applauding and vigorously endorsing Arquette's call for 'wage equality' and 'equal rights for women' went viral. The revelation a few months earlier, via hacked emails, of the substantial difference in the amounts earned by Jennifer Lawrence – another successful, Oscar-winning female actor – and her male co-stars in a recent American movie was evidently on the minds of almost everyone at the glittering event.

Across the oceans, in India's Bollywood too, female film stars have begun to publicly question the enduring, enormous disparity in the remuneration of male and female actors. Some believe the gap will reduce and perhaps eventually close as movies about women, in which female actors play the lead roles, become more popular. They may have reason to be hopeful, since several recent female-centred Indian feature films have turned out to be box office hits.

However, even if female movie stars in the USA, India and elsewhere in the world ultimately win their battle for wage equality, the war for equal rights for women in film industries will by no means be over. There is ample evidence of marked gender imbalance in many other areas and aspects of film-making across the globe (Figure 9.1).

> "
> *The percentage of women in the three principal creative roles – writer, director and producer – had reduced over 20 years*

Less than a quarter (22.6%) of the crew members on the 2,000 highest grossing films over two decades were women, according to a recent report noting the sex of personnel who had worked on the 100 biggest US Box Office blockbusters every year between 1994 and 2013 (Follows, 2014).

Men dominated in most areas of film-making, with women accounting for just 13% of the editors, 10% of the writers and a paltry 5% of the directors. Women were also poorly represented in visual effects – the largest department on most major feature films – and music, averaging 17.5% and 16% respectively in these areas. The camera and electrical department was, on average, 95% male. Women constituted a majority only in the make-up, costume and casting departments, which have traditionally been seen as 'feminine' fields.

The trends flagged by the Fellows (2014) report were also disturbing. The overall percentage of female crew members barely increased between 1994 and 2013. At the same time, the jobs performed by women had changed: while the proportion of women in the make-up, art and costume departments had grown, their presence in the (increasingly technical) fields of editing and animation had shrunk. And, significantly, the percentage of women in the three principal creative roles – writer, director and producer – had reduced over 20 years.

Hollywood is evidently not an exception in this regard. Recent research examining 120 popular films produced in 11 countries[2] around the world revealed that only

2. Australia, Brazil, China, France, Germany, India, Japan, Russia, the Republic of Korea, the United Kingdom and the United States of America

Figure 9.1

Share of women in the film-making industry (2014)

Source: Gender bias without borders, 2014
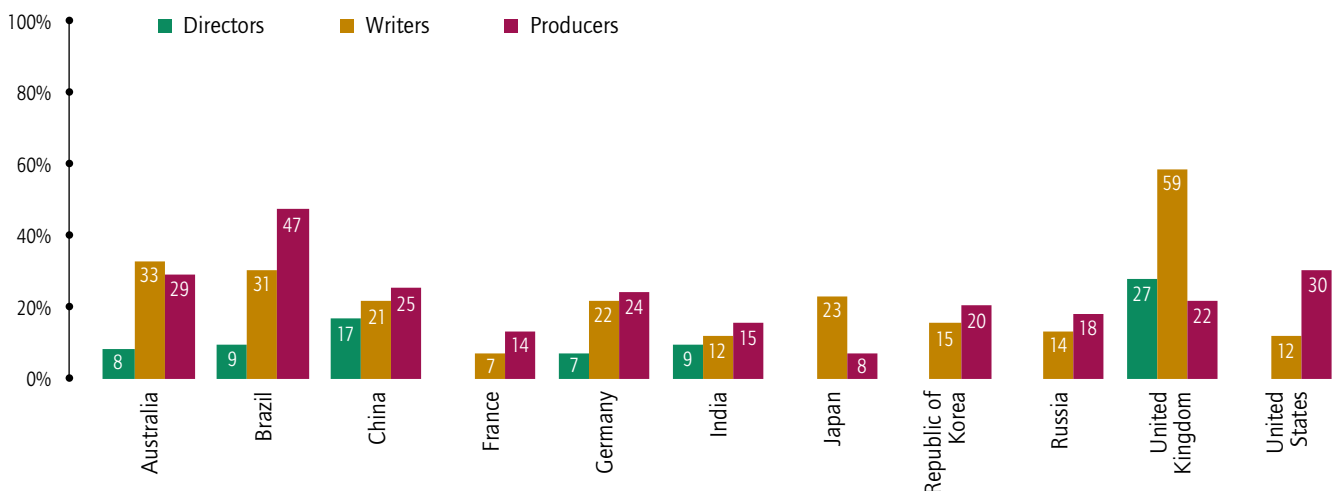
a fifth (20.5%) of the nearly 1,500 film-makers involved in these projects was identifiably female (Smith *et al.*, 2014). Among the directors, only 7% were women. Less than a fifth (19.7%) of the writers and just over a fifth (22.7%) of the producers were women. An analysis of the participation of women in the film industries of BRICS countries[3] revealed that works directed by women represented around a fifth (19.2% to 20.9%) of the total number of movies screened during domestic film festivals in Brazil, India and China, and just over a quarter (26.8% and 27.3%) of such festivals in Russia and South Africa (Gatto and Peters-Harrison, 2014) (Figure 9.2).

Figure 9.2

Films directed by women in domestic festivals (2013)

Source: UNESCO, 2014f
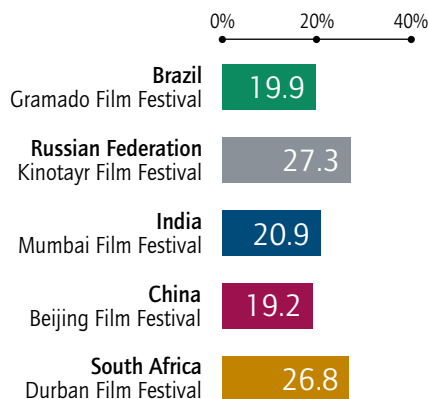
France appears to have a better record than many other countries, yet women still comprised less than a quarter (23%) of accredited film directors there in 2012, and the films they directed were generally made with small budgets (Pellerin, 2014). Also, the average salaries of female directors, performers and camerawomen were about 30% lower than those of their male counterparts.

Meanwhile, in India the Supreme Court had to intervene to establish women's right to work as make-up artists.

3. Brazil, Russian Federation, India, China and South Africa

Figure 9.3

Top 150 music conductors from around the world

Source: Bachtrack, 2015
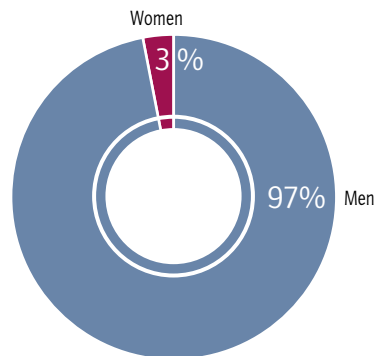
In November 2014, ruling on a petition filed by a group of female make-up artists who had been refused admission by professional associations in several states, the apex court described the 55-year-old Indian film industry tradition of allowing only men to be employed as make-up artists as 'unconstitutional, illegal and the worst kind of gender discrimination' (Nair, 2014).

Film industries across the world evidently have miles to go before they can rest assured about diversity in general and gender equality in particular. However, cinema is not the only creative arena where gender representation is skewed. Women appear to be similarly under-represented in the field of music, both contemporary and classical.

According to a 2012 report, more than two-thirds (68%) of those working in the music industry in the United Kingdom was male (Creative Blueprint, 2012). Significantly, gender representation was not very different in the UK's creative and cultural industries as a whole at the time, with women making up just over a third (39%) of the total. In 2014, only five women featured in the list of 150 top music conductors worldwide (Figure 9.3), according to an analysis of over 25,000 listings in an online global guide to classical music concerts, opera and dance performances (Bachtrack, 2015).

Women's representation as performers in the top 15 orchestras in the USA combined was around one-third (35%) in 2009-2010, about the same as the median figure in 1990 (36%) (Phelps, 2010). One possible reason for the lack of improvement over two decades could be the continuing gendered nature of musical instruments, with the brass, percussion and string bass sections remaining predominantly, if not entirely, male. Although some reports suggest that the situation may be better in Europe, with more female than male performers in some orchestras, others flag the lingering gender disparity in musical content even there, with the works of women composers rarely featured in the programmes of concert halls, opera houses and music festivals (Adkins Chiti, 2003).

Women are evidently not much better represented in the realms of contemporary music production and performance. Recent international statistics relating to festival line-ups, record label releases and the appearance of women in various 'top 100' lists – covering 1,185 artists from 56 countries on 4 continents – indicate that in each of these areas a 10% proportion of female artists was higher than the norm (FemalePressure, 2013).[4]

Women appear to be at a disadvantage in the world of books as well. The annual VIDA Count, which scrutinizes book reviews in premier American and British literary periodicals, has been exposing major imbalances in the sex ratios of both reviewers and reviewed authors since 2010 (VIDA, 2014). The VIDA initiative began in 2009 with a revealing look at the gender distribution of several major book awards and prominent 'best of' lists, as well as a historical count of the number of men and women who had received prestigious literary awards over the years. An examination of all the books published in 2011 by four major international publishers

4. See press release on International Women's Day (8 March) 2013: *www.femalepressure.net/pressrelease.html#english*

specializing in literary fiction, whose books are regularly covered in literary magazines, revealed that the gender patterns of their publications were almost identical to those of the books reviewed in the journals featured in the VIDA Count (Huffington Post, 2012).

"

In most parts of the world women are: major consumers of cultural goods, constitute the majority of students enrolled in university courses related to culture and are strongly represented in some cultural occupations. However, resilient glass walls and ceilings still block their entry into several culture-related careers as well as their progression into decision-making positions in many spheres within the creative sector

A 2005 study of women in publishing in Europe revealed that the governance structures of five large media conglomerates with publishing among their core activities were overwhelmingly male. Several boards at various levels included just one or two token female members. Women were largely missing at the top management levels, too: only a fifth of the top decision makers (4 out of 20) were women. This is despite the fact that women made up nearly 50% of all employees in the publishing sector of the European Union taken as a whole, according to the same study. The annual salary survey conducted by *Publishers Weekly* revealed a substantial pay gap between men and women in the publishing industry in the US in 2013 (Milliot, 2014). This wage disparity was attributed at least in part to the fact that, although women accounted for 74% of the American publishing workforce, they filled just half of the management positions.

Figure 9.4

Share of men and women participating in various cultural activities in EU countries
Source: Eurostat and Eurobarometer
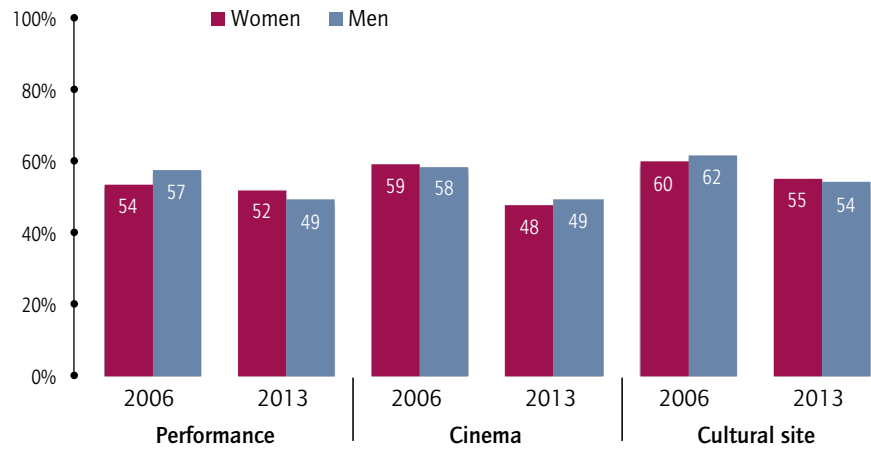
The uncomfortable realities revealed by such systematically collected information from different parts of the world challenge the general, sanguine assumption that creative and cultural professions are more open and less hidebound than other sections of society. They confirm the persistent presence of gender-based biases and barriers in many, if not all, cultural and creative industries across the globe.

In most parts of the world women are: major consumers of cultural goods (Figure 9.4), constitute the majority of students enrolled in university courses related to culture and are strongly represented in some cultural occupations. However, resilient glass walls and ceilings still block their entry into several culture-related careers as well as their progression into decision-making positions in many spheres within the creative sector.

This regrettable reality is clearly incompatible with the fundamental human rights to which women, as much as men and people of all gender identities and sexual orientations (LGBTQI),[5] are entitled. In recognition of the evident need to improve the situation, the 2005 Convention

on the Protection and Promotion of the Diversity of Cultural Expressions (hereafter the Convention), included a number of provisions to encourage the adoption of policies, measures and programmes to support women as creators, producers, distributors and consumers of cultural expressions.

THE 2005 CONVENTION AND WOMEN

The creative economy has become a new development paradigm, as Strategic Objective 8 of UNESCO's Medium-Term Strategy 2014-2021 points out. The Convention is critical to the achievement of this objective. If the creative and innovative capacity of societies across the globe is to thrive, barriers that limit access to and participation in cultural life, restrict cultural and creative expressions and reduce the availability of diversified ranges of cultural goods and services must necessarily be removed.

Gender is a crucial factor to be taken on board in efforts to achieve the objective and thereby ensure that all creators and all artists – of all sexes – are able to access and participate in cultural enterprises, and enjoy better social and economic conditions as well as unimpeded mobility.

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5. Lesbian, gay, bisexual, transgender, queer, intersex.

Diversity of cultural expressions is bound to remain a distant goal unless gender inequality is recognized as a key problem that continues to inhibit access to and participation in cultural life and to impede cultural and creative expressions.

The Convention takes cognizance of this reality. While emphasizing the importance of culture for social cohesion, the preamble to the Convention highlights its potential for the enhancement of the status and role of women in society. Further, the first guiding principle of the Convention is respect for human rights and fundamental freedoms, which is seen as a pre-requisite for the creation and distribution of diverse cultural expressions. The fact that women's rights are integral to human rights was explicitly recognized and accepted at the 1993 World Conference on Human Rights.

It is significant that the first substantive Article of the Convention – Article 7, which outlines measures to promote cultural expressions – makes special mention of the need to pay heed to women. In addition, the operational guidelines linked to Article 7 specifically state that cultural policies and measures developed to promote the diversity of cultural expressions should foster the full participation and engagement of all members of society, particularly women and persons belonging to minorities and indigenous peoples.

Referring to the role and participation of civil society in the implementation of the Convention (Article 11), the guidelines suggest that civil society could contribute to the 'promotion of specific cultural expressions by giving voice to groups such as women, persons belonging to minorities, and indigenous peoples'. In the context of Article 13, too, the guidelines make it clear that the integration of culture into sustainable development policies calls for recognition of the needs of women as well as people belonging to other social groups and disadvantaged geographical areas. With regard to measures to ensure such integration, the guidelines encourage

Parties to create the conditions for creative abilities to flourish by taking into account the needs of all concerned artists, professionals and practitioners in the cultural sector, paying special attention to the needs of women, other social groups and individuals in disadvantaged geographical areas.

> "
> *While emphasizing the importance of culture for social cohesion, the preamble to the Convention highlights its potential for the enhancement of the status and role of women in society*

The Convention is, therefore, 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. Accordingly, the necessary inclusion of women is implied throughout the Convention. When it calls for 'the participation of all stakeholders, notably civil society' it is clearly incumbent upon Parties to ensure that women are recognized and included as stakeholders and as members of civil society. When it advocates 'the transfer of information and expertise to help cultural professionals and the cultural industries … to acquire the knowledge and skills required to benefit fully from the perspectives offered by … new technologies', it is plainly imperative to make sure that female professionals, girls and young women, have access to the required education and training. While putting in place measures to protect cultural expressions in special situations where they are under threat, it is absolutely essential to keep in mind that cultural expression by women is often among the first to be curtailed in such conditions.

In other words, 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.

Further, the Convention advocates action at several levels to ensure that disadvantaged groups of people, including women, are able to not only fully participate in social and cultural life but also, specifically, to create, produce, disseminate, distribute and have access to their own cultural expressions. These concerns and priorities reflect the growing global appreciation of the vital importance of gender equality in the cultural arena.

GENDER EQUALITY AND CULTURAL RIGHTS

Gender equality has been widely recognized as a fundamental human right in most parts of the world for several decades. While it is accepted as a goal in and of itself, it is also seen as a precondition for sustainable, equitable, people-centred development and, therefore, as a core development goal. For UNESCO, which adopted gender equality as a global priority in 2008, the term signifies equal rights, responsibilities and opportunities for women and men, girls and boys (UNESCO, 2014g). The promotion of gender equality entails upholding the interests, needs and priorities of women, men and sexual minorities, without discrimination, while acknowledging and addressing the diversity that exists within each of these groups.

In the area of culture, gender equality means that women, men and those who identify as other genders must equally enjoy the right to access, participate in and contribute to cultural life. While women's contributions to culture need to be recognized and rewarded, their access to and participation in cultural activities – including creative expression and enjoyment of cultural goods and services – must be encouraged and enhanced, and any impediments blocking their creative horizons should be removed. Cultural policies that respect gender equality and women's rights – including freedom of expression, of which cultural expression is an important part – and that further women's access to decision-making processes and positions within the cultural field, are vital in this context.

Women's entitlement to cultural rights has been underscored in several landmark documents adopted by the United Nations and endorsed by countries across the world – from the 1948 Universal Declaration of Human Rights onwards. Among these are the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR), the 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Beijing Platform for Action (BPfA), adopted during the Fourth World Conference of Women in 1995.

"

In the area of culture, gender equality means that women, men and those who identify as other genders must equally enjoy the right to access, participate in and contribute to cultural life

The 2012 Report of the UN Special Rapporteur in the field of Cultural Rights, Farida Shaheed, is particularly important in this context (OHCHR, 2012).[6] In a significant departure from the past, it sought to 'shift the paradigm from one that views culture as an obstacle to women's rights to one that seeks to ensure equal enjoyment of cultural rights,' asserting that 'such an approach … constitutes an important tool for the realization of all their human rights.' According to the document, while the fulfilment of women's cultural rights is closely dependent on the enjoyment of other rights, the reverse is also true: equal cultural rights can be empowering and transformative, providing crucial opportunities for the attainment of other human rights.

6. Report of the Special Rapporteur in the Field of Cultural Rights, UN General Assembly - 67th Session, 10 August 2012 (http://www.ohchr.org/EN/Issues/CulturalRights/Pages/Culturalrightsofwomen.aspx, accessed 30 May 2015).

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© Aïda Muluneh, *Darkness Give Way to Light, Lumières d'Afrique Exhibition*, 2015, Ethiopia

*A*s a woman born in Benin, I feel strongly African, and as an artist who has performed all around the globe, I also very much feel like a citizen of the world. That does not make me less of a Beninese or African. These are my roots.

Inspired by the great Miriam Makeba, my contribution to global culture has been to take the heritage from my country and my continent and make it travel around the world. I am proud of this achievement. Culture, in all its forms, knows no boundaries, and music is certainly the most commonly spoken language in the world.

As an African woman, as a creator and as an ambassador for UNICEF, I measure every day the gender gap. We represent more than half of the population, yet far too often our voices are muted and our contributions disregarded. A lot can be done to improve the situation, and culture is one of the ways we can help move this in a positive way.

The UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions can help achieve this objective. In recognizing and supporting women as creators and producers of cultural expressions. It is a powerful tool that can be used by governments to facilitate access, participation and artistic freedom for women.

Listen to what women have to say, give them tools to emancipate, help them reach new frontiers, give them confidence, encourage them to create, treat them with respect. These are simple attitudes that will change the way women will feel on a daily basis. This empowerment will vastly improve their vision of the world, and – I hope – inspire young women anywhere to do as I did, to find their voice, to be proud of their heritage, to contribute to renewal of their cultures and share them with the world. This would benefit humanity as a whole and make the world a far better place.

Angélique Kidjo

Singer and vice-president of the Confédération Internationale des Sociétés d'Auteurs et Compositeurs (CISAC)

Underlining women's right to access, participate in and contribute to all aspects of cultural life, the report noted that they remain under-represented in the fields of culture, the arts and sciences – even in countries with relatively long histories of formal and legal equality. According to the Special Rapporteur, 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. In order to ensure that the dominant culture of their societies is based on gender equality, the tendency to marginalize women's concerns and silence their voices must be overcome, obstructions impeding their equal participation in public life eliminated, and their under-representation in the institutions and processes defining the culture of their communities surmounted.

This is precisely what the Convention can help achieve, provided there is wider appreciation and acceptance among Parties to the Convention of the centrality of gender equality to the goal of protecting and promoting the diversity of cultural expressions.

GENDER EQUALITY AND IMPLEMENTATION OF THE 2005 CONVENTION

A first detailed review of the Quadrennial Periodic Reports (QPRs) submitted by Parties to the Convention during 2012-2013[7] revealed that over half (55%) did include at least one measure and/or policy meant to contribute towards ensuring gender equality and/or women's empowerment (Guixe, 2014). The review highlighted several laudable steps taken by some countries to promote women's enjoyment of cultural rights. Among these were the incorporation of a gender equality approach in national cultural policies and the adoption of measures to promote women's access to cultural products and services as well as their ability to engage in culture expressions.

7. The Quadrennial Periodic Reports are available at http://en.unesco.org/creativity/monitoring-reporting/periodic-reports

> **"**
>
> *The Convention can help achieve gender equality, provided there is wider appreciation and acceptance among Parties to the Convention of the centrality of gender equality to the goal of protecting and promoting diversity of cultural expressions*

Many of these initiatives can no doubt serve as examples for future action by other Parties.

However, according to the review, there was considerable variation in the type of interventions taken up and the degree to which they could contribute to gender equality in the enjoyment of the right to access, enjoy, participate in and contribute to cultural life. Further, most Parties had neglected to design and implement policies or legal frameworks and to adopt comprehensive measures to safeguard, uphold and promote the fundamental right of women and girls to participate in and contribute to cultural life on the basis of equality. The analysis flagged possible reasons for the failure of many countries to initiate policy or legal frameworks and introduce tangible measures to support the right of women and girls to fully participate in cultural activities.

According to the review, one likely reason is the evidently limited understanding among Parties about the meaning of 'gender', especially in relation to culture in general and cultural diversity in particular. This may be at least partly due to the hitherto inadequate engagement of national machineries for women's empowerment, as well as women's organizations that are part of civil society, in the process of promoting the aims and objectives of the Convention in many countries. Likewise, many gender-related realities might have escaped notice because of the relative absence of individuals and institutions with expertise and experience in the area of women's rights and gender equality in the process of implementing the Convention at the local level.

This missing link may account for the fact that a number of issues that impact women's ability to participate in cultural life and pursue cultural professions have not yet received adequate attention in ongoing efforts to implement the Convention. For example, the double (if not triple) burden borne by most women on account of the tenacious gender-based division of labour, especially in terms of social roles and familial responsibilities, often limit their options in the professional arena, particularly in cultural fields which typically involve long, late and/or irregular hours of work.

The intersection of different forms of discrimination experienced by some categories of women on account of age, disability, race/caste/ethnicity, geographical location and other such factors is another reality that needs to be taken on board in efforts to promote gender equality in the cultural arena. The fact that few countries have sex-disaggregated data on access to cultural life and participation in creative occupations constitutes another stumbling block in the path to tackling gender-based disparities in the cultural sphere.

According to the 2014 review of the QPRs, among the areas where gender awareness is conspicuously missing in the implementation of the Convention are international cooperation and the integration of culture into sustainable development policies. In addition, while many Parties have taken steps to promote the participation of civil society organizations in protecting and promoting the diversity of cultural expressions, few seem to recognize that women's organizations are also part of civil society and should be roped in to help implement the Convention.

The findings of the 2014 review were borne out by an examination of some recent QPRs. Several made no reference at all to women, even when they flagged the need for 'mainstreaming gender'. Others identified women among the target groups meant to benefit from various policies and measures relating to the Convention but made no further reference to them or efforts to reach out to them.

Figure 9.5

Share of Parties that have included women as targets of policies by type of policy measure

Source: QPRs, 2012-2014
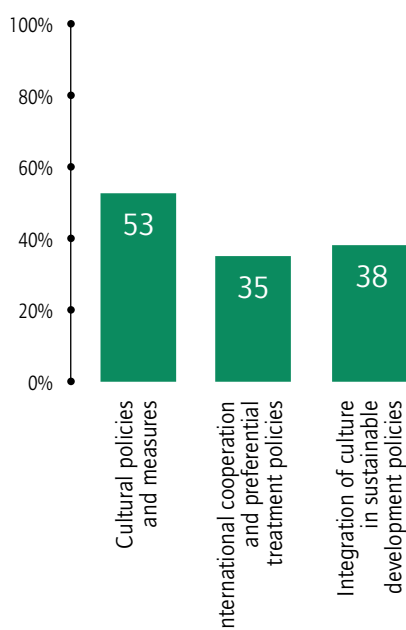
Even a report that was noteworthy for its integrated approach to the implementation of the Convention, involving a wide range of ministries and other institutions, including the Ministry of Gender Equality and Family, fell short of incorporating women and gender concerns into the design of many planned projects. For example, the descriptions of several projects neglected to mention women or gender, even when they did refer to factors such as race, age, class, cultural background and geographical location, as well as groups such as the elderly, the disabled, the socially marginalized and sexual minorities. Similarly, a project for marginalized youth made no mention of girls and young women.

A separate, independent statistical analysis of policies and measures listed in the QPRs provides some idea of how many and which countries have followed the Convention's prescriptions on the inclusion of women in the three main policy spheres (Figure 9.5): cultural policies and measures, international cooperation and preferential treatment, and integration of culture in sustainable development policies. Twenty- one countries (i.e. 31%) were found to have consistently included women as targets of policies and measures in these three areas. Of course, as more qualitative analysis has revealed, merely ticking off boxes against women does not always amount to ensuring that women necessarily benefit from such policies and measures: much depends on how the stated intention is followed through in terms of actually reaching out to women, ascertaining their situation and ensuring that policies and measures address any obstacles that block their access to cultural rights.

UNESCO's revised draft operational guidelines on information sharing and transparency (Article 9), which provides a modified framework for future QPRs, aims to improve reporting on 'measures to facilitate and promote access for and the participation of women as creators and producers of cultural expressions, as well as the participation of women in the cultural life of societies' in the next set of reports.

> *Besides helping to improve the gender quotient of future QPRs, the new framework should help States to plan more gender-aware policies and measures to effectively fulfil the aims and objectives of the Convention*

To begin with, the section on the format and content of reports invokes UNESCO's global priority for gender equality and specifies that the QPRs must include information on measures taken to tackle disparities and promote equality. The modified framework is more elaborate and detailed than the earlier one, with a set of key questions to be addressed in each section, including the question of whether the measure specifically targets 'individuals (e.g. women) and/or

social groups as defined in Article 7 of the Convention as 'persons belonging to minorities and indigenous peoples'. In the sub-section on civil society, it calls for bringing in 'the concerns of citizens, associations and enterprises to public authorities, including those of vulnerable groups such as women and persons belonging to minorities'. The framework also highlights transversal issues and UNESCO priorities, including gender equality. And, in the section on complementary data, information and statistics, it calls for gender-disaggregated data on people's participation in cultural activities. Besides helping to improve the gender quotient of future QPRs, the new framework should help States to plan more gender-aware policies and measures to effectively fulfil the aims and objectives of the Convention.

THE INTERNATIONAL FUND FOR CULTURAL DIVERSITY AND GENDER EQUALITY

The International Fund for Cultural Diversity (IFCD) is a multi-donor fund established under Article 18 of the Convention for the purpose of supporting projects that can help further the goals of the Convention, especially in terms of introducing policies to protect and promote the diversity of cultural expressions and foster or strengthen new cultural and creative industries, particularly in developing countries.

A review of 71 projects funded by the IFCD between 2010 and 2013 revealed that only 13 (18%) had to do with gender equality or women's empowerment (Guixe, 2014). Approximately a quarter of the total funds disbursed by the IFCD in the three-year period went to these projects. However, only one among all the organizations that received funding during that time was a women's association (less than 1% of the total) and only a quarter of all the funded projects were led by women. The review highlighted the importance of developing gender-sensitive project proposal and report formats, as well as

annotated guidelines that can help applicants figure out how to take gender issues into account in their projects from the preliminary stage onwards.

The validity of this observation became apparent while perusing proposals from the 2014 funding cycle. For example, one submission for a project focusing on citizens from disadvantaged backgrounds in a Central American country clearly outlined the many gender-related issues that exist within the target community but did not follow through with any discussion about if and how they would be tackled through the project. The applicants were clearly aware of the gender issues afflicting the community they planned to work with but they were evidently less clear on how to go about addressing those issues.

“

Routine (or obligatory) references to gender and women in the responses are unlikely to translate into relevant, meaningful action without deliberate, systematic and sustained efforts to help applicants integrate gender concerns into the conceptualization, design as well as implementation of projects

A number of other proposals from the 2013 and 2014 funding cycles also referred to women mainly, if not only, in the section of the application form specifically asking about the promotion of gender equality and other priority areas. This certainly points to the importance of this question as a means of flagging the need to be inclusive in the pursuit of diversity. However, routine (or obligatory) references to gender and women in the responses are unlikely to translate into relevant, meaningful action without deliberate, systematic and sustained efforts to help applicants integrate gender concerns into the conceptualization, design as well as implementation of projects.

The revised IFCD application form, in use from the 2015 funding cycle onwards, includes a few changes that are expected to encourage applicants to think through ways in which their projects will contribute to the promotion of gender equality. For example, the section on objectives (4.4) requires an explanation of how exactly they will promote gender equality, while the section on project activities and expected results (5.2) requires details of likely beneficiaries, with both quantitative and qualitative information disaggregated by sex. Close monitoring of the impact of these modifications, along with some mentoring, should help increase the gender quotient of future projects.

Box 9.1 • *Empowering African youth*

A project from the IFCD's 2014 funding cycle, titled 'Empowering African youth to harness the potential of the music sector as enabler and driver of development', stands out for its apparent commitment to inclusivity. Proposed by the International Music Council, it included a number of activities to be implemented across several African countries. Gender consciousness was evident throughout the proposal, which recognized the under-representation of women in the music sector and the fact that women tend to have a harder time being accepted as artists or music professionals in conservative societies, especially in rural areas. Among the long-term objectives of the project was the empowerment of young women to occupy their rightful place in the music industry. Youth and women were the first and second target groups respectively to be addressed by the project. Special attention was to be paid to empowering young women through internships, study visits and work placements. Not only did the proposal specify the number of women to be included in each activity, but it put forward indicators that would reveal the extent to which inclusion had worked

Source: *www.imc-cim.org/*

GOOD PRACTICES IN PROMOTING EQUALITY AND DIVERSITY

The 2012 Report of the UN Special Rapporteur in the field of Cultural Rights noted the difficulties of gathering information on best practices developed at the national level – by both governmental authorities and non-governmental actors – to enhance the realization of the cultural rights of women on an equal basis with men. The Rapporteur expressed concern that this, in itself, could reflect the general lack of interest in the issue despite the enormous potential that the realization of cultural rights has for women.

However, the 2014 review of projects supported by the IFCD during the 2010-2013 period did reveal a number of promising initiatives aimed at increasing women's access to and participation in cultural enterprises and enabling them to attain better social and economic conditions (Boxes 9.1 and 9.2). For example, it identified some good practices in the areas of gender-sensitive research on diversity of cultural expressions; gender-sensitive policies and guidelines; gender training; improving women's economic conditions; engaging women in male-dominated areas of culture; and direct support for individual women artists.

In addition, some projects supported by the IFCD paid special attention to the needs of vulnerable women, such as women with disabilities and indigenous women, who customarily have less access to and control over resources. Among these was a project initiated by a non-governmental organization in Africa dedicated to improving conditions for women with disabilities through artistic occupations. Besides providing professional training in design, arts and crafts to young women with disabilities, the project sought to help them develop entrepreneurial skills as well as to raise public awareness about the socio-economic value of the local arts and crafts sector.[8]

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8. Offering opportunities to women with disabilities in Cameroon's cultural industries, the Association des Femmes Handicapées Actives du Cameroun, see *https://en.unesco.org/creativity/ifcd/project-description/offering-opportunities-women-disabilities*.

MONITORING GENDER EQUALITY AND CULTURAL DIVERSITY

In an age of Big Data, when important decisions about most aspects of life are supposed to be taken on the basis of information, the paucity of statistics about cultural activities in general, and women's participation in creative pursuits in particular, is cause for serious concern. At a time when countries have begun to recognize the role of culture in promoting sustainable development, to view culture as an asset that can help eradicate poverty, inequality and discrimination, and to seek fresh strategies to leverage culture in order to bring about transformative change to benefit their citizens, societies and economies, it is clearly imperative for them to have access to reliable information about different aspects of culture and cultural diversity. In the context of the Convention, Parties require information to identify ways and means to protect and promote the diversity of cultural expressions as well as to evaluate the impact of the policies and strategies put in place for the purpose.

Information about women's contributions to cultural life, their access to and participation in cultural activities, and any hurdles in their path to the enjoyment of cultural rights are essential if policies and measures meant to promote gender equality in the cultural field are to address real concerns and bring about necessary changes. Data is also required to help countries evaluate their own efforts towards ensuring that (a) various forms of cultural expressions by women are recognized, preserved, safeguarded, enhanced and showcased, and that (b) women's involvement with the creation, production, distribution and dissemination of cultural goods, services and activities (as creative individuals), and women's access to cultural goods, services and activities (as citizens/members of the public), are duly supported.

The 2014 review of QPRs submitted by Parties during the 2012-2013 cycle found that few nations have statistics disaggregated by sex in the field of culture (Guixe, 2014). As the review pointed out,

'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 equity.'

According to the report, overcoming the dearth of data is a major challenge for the future.

It goes without saying that, under the circumstances, information about the contributions to cultural life of persons belonging to various sexual/gender minorities, their access to and participation in cultural activities, and any hurdles in their path to the enjoyment of cultural rights is likely to be even more scarce.

> "
> *The paucity of statistics about cultural activities in general, and women's participation in creative pursuits in particular, is cause for serious concern*

A practical first step towards addressing gender-related concerns about diversity of cultural expressions and gathering sex-disaggregated data at the country level could be the appointment of a Gender Equality Focal Point within the Ministry of Culture who could liaise with the Convention Point of Contact, as well as other governmental and non-governmental agencies,

to facilitate the integration of gender awareness into efforts to implement the Convention. The identification of existing sources of information on women in cultural fields, their experiences and needs, and the setting up of a clearing house for available data, could be among the first tasks to be undertaken by the Focal Point.

In this context, it is vital to acknowledge the existence of gatekeepers and gate-openers in the cultural arena and the extent to which they influence women's participation and progression in cultural professions, for better or for worse. Gatekeepers/gate-openers are typically persons within the organizational structures of cultural institutions – in the public, private and non-profit sectors – who hold key decision-making positions and have the status and power to determine the destinies of the creators and producers of cultural expressions (Cliche and Wiesand, 2003). They can also be influential individuals who are not necessarily affiliated to any particular institution or organization. The idea that gatekeeping processes regulate freedom of expression and facilitate or prevent the circulation of a diversity of ideas, values or beliefs is now widely accepted. The relationship between gender and gatekeeping is also increasingly recognized, with research as well as experience pointing towards ongoing practices indicating gender-based discrimination within and outside institutional hierarchies.

An important way in which Parties can kick-start the necessary process of information-gathering at the country level is by examining the gatekeeping/gate-opening processes and mechanisms within their own, internal structures and systems. Some data could throw helpful light on levels of integration of gender awareness into official arrangements and actions can be compiled without much difficulty by governments themselves, possibly through the proposed Gender Equality Focal Point. For example, there is visible progress in terms of gender balance among Ministers of Culture in countries that have ratified the Convention (Figure 9.6).

> ❝
>
> *It is vital to acknowledge the existence of gatekeepers and gate-openers in the cultural arena and the extent to which they influence women's participation and progression in cultural professions*

What, for example, is the representation of women in decision-making positions in ministries/national machinery relating to culture, as well as public cultural institutions, including public service broadcasters, institutions of cultural education/training and regulatory bodies in the cultural field? How well are women's cultural expressions represented in public cultural institutions such as museums and galleries, officially sponsored exhibitions, retrospectives and art fairs, and in equivalent institutions and opportunities across the arts, literature and other forms of cultural expression? What share of public funding for creative expressions – such as films, theatre productions, music and dance performances – reaches women in the cultural field?

Data disaggregated by sex from ministries of culture and national/public cultural organizations (covering various areas and forms of cultural expression) could provide useful insights into the extent to which women are included in officially organized or promoted cultural programmes and projects; women's access to opportunities provided by the ministry and national cultural organizations such as scholarships and fellowships, festivals and tours, travel and work grants, commissions and residencies; as well as women's share of official recognition for cultural contributions and achievements in the form of prizes and awards. Governments could also undertake or commission analyses of their own policies relating to culture, on the one hand, and women's development and empowerment, on the other, to ascertain how far the two sets of policies reflect concerns about women's participation in, and access and contribution to cultural expressions.

The process of gathering other types of information, especially about the status of women as creators and producers of cultural expressions and as citizens participating in cultural life, may require more time and resources but they are equally essential if Parties' obligations under the Convention are to be met in a systematic, if progressive, manner. One way to approach the task could be to persuade cultural and creative industry bodies and civil society organizations (including universities and research institutes) to join, if not take a lead in, efforts to generate the necessary data.

For example, it would be instructive to have statistics on women's participation at different levels of various cultural and creative industries and about the representation of women in decision-making positions in cultural and creative industry organizations in the private sector as well as in non-profit cultural organizations. Data on women's share of the output of various cultural industries (e.g. what percentage of the total number of films made in a country were produced or directed by women?) and their representation in the range of occupations within each industry would also be useful. So would information on the percentage of female students in institutions of education and training for participation in cultural industries and the percentage of women among audiences for cultural events of various kinds and consumers of cultural products and services.

Figure 9.6

Share of Parties that have male or female Ministers of Culture

Source: UNESCO compilation, 2015
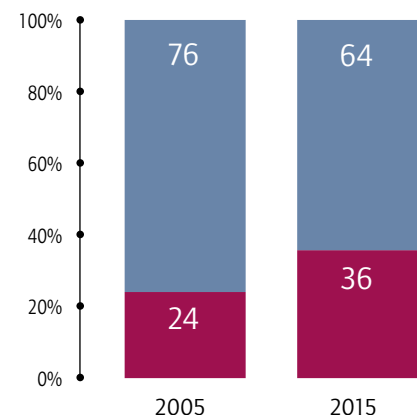
> *Organizations, associations and networks of women in cultural professions can play a critical role in gathering such data*

The question of gender equity in remuneration in different cultural industries and gender-based segregation – if any – within various cultural industries or areas of cultural activity may be more difficult to address but, as the studies cited in the Introduction to this chapter indicate, it is important and not impossible to do so. Organizations, associations and networks of women in cultural professions can play a critical role in gathering such data.

In recognition of the scarcity of cultural data in general and sex-disaggregated cultural data in particular, UNESCO has taken steps to remedy the situation – through the ongoing work of the UNESCO Institute for Statistics (UIS) on cultural employment and cultural participation, for example. Other studies, initiated by the UNESCO Culture for Development Indicators, are expected to yield information on the relationship between development and gender equality in culture, as well as sex-disaggregated indicators to measure the contribution of culture to development.

However, action to generate gendered statistics across various areas of cultural activity, including cultural and creative industries, is obviously required at the country level, too. Some suggestions on initial steps that can be taken by governments, as well as others, to begin the process of collecting and compiling gendered cultural data have been outlined here. In addition, the data cited in the introduction to this chapter to highlight the enduring gender imbalances in a range of cultural fields provide glimpses of the variety of ways in which information can be generated – through both primary and secondary research.

CORE INDICATORS AND MEANS OF VERIFICATION

Indicators are useful tools that can help governments and other stakeholders determine the present situation with regard to gender equality in the cultural arena, track movement towards ensuring women's cultural rights, and highlight necessary action to further promote and protect the diversity of cultural expressions in this context. A framework for indicators has been presented in *Towards a Monitoring Framework* chapter as a core component of the present monitoring exercise. The following set of basic indicators, accompanied by proposed means of verification, represents the first step towards documenting and evaluating progress in fulfilling gender-related obligations under the Convention:

Indicator 9.1

Existence of legislative framework guaranteeing gender equality in the cultural arena

Means of verification

• Ratification of relevant binding international instruments and endorsement of universal declarations and recommendations relating to women's fundamental human rights in general and cultural rights in particular

• Laws (and/or legislative amendments) specifically recognizing and upholding the cultural rights of women, including their right to creative expression

• Legislative (e.g. parliamentary) forums with mandate to foster gender equality in general and in the cultural sphere

Indicator 9.2

Existence of policies and measures recognizing and supporting women as creators and producers of cultural goods and services

Means of verification

• Policies specifically acknowledging and underlining women's right to access, participate in and contribute to cultural life through creative and artistic endeavours

• 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

• Provision of financing to support and promote women creators and producers of cultural goods and services through budgetary allocations and other available means.

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.

Means of verification

• 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

• Mechanisms and budgets to nurture and increase women's participation in, and contribution to, a wide range of cultural activities

CONCLUSION

'In many ways, the "freedom to participate in cultural life stands at the very core of liberty"' (Sunder, 2012).

As the UN Special Rapporteur in the field of Cultural Rights has observed, (Shaheed, 2014)

'Culture, manifested in individual and collective self-expression, permeates all aspects of life and is inevitably gendered. Defining the parameters for social engagements, culture imposes the normative rules and roles for each gender and the penalties for transgressing these. Consequently, the realization of cultural rights of women is pivotal to the realization of their human rights in general.'

A crucial aspect of cultural rights is the right to access, participate in and contribute to cultural life. An increasingly important part of cultural life is creative expression. So women's right to creative expression is vital for the realization of their cultural rights. At the same time, women's exclusion from or segregation within creative occupations – in one way or another, to a greater or lesser extent – militates against the goal of diversity of cultural expressions.

Although women are strongly represented in the creative sector – at various levels, in various roles, across various occupations – the abiding presence of glass ceilings and walls often block their ability to make full use of their talents and potential, and to take advantage of the artistic opportunities presented by the increasingly important creative economy. As a result, they are still sadly under-represented in a number of cultural domains, especially certain creative occupations, as well as in the decision-making positions of most cultural industries and organizations. They are also often denied equal pay for work of equal value.

The Convention provides a unique opportunity for countries to seriously tackle such gender-based stumbling blocks to the fulfilment of women's cultural rights. It is important to recognize that such obstructions not only impede female artists in diverse creative fields but, in effect, impoverish cultures and deprive all human beings of access to the creative potential of the female half of the artistic community.

A recent review of policies and programme measures to support women at different stages of the value chain revealed that noteworthy initiatives do exist in several countries (UNESCO, 2014f). However, it also found that while many countries prioritize the leveraging of women's contributions to the creative economy, the goal of ensuring gender equality in the cultural sector has not yet been adequately addressed in the vast majority of countries. According to the review, one major reason for slow progress in this area is the inadequate availability of knowledge and data.

> "
> *The Convention provides a unique opportunity for countries to seriously tackle such gender–based stumbling blocks to the fulfilment of women's cultural rights*

It is obvious that unless legislative, regulatory and institutional measures are based on systematically gathered, reliable information they are unlikely to be effective. In the absence of sex-disaggregated cultural data, policies aiming to strengthen the cultural sector tend to be gender blind, often failing to acknowledge and tackle the existence of gender-based biases and barricades which render the sector inequitable in many ways. In this context, it is significant – and encouraging – that several countries highlighted the need for gendered information, data and analysis in their responses to a questionnaire on gender equality and culture distributed to all UNESCO Member States in August 2013.

The following main recommendations emerge from the present analysis:

■ The collection, collation and evaluation of gender-disaggregated data on various aspects of women's participation in and access and contribution to cultural life is clearly the most urgent task to be undertaken by Parties if gender concerns are to be effectively addressed in the progressive implementation of the Convention.

■ An information-based approach would also enable Parties to improve reporting on efforts to address the gender equality imperative that is built into the Convention and reinforced by UNESCO's revised draft operational guidelines and modified framework for future QPRs. In addition, it would facilitate the integration of gender concerns into the conceptualization, design as well as implementation of projects submitted to the IFCD.

■ Equally important is a holistic approach to the implementation of the Convention, which recognizes the symbiotic relationship between gender equality, cultural rights and cultural diversity, as well as the impossibility of protecting and promoting the diversity of cultural expressions without acknowledging and addressing gender-related disparities in the cultural arena. Gender concerns can no longer be either ignored or viewed merely as niche issues that can be dealt with through a few well-meaning projects extending a helping hand to women (beneficial as such efforts may be). They need to be identified and tackled, instead, as critical impediments that endanger and diminish cultural diversity.

■ A holistic approach would ensure the institution of policies, legal frameworks and practical measures to safeguard, uphold and promote the fundamental right of women and girls to participate in and contribute to cultural life on an equal footing.

- It would call for the incorporation of a gender perspective into efforts to implement different aspects of the Convention, including seemingly gender-neutral matters such as international cooperation, the protection of cultural expressions in special situations and the integration of culture into sustainable development policies.

- A holistic approach would require the participation of a wide range of stakeholders in the process of implementing the Convention, including national machineries for women's empowerment, as well as other institutions, organizations and individuals with expertise and experience in the area of women's rights and gender equality. It would also entail recognition of the diversity that exists among women in any society and efforts to ensure that special needs and vulnerabilities based on class, creed, race/caste/ethnicity, age, disability, sexual orientation, location, etc. are taken into account in drafting policies and designing programmes.

The bottom line, as the 2012 report of the Special Rapporteur in the Field of Cultural Rights pointed out, is that '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'.

Challenges of artistic freedom

Ole Reitov[1]

KEY MESSAGES

>>> *Recognition and protection of artistic freedom is germane not only to the being and creative practice of artists themselves but also to the rights of all cultural professionals.*

>>> *Fundamental freedoms are an essential ingredient of the wellbeing of citizens and societies, in the dynamics of social development and for the stability of the arts and cultural and creative industries sectors.*

>>> *Restrictions to artistic freedom and access to artistic expressions generate important cultural, social and economic losses, deprive artists of their means of expression and livelihood, and create an unsafe environment for all those engaged in the arts and their audiences.*

>>> *In 2014, Freemuse registered 237 attacks on artistic expression. However, threats to artistic freedom are under-reported in comparison to threats to journalists and other media professionals. This leads to a limited picture of the true scale of the challenge to creative free expression, in particular the physical threat to socially engaged artists and practitioners.*

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1. Executive Director, Freemuse, Copenhagen, Denmark

237
*reported and verified
attacks on artists
in 2014*

3
Killed

30
Prosecuted

9
Newly
imprisoned

41
Detained

2
Abducted

33
Still
imprisoned

16
Attacked

13
Persecuted,
threatened

90
Censored

Creation

Distribution

Production

Participation

monitor violations

defend artists' rights

support artists at risk

enforce human rights legislation

self-
censorship

corporate
interests

political
interference

religious
interference

Threats to artistic freedom are a highly topical issue today. To date, however, the protection of artistic freedom has not been a topic on which Parties to the 2005 Convention on the Protection and the Promotion of the Diversity of Cultural Expressions (hereafter the Convention) have been asked to report specifically. Since, for this reason, there is little that can be learned from their Quadrennial Periodic Reports (QPRs),[2] this chapter will focus on explaining the importance of the issue and the increasing international climate of awareness, both governmental and non-governmental, that has emerged around it, before advocating more systematic monitoring of artistic freedom in the implementation of the Convention and thus greater attention to the topic in the reports submitted by Parties.

The first Guiding Principle in Article 2 of the Convention affirms that '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'. Artistic freedom is one of these fundamental freedoms and it is for this reason that, as this chapter will demonstrate, it should figure more substantially in reports produced by Parties in the years to come.[3] In order to make its case, this chapter will explore some of the forces and factors that constrain or threaten artistic freedom. It will review the debate that has taken place at the United Nations on the issue (bringing it to the forefront of public attention in the international community). The chapter will also describe some of the efforts of both government and civil society entities that constitute good practice in this regard.

2. The Quadrennial Periodic Reports are available at *http://en.unesco.org/creativity/monitoring-reporting/periodic-reports*

3. As pointed out by the UN Special Rapporteur in the field of cultural rights, to advocate for artistic freedom is not to suggest 'that additional rights should be recognized for artists. All persons enjoy the rights to freedom of expression and creativity, to participate in cultural life and to enjoy the arts. Expressions, whether artistic or not, always remain protected under the right to freedom of expression (Shaheed, 2013).

> *When citizens as members of audiences or publics are free to attend and take part in public artistic events of their choice, enjoy artworks in their homes without fear of hindrance or interference, the quality of life for individuals and societies is inevitably enhanced*

Finally, it will propose some building blocks for a monitoring system on artistic freedom in the future implementation of the Convention.

The recognition and protection of artistic freedom is germane not only to the being and creative practice of artists them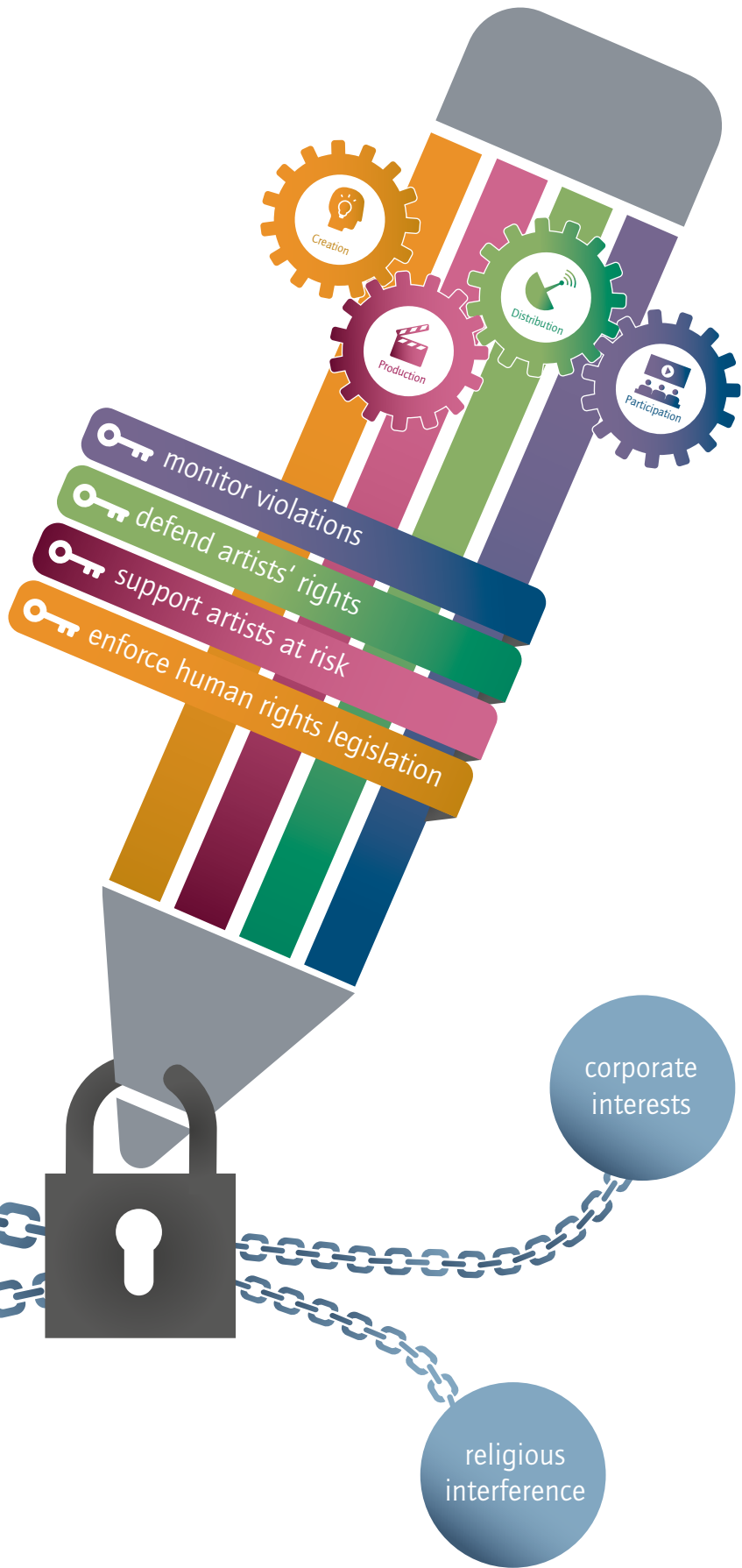selves but also to the rights of all cultural professionals. Fundamental freedom is an essential ingredient of the wellbeing of citizens and societies, in the dynamics of social development and for the stability of the arts and cultural and creative industries sectors. The growth and flourishing of the latter are striking in countries that respect and protect the freedom of artistic expression and at the same time have established intellectual property rights mechanisms for the fair remuneration of artists and producers. The capacity to imagine, create and distribute free of governmental censorship, whether pre- or post-political interference or the pressures of non-state actors, allows both artists and artistic producers to concentrate their efforts on the processes of creation, production, distribution and dissemination called for by the Convention. And when citizens as members of audiences or publics are free to attend and take part in public artistic events of their choice, enjoy artworks in their homes without fear of hindrance or interference, the quality of life for individuals and societies is inevitably enhanced.

Artistic expressions are highly diverse. They may take the form of literature, performing arts – such as music, dance and theatre – moving images and all forms of the visual arts, including street art. They may be embodied in physical products such as printed books or sculptures, digital products such as streamed films or music files or in performances such as concerts or theatre. Some artistic expressions simply entertain us or appeal to our sentiments. Others may provoke us, generate debate or make us reflect, particularly when they are vectors of dissent or indignation. When art provokes in this way, it is inevitable that certain interest groups may wish to regulate or censor it. States, however, are in principle obliged to protect artists' rights to freedom of expression, in other words, to promote artistic freedom.

ARTISTIC FREEDOM IN THE 2005 CONVENTION

Although the term artistic freedom *per se* is not used in the text of the Convention, it is clear that its intent, notably by virtue of the first of its Guiding Principles, already mentioned, resonates fully with the belief that it is essential to protect the freedom of expression in a range of culture-related domains. It is important to note that the Preamble of the Convention also reaffirms that 'freedom of thought, expression and information, as well as diversity of the media, enable cultural expressions to flourish within societies'. The reference to diversity of the media is important, for artists play as important a social role as journalists, media workers and media outlets do. It is only that they operate through different channels: as one musician expressed it, 'Rappers are the CNN of the street'. Indeed the search for appropriate tools to monitor respect for artistic freedom in the context of the Convention can follow the lead set by analogous approaches in the field of media. Such tools would embrace both respect for artistic creation as well as the freedom of disseminating and obtaining access to artistic expressions.

It is noteworthy that Article 7.2 stipulates that '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.' As we shall see below, some Parties have cited measures to promote artistic freedom. Some of these measures may well be directly or indirectly linked to the Convention, whereas others probably respond to the increasing number of initiatives from Civil Society Organizations (CSOs) across the world, which are advocating and defending artistic freedom in times when it faces widespread threats, as well as to the debate at the United Nations.

CENSORSHIP
AND ITS DISCONTENTS

The rights of artists to express themselves freely are under threat worldwide, especially where artistic expressions contest or critique political ideologies, religious beliefs and cultural and social preferences. Various interest groups seek to regulate and control the artistic expressions they consider undesirable; and every year, as records show, artistic expressions, whether books, films, musical genres or paintings, are censored or attacked, while their creators themselves are brought to trial, physically assaulted, imprisoned, abducted or even killed (Freemuse, 2014). In 2014, Freemuse registered a total number of 237 attacks and violations against artistic freedom (Figure 10.1).[4]

4. The statistics reflect stories collated and published by Freemuse on artsfreedom.org during 2014 and include attacks on authors, musicians, film makers, visual artists etc. but do not reflect attacks and killings of cartoonists and journalists as these are considered media workers and cases are monitored by other organizations. The Freemuse statistics are not a complete survey and do not present the full picture of the situation globally. Many artistic freedom violations are never made publicly known and, in many countries, access to information is limited. Only recorded and verified censorship cases and attacks on specific individuals, events, art venues, shops and artworks are included in the Freemuse statistics. Governmental pre-censorship practices and self-censorship by artists based on fear cannot be measured in numbers. See *http://artsfreedom.org/?p=8615*

Figure 10.1

Total number of freedom of expression violations by sector and by type of violation (2014)

Source: Freemuse, 2014.
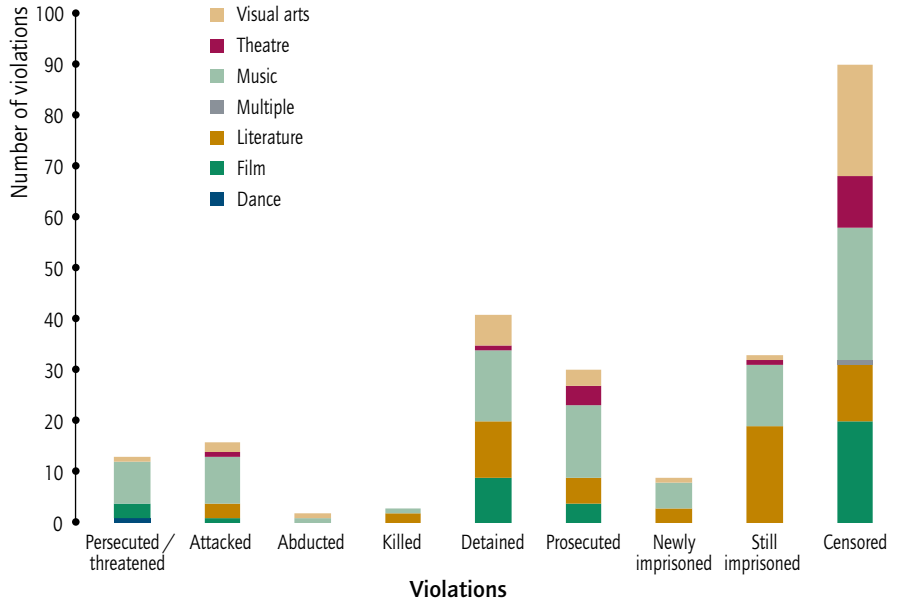
Although many covenants and declarations guaranteeing freedom of expression have been ratified by governments, censorship and other forms of repression are still practised across the world – not just by States, but also by religious power groups, corporate interests and non-state actors. These behaviours take place within States rather than between or among them. They often reflect the control and/or domination of expression in the public sphere by particular groups or forces within societies. Politically motivated censorship and persecution are regular occurrences in some countries, especially when artworks addressing police brutality, corruption or abuse of power are deemed 'anti-national' by states rather than as significant contributions to democratic dialogue. In some countries, ministries of information or culture intervene directly in matters relating to broadcasting and arts institutions, issuing 'messages' or providing 'blacklists' to producers and venues to avoid presentation of 'undesirable artists'.

Many countries have *censorship boards*. In some cases, these boards are totally dependent on political directives from the state. In others, the cultural industries themselves have established 'self-regulation' bodies such as film censorship or certification boards (that in some cases include industry professionals as well as representatives of civil society). Pre-censorship may include administratively complicated and time-consuming procedures where several offices are involved in giving permits to manuscripts, performances, exhibitions, etc. Censorship board practices are frequently non-transparent; some are clearly influenced by external power groups and government ministries.

Non-state actors are also involved. We are all familiar with instances in which religious entities pass judgements on artistic creations and wish to prevent or censor artistic expression; artists across the world have been attacked for 'blasphemy and outraging religion' in a form of moral policing exercised by various fundamentalist groups, guerrillas and militias (albeit sometimes manipulated indirectly by governmental forces).

Corporate interests may also restrict artistic freedom. The underlying motivations include the desire to silence criticism from artists of corporate practices or to stop them from (ab)using their brands, but corporations may also dominate markets; some may also be linked to political or religious interests. A study carried out for UNESCO in 2006 on 'The protection and promotion of musical diversity' described the situation in the following terms:

'There are various ways in which musical diversity might be threatened. Especially in music, globalization brings with it an ever-spreading power of a relatively homogeneous western-sponsored pop music, backed by enormous marketing budgets. This music can displace local musical traditions (Letts, 2006).'

Self-censorship is also an issue. Artists and arts producers/venues (festivals, galleries, cinemas, etc.) self-censor for a number of reasons, including fear of causing controversy or offence, fear of losing financial support or a combination of these. Self-censorship may also stem from very real threats from religious groups from all faiths, surveillance from intelligence services, extremists, drug cartels and other criminal groups. It is difficult, or even impossible, to measure or to confirm the extent of self-censorship and few people wish to admit to self-censoring.

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The rights of artists to express themselves freely are under threat worldwide, especially where artistic expressions contest or critique political ideologies, religious beliefs and cultural and social preferences

These various forms of censorship impact all the dimensions of the value chain: from creation to access. Countries applying pre-censorship of any artistic expression before its dissemination have already planted a self-censorship filter (political, social, cultural, religious, etc.) in the mind of the creator.

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*I*magine a world with no artists, no honest expression, no light, no beauty, no truth.

That's the world we would inhabit without artists, journalists or any cultural voices freely expressing themselves.

In my 33 years at CNN, I have seen the power of the spoken word, the power of the visual world, become the most important pillars of a properly functioning democracy and any healthy civil society, and therefore our quality of life.

Journalism, like any form of art or culture, is not just about freedom of expression, but crucially, it is about freedom of thought. And it is about increasing the diversity of cultural expression. True art is about standing up to state-sponsored propaganda and resisting the herd mentality. Today however, we see journalists and artists in too many parts of the world declared the enemy. The rising tide of nationalism and identity politics has sucked us into its net.

I believe most journalists and artists use their voices and their platforms responsibly, knowing that we must always speak the truth, whether it's comfortable or not. Never letting anyone browbeat us into believing that they have a monopoly on the truth, and never being afraid of power but always holding it accountable.

Imagine a world without people willing to fight that fight.

Christiane Amanpour
CNN chief international correspondent and UNESCO Goodwill Ambassador for Freedom of Expression and Journalist safety

This filter limits the creative process or narrows it down to what the artist believes the censor is ready to accept. For example, a film-maker who gets permission to produce a film based on a detailed manuscript with location descriptions will further have to consider in the production phase whether certain camera angles, use of buildings, combinations of images and words and the like may provoke further censorship once the film is completed. Should the film survive the scrutiny of the censor, it may still be restricted in terms of access to circulation, length of time for distribution and age restrictions. Given all these limitations, the film-maker may very well abstain from addressing certain 'sensitive' gender, minority, linguistic and national cultural identity issues.

> *Restrictions to artistic freedom and access to artistic expressions generate important cultural, social and economic losses, deprive artists of their means of expression and livelihood*

Box 10.1 • *The 104 EX/3.3 UNESCO procedure concerning human rights and fundamental freedoms*

In 1978, the Executive Board of UNESCO put in place a confidential procedure to examine communications (complaints) received by the Organization concerning alleged human rights abuses in its areas of competence, namely education, science, culture and information. This procedure is defined by decision 104 EX/3.3 of the Executive Board and implemented by the Committee on Conventions and Recommendations.

The purpose of this procedure is to seek an amicable resolution to cases that are brought to the attention of UNESCO:

• *By establishing a dialogue with the relevant governments to examine in complete confidentiality what could be done to promote human rights, within the Organization's mandate;*

• *By acting "in a spirit of international cooperation, conciliation and mutual understanding … and recalling that UNESCO should not play the role of an international judicial body" (paragraph 7 of 104 EX/Decision 3.3).*

From 1978 to 2013, 586 communications were considered by the Committee on Conventions and Recommendations. The results concerning alleged victims (or groups of alleged victims) for this period may be broken down as follows:

• *Released/acquitted: 221*

• *Released after completion of sentence: 16*

• *Authorized to leave the State in question: 21*

• *Authorized to return to the State in question: 35*

• *Able to resume their employment or activity: 29*

• *Able to resume a banned publication or broadcast programme: 14*

• *Able to resume normal life following a cessation of threats: 5*

• *Able to benefit from changes in certain education laws that were discriminatory towards ethnic or religious minorities: 10*

• *Religious minorities able to obtain passports and/or grants, or receive diplomas: 12*

• *Able to resume studies: 9*

• *Total number of communications settled: 372*

(The 214 remaining cases concern communications that are inadmissible or whose examination has been suspended or is under way.)

Source: http://portal.unesco.org/en/ev.php-URL_ID=27969&URL_DO=DO_TOPIC&URL_SECTION=201.html

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Although the effects of censorship can be easily identified in cases where artists are imprisoned or killed, the social and economic repercussions of restrictions to freedom of artistic expression and access to them are more difficult to measure. Yet, there is little doubt that restrictions to artistic freedom and access to artistic expressions generate important cultural, social and economic losses, deprive artists of their means of expression and livelihood, and create an unsafe environment for all those engaged in the arts and their audiences. Infringements upon artistic freedoms affect all age groups; in many societies restrictions and censorship of artistic expression particularly discriminate against minorities, women artists and female audiences. Many societies persist in de-motivating and restricting women in the exercise of their rights and many women making a living as artists continue in several societies to be ostracized.

THE DEBATE ON ARTISTIC FREEDOM AT THE UNITED NATIONS

Freedom of expression as a basic human right has long been a core issue at the United Nations. Debates related to it have emerged on several occasions and in different forums, linked particularly to political control and religious sentiments. Today, the international politics of the post-9/11 world have provided a context in which artistic or ideological questioning of religions has sparked heated disputes within and between countries. In this context, and after several years of often acrimonious debates, the UN Human Rights Council released a General Comment in July 2011 on Article 19 (Freedoms of opinion and expression)

of the International Covenant on Civil and Political Rights, which stated that 'prohibitions of displays of lack of respect for a religion or other belief system, including blasphemy laws, are incompatible with the Covenant'.

Debates specific to artistic freedoms have also taken place at UNESCO. Already in 1980, UNESCO Member States adopted the Recommendation on the status of the artist stipulating that 'freedom of expression and communication is the essential prerequisite for all artistic activities' and enjoining Member States to 'see that artists are unequivocally accorded the protection provided for in this respect by international and national legislation concerning human rights' (UNESCO, 2015b). The issues embraced and promoted by the Recommendation include the education of artists, labour and social rights – including rights to establish independent unions and the free international movement of artists and the stimulation of public and private demand for the fruits of artists' activities.

More recently, freedoms indispensable for artistic expression and creativity were the subject of the first report on the right to freedom of artistic expression and creativity published by the UN Human Rights Council in March 2013. In this report, Ms Farida Shaheed, Special Rapporteur in the field of cultural rights, addressed the multi-faceted ways in which the freedoms indispensable for artistic expression and creativity may be curtailed. She underlined the growing worldwide concern that artistic voices have been or are being silenced through various means and in different ways. Her report identified laws and regulations restricting artistic freedoms as well as economic and financial issues significantly impacting on such freedoms. It pointed out that their underlying motivations are most often political, religious, cultural or moral, or lie in economic interests, or are a combination of these. She therefore called upon States to critically review

their legislation and practices that impose restrictions on the right to freedom of artistic expression and creativity, taking into consideration their obligations to respect, protect and fulfil this right. In some countries, artists openly critical of a government are still systematically persecuted and accusations of 'separatism', 'terrorism' or being 'unpatriotic' are levelled at their work. The Special Rapporteur recommended to Member States that they abolish 'prior-censorship bodies or systems', noting that 'prior censorship should be a highly exceptional measure, undertaken only to prevent the imminent threat of grave irreparable harm to human life or property'. Of special significance was her injunction to decision makers, including judges, that they take into consideration 'the nature of artistic creativity (as opposed to its value or merit), as well as the right of artists to dissent, to use political, religious and economic symbols as a counter-discourse to dominant powers, and to express their own belief and world vision'. She also reminded States to abide by their obligation to protect artists and all persons participating in artistic activities or dissemination of artistic expressions and creations from violence by third parties and added that 'States should de-escalate tensions when these arise, maintain the rule of law and protect artistic freedoms.'

Since the launch of the UN Special Rapporteur's report, side events have been held during regular UN Council on Human Rights sessions in Geneva, with guest artists talking of their experiences. In June-July 2015, artistic freedom was once again discussed in the UN Human Rights Council. A resolution on 'the right to freedom of expression, including in the form of art' was proposed by Benin, Latvia, Uruguay and the USA. The text was intensely debated but had to be withdrawn at the last moment due to lack of majority support from other Member States.

In addition, the Council's UN Universal Periodic Review (UPR)[5] – providing CSOs' and Member States with an opportunity to review, comment on and make recommendations on all aspects of the UN Declaration on Human Rights – is now starting to receive reports on violations of artistic freedom that were almost non-existent in the UPR's first cycle. This is because during the 2014-2015 period, the international CSO Freemuse made it a priority to submit with partners UPRs focusing on artistic freedom and has prepared seven submissions in collaboration with national, regional and international partners on the state of artistic freedom in Belarus, Egypt, Iran, Lebanon, Turkey, USA and Zimbabwe (Freemuse, 2015). These UPRs provide information on a wide range of issues on artistic freedom such as legal frameworks and legislation (constitution, security and terrorism legislation), freedom of association and of assembly, freedom of expression and creation for female artists, transparency in the enforcement of censorship legislation, etc.

ARTISTIC FREEDOM IN THE QUADRENNIAL PERIODIC REPORTS

Although Parties to the Convention were not specifically asked to report on artistic freedom, 12 Parties made specific reference to freedom of artistic expression in their QPRs, and another 6 to freedom of expression in general (Table 10.1). Eight countries made references to both.

Seven reports referred to freedom of expression as being protected under law, five of which have legal protections that extend to artistic or creative expression.

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5. UPR involves assessing a State's human rights records and addressing human rights violations wherever they occur. The UPR will assess the extent to which States respect their human rights obligations set out in: (1) the UN Charter; (2) the Universal Declaration of Human Rights; (3) human rights instruments to which the State is a Party (human rights treaties ratified by the State concerned); (4) voluntary pledges and commitments made by the State (e.g. national human rights policies and/or programmes implemented); and, (5) applicable international humanitarian law.

While there were few references to collaborations with ministries engaged with justice or legal affairs, cooperation with ministries of foreign affairs was often cited, although usually in connection with international cultural exchange. The foreign affairs ministries and/or international development agencies of several countries have developed new programmes to promote freedom of expression and/or 'the right to arts and culture' as part of their new culture and development strategies. Thus, Sweden states that 'Culture ... has a central role in Swedish assistance to promote democracy and freedom of expression, which is a Swedish priority in development cooperation'. Much of this work is done through the Swedish International Development Cooperation Agency (Sida), which has funded numerous organizations that promote freedom of artistic expression. The Swedish Institute, a government agency under the Swedish Ministry of Foreign Affairs, provides spaces for dialogue and forums that have a human rights perspective, notably including freedom of expression. The Swedish Arts Council has also actively supported the safe city system for artists.

Understanding the purposes of the Convention is a challenge mentioned in several reports. For example, Austria reflects that the Convention leaves 'considerable room for interpretation' adding that 'the wide range of themes covered by the Convention is an advantage as well as a disadvantage – allowing the definition of priorities adapted to the specific circumstances, while at the same time lacking clear indicators to assess the implementation progress'. It would be safe to assume that understanding the concept of freedom of artistic expression equally leaves room for interpretation. One Party, Latvia, states its intention 'to pay particular attention to defending social rights of and defining the status of artists'. All the reports refer to engagement with CSOs. With the exception of Denmark, it is not clear whether such engagement relates in any way to issues of artistic freedom (see section on CSOs below).

> *Violations of artists' rights to freedom of expression have not been monitored, documented or addressed systematically – if at all – by intergovernmental organizations or major international human rights organizations*

Table 10.1

Specific references to freedom of artistic expression and freedom of expression in general in QPRs (2012-2014)

	Artistic freedom of expression	Freedom of expression
Armenia	●	●
China	●	
Côte d'Ivoire	●	●
Denmark	●	●
Dominican Republic	●	●
Egypt	●	
Germany	●	●
Latvia	●	
Lithuania		●
Mexico		●
Namibia	●	
Peru		●
Portugal		●
Serbia	●	●
Sweden	●	●
Tunisia		●
Ukraine	●	●
Uruguay		●

Note: Most references are limited to mentions of protections in law, events with a free expression component, existence of refuges and support from government ministries, with few showing substantive activities.

Source: QPRs, 2012-2014

Very few reports have made reference to specific activities promoting freedom of expression, but mention of seminars, prizes and other events focussing on freedom of expression supported by culture ministries was made by Armenia, Lithuania, Mexico and Portugal. These were often held within larger events such as literary festivals.

Research based on sources other than the QPRs shows that some countries support artistic freedom either nationally through arts councils or internationally through development organizations or sections of ministries of foreign affairs, but this is not reflected in their reports. For example, Denmark, through its Ministry of Foreign Affairs, integrates culture in sustainable development policy in two ways: funding civil society organizations and development programmes in partner countries. The Danish Centre for Culture and Development (CKU) implementing the Ministry's policy, supports art, culture and creative industries in Africa, Asia and the Middle East. In close cooperation with Danish embassies and representations, CKU implements the Danish Strategy for Culture and Development, 'The Right to Art and Culture' (DANIDA, 2013). One of CKU's strategic priorities is to ensure freedom of expression for artists and cultural actors. Another case is that of Norway, which hosts and co-funds the international secretariat of the International Cities of Refuge Network (ICORN) under which more than a dozen Norwegian cities host artists at risk, as well as around 30 other cities in Europe and elsewhere. The Norwegian Ministry of Foreign Affairs cultural cooperation grant scheme describes its 'overriding objective ... to strengthen the cultural sector in the South and thus strengthen civil society and help it become a change agent and driving force in efforts to create a more transparent and democratic society' (Norwegian Ministry of Foreign Affairs, 2010). Projects that promote freedom of expression are one of the priorities listed and grants are given to international and local freedom of expression civil society organizations.

Most States provide support to a wide range of artistic expressions. Some States – especially in the Northern hemisphere – provide this support without direct political influence. This is often done through semi-state or 'arm's-length bodies', which prioritize non-mainstream artists who are at the cutting edge of artistic expression. Several States support cultural exchange programmes through civil society organizations (CSOs). Some programmes provide assistance to overseas CSOs that are marginalized or not supported by the arts councils in their own countries. Support may be given to exhibitions, music performances at festivals, seminars, etc. or through 'artist in residence' programmes.

In a global economy increasingly dominated by commercial interests, state sponsorship may offer greater freedom to artists than market forces may provide. Indeed, the UN Special Rapporteur has expressed the view that 'public agencies should function as a financial backup for programmes that do not attract corporate sponsors, based on the understanding that they cannot interfere with contents'. Some States employ or fund the work of artists. When artists are free to associate, produce and disseminate their arts without political interference such support securing the social status of the artists can also be considered as a form of support to artistic freedom.

CIVIL SOCIETY ORGANIZATIONS (CSOS) MONITORING ARTISTIC FREEDOM

A few observations would be in order here with regard to the role of civil society organizations in this field (Box 10.2). Violations of artists' rights to freedom of expression have not been monitored, documented or addressed systematically – if at all – by intergovernmental organizations or major international human rights organizations. International reports on violations of human rights giving priority to the monitoring of freedom of expression focus almost entirely on media freedom, with no or limited reference to censorship and persecution of artists and artistic productions.

Figure 10.2

Violations of the right to freedom of artistic expression (2010-2013)
Source: ARTICLE 19, 2010-2013

Grounds for restricting artistic expression

35.7%
Political criticism

22.4%
Sex, sexuality and nudity

16.6%
'Traditional' or religious values

10.8%
Offence or insult

4.9%   Insult against state symbols
4.7%   National security
1.8%   Public order
0.7%   Privacy
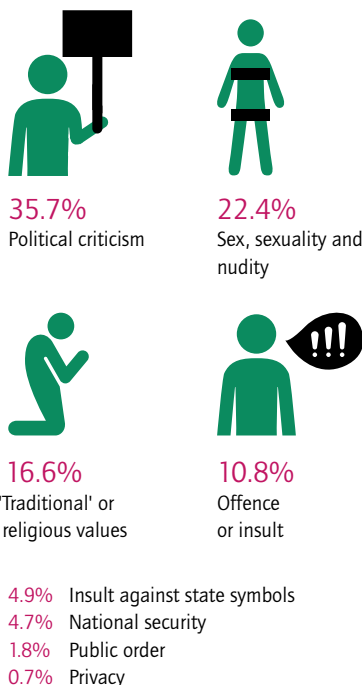
Interferences by art form

28%
Music

22.3%
Film, video and television

16.1%
Literature and poetry

11%
Painting, printing and drawing

5.3%   Cartoons
4.4%   Photography
4.0%   Theatre
3.8%   Satire and comedy

2.4%   Graffiti
1.5%   Dance
1.1%   Sculpture

Perpetrator

77.3%
State

7.6%
Private business

4.9%
Public pressure

2.8%   Website or social media
2.1%   Broadcaster
1.3%   Publisher
1.1%   Religious institution or representative
0.8%   Festival
0.6%   Militant groups
0.4%   Others

States do not on the whole provide annual statistics of works that have been pre-censored, banned or temporarily halted while being 'under consideration'. Given the hidden nature of self-censorship, statistics do not reveal how artists themselves have held back in the ways already mentioned above.

The advocacy of artists' organizations and associations worldwide has tended to focus on protection of authors' rights and the social status of artists.

Global advocacy for and systematic monitoring of violations of artistic freedom has been carried out mainly by two CSOs – PEN International and Freemuse.[6] Others such as Article 19, include freedom of artistic expression as part of their broader free expression work (Figure 10.2).

6. Freemuse initiated and co-organized the first world conference on artistic freedom in 2012: 'All that is banned is desired'. See *http://artsfreedom.org*

Box 10.2 • *Arts and artists' organizations advocating artistic freedom*

Artsfex, an international CSO network concerned with the rights of artists to freedom of expression, distributes news on attacks against artistic freedom, its members occasionally draft joint appeals and some network members engage in joint projects.

ArtistSafety.net (formerly known as freeDimensional) is an international volunteer network that provides case management and information services for artists, culture workers and communicators facing risk or danger as a result of their work empowering communities and 'speaking truth to power'.

Arts Rights Justice (ARJ), a network of European arts organizations, collects information and provides training for arts groups, including the production of a toolkit and a website.

Artwatch Africa, of the Pan-African CSO Arterial Network, aims 'to assert, promote and defend artist rights and freedom of creative expression for artists and cultural practitioners in Africa'. This is done through training courses, workshops, activities and monitoring. In 2014 Artwatch Africa published the first report 'Monitoring freedom of creative expression', a compilation of information on the status of freedom of creative expression gathered in 32 African countries.

Freemuse, is the first international CSO dedicated to documenting, monitoring and defending freedom of musical expression. It has published country and thematic reports and books on the mechanisms and effects of censorship of music. Since 2012, it documents and monitors violations of artistic freedom and publishes cases online. Freemuse engages in court cases and prison visits, provides advice to artists at risk and coordinates the Annual Music Freedom Day. Freemuse has consultative status with the UN and has been consulted by the Special Rapporteur in the field of cultural rights as well as UNESCO.

Index on Censorship produces in-depth reports on issues of the day, commentary from people who have experienced repression alongside expert commentators.

Institute of International Education (IIE) launched a fellowship programme to provide assistance to artists at risk in 2015.

International Cities of Refuge Network (ICORN), an association of 50 cities around the world providing safe houses and safe city residencies for artists at risk

National Coalition Against Censorship (NCAC) runs an Art Advocacy programme dedicated to working directly with individual artists and curators involved in censorship disputes in USA

PEN International 'Writers in Prison' has been monitoring and advocating for writers for six decades. It has an extensive network of over 140 centres in more than 100 countries. It has consultative status at UNESCO, and at the UN, playing an active role within these forums. Its activities include lobbying, organizing panel debates at literary events, producing anthologies of threatened works, and raising emergency funds for an individual at risk programme.

SafeMUSE, initiated by musicians' and composers' associations in Norway, and the *Helsinki International Artist Programme* (HIAB) provides short term residencies for music creators and artists.

Siyah Bant has created a website that documents arts censorship in Turkey and has put together publications on case studies of censorship in the arts in Turkey and on artists' rights, the legal framework pertaining to artistic freedom in the country and the ways in which these laws are applied.

Freemuse, Index and ARJ have produced guides to the legal framework and its impact on artistic freedom. Some guides explain how artists can organize campaigns and connect to international networks advocating artistic freedom.

The International Freedom of Expression Exchange, although largely representing press freedom groups, on occasion includes pieces from its members on attacks on artists. The capacity of the few organizations specializing in documenting and advocating artistic freedom is limited – especially in light of the attention and resources allocated to the defence of media freedom. A member of the Artsfex network of CSOs concerned with freedom of artistic expression has identified the following challenges:

- There is no established 'connected community' of freedom of expression activists in the cultural sector;

- Threats to artistic freedom are under-reported in comparison to threats to journalists and other media professionals;

- There is often a disproportionate focus on one country to the exclusion of others;

- This leads to a limited picture of the true scale of the challenge to creative free expression, in particular the physical threat to socially engaged artists and practitioners.

In terms of statistics, PEN International publishes extensive lists of attacks on writers and journalists, typically around 900 annually,[7] and Freemuse publishes an annual list of attacks on musicians and on artistic freedom. In 2014, Freemuse registered 237 attacks on artistic expressions as indicated in Figure 10.1 above. Article 19 made a breakdown in 2014 of registered cases, which show that music is the most persecuted art form, that political criticism leads to most prosecutions and bans, and that States were by far the most perpetrators (Culture Action Europe, 2015).

Twice a year the PEN International Writers in Prison Committee publishes a case list of writers around the world who are detained, on trial or otherwise persecuted for their writings or for their peaceful political activities.

7. See Pen International: *www.pen-international.org/*

Music is the most persecuted art form

For PEN International the term 'writer' can include print and internet journalists, bloggers, non-fiction authors and essayists (non-fiction writers), as well as poets, playwrights, fiction writers, literary publishers and translators (referred to here as 'practitioners or professionals of literature') and song-writers. In some cases, it is difficult to assess whether a practitioner or professional of literature or song-writer has been persecuted because of their literary work or lyrics or due to a combination of these and their political activism.

Moreover, many practitioners or professionals of literature combine their literary work with journalism, blogging or commenting.

However, an analysis of PEN International's Case List for 2014 suggests that approximately 26 practitioners or professionals of literature and song-writers were detained, on trial or otherwise persecuted in 2014 due to their literary work. Most of these were based in Asia and the Middle East (62%); regional breakdown as follows: Asia and Pacific (10); Middle East (6); Africa (4); Europe (4); Americas (2) (Figure 10.3). Of the 26, their professions are given as follows: song-writer (7); fiction writer (5); poet (5); literary publisher (2); literary translator (2); playwright (1); or more than one of these categories (4) (Figure 10.4). Three of the 26 are female while the remainder are male.

In 2014, as part of its Artwatch Africa initiative, the Arterial Network published *Monitoring Freedom of Creative Expression*, a compilation of information on the status of freedom of creative expression gathered in 32 African countries (Artwatch Africa, 2013). The report concluded that 'artists remain at particular risk in certain countries and that religious and social groups often try to interfere by blocking their different world views

and alternative narratives. There are very serious instances of contraventions and restrictions to freedom of creative expression on the African continent.' Although state imposed censorship is a major obstacle to artistic freedom, the report points out that customs and traditions cannot be ignored when analysing the issue. In particular, in several societies, women are prevented from expressing themselves or from taking an active part in cultural life. It also observes how state support is frequently (mis)used to control artistic expressions and that 'although a majority of countries have adopted cultural policies frameworks, these policies are rarely accompanied with implementation and monitoring mechanisms.' Although artists are the main targets of censorship, the report points out that, obstacles to freedom of artistic expression impact not only artists but 'a wide range of people who participate in the creation, production, distribution and dissemination of artwork.'

Although the negative effects on creativity and economy are difficult to measure, the report concludes that 'censorship practices are still imposed at various stages of artistic creation.' In 2014, Artwatch Africa recorded more than 20 incidents of censorship, intimidation,

threats and imprisonment, out of which, 9 were related to the music sector, 6 were in the field of cinema, 5 related to literature and 2 to the visual arts. However, this figure does not fully reflect the reality. According to Artwatch, many artists, either censored or harassed, prefer to stay under the radar and not communicate about their cases because of fear of repression. What is more, the report does not deal with self-censorship, which is a major result of repression in Africa.

SOME WAYS FORWARD

The following main recommendations emerge from the present analysis:

- Multi-faceted strategies of support for artistic freedom are clearly needed, ranging from direct support to artists and cultural actors, to fostering networks involved in documenting, monitoring and advocating artistic freedom, establishing platforms for dialogue and implementing existing legislation on the topic. Creating safe spaces for artists is increasingly essential, but first the rule of law must be guaranteed. Any cases brought against artists for their works should be conducted under fair trial and according to universal human rights standards.

Figure 10.3

Share of artists detained, on trial or persecuted for their literary or musical work in 2014, by region

Source: PEN International's Case List, 2014
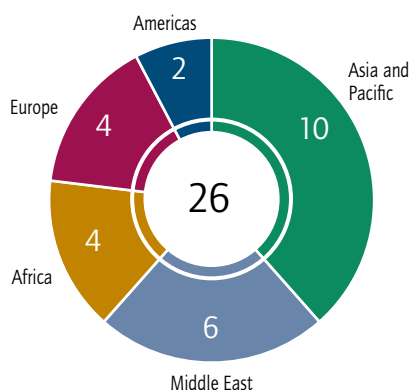
Figure 10.4

Share of artists detained, on trial or persecuted for their literary or musical work in 2014, by profession

Source: PEN International's Case List, 2014
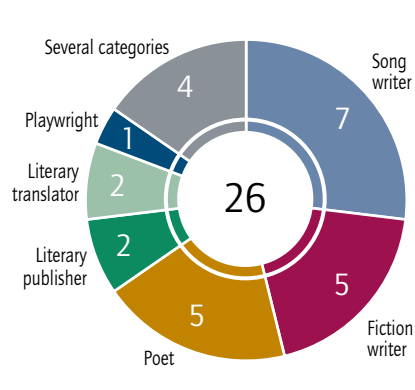
■ Transparency and openness are crucial. This includes access to trial hearings and court documents for media and international observers. Legislative bodies and censorship boards should specify why and how artistic productions are censored, introduce complaints systems and publish decisions.

■ States should consult CSOs whose focus is on, or includes, the promotion and protection of freedom of expression, notably artistic freedom. Similarly, the work of these CSOs should be supported and the country's cultural strategy should be informed by them, whenever possible. National Human Rights Institutes could also play a central role in helping States develop and secure documentation and monitoring artistic freedom in collaboration with national and international CSOs working for the protection of artists' rights.

■ Documenting and monitoring artistic freedom is essential. Parties to the Convention may be inspired and learn from existing media monitoring tools. Already, the UNESCO Culture for Development Indicators manual suggests that countries with relevant statistical data resources should consider providing an additional indicator on the perception of freedom of expression that would describe 'Percentage of the population who perceive that freedom of expression is fully guaranteed in their country' (UNESCO, 2014a). The 'media development indicators' developed by UNESCO under the International Programme for the Development of Communication, however, go further than this. They actually provide a framework that could be adapted to enable the assessment, promotion and protection of artistic freedom. Elements of these guidelines that might be adapted to artistic freedom include the following:

a) Freedom of artistic expression is guaranteed in law and respected in practice

b) Regulatory system works to ensure artistic pluralism and freedom of expression and information

c) The State does not place unwarranted legal restrictions on artistic expression

d) Artistic expressions are not subject to prior censorship as a matter of law and practice

CORE INDICATORS AND MEANS OF VERIFICATION

In light of the issues discussed, the guidelines presented above and the indicator framework (see the chapter entitled 'Towards a Monitoring Framework'), the following core indicators and means of verification may be put forward in regards the topic of this chapter:

Indicator 10.1

Legislative base for freedom of expression is a) guaranteed by law and b) respected in practice

Means of verification

• Evidence of the main binding instruments and universal recommendations and declarations affecting freedom of expression that have been ratified by the State or whose content and principles have been incorporated into national laws

• Evidence of violations of freedom of expression

Indicator 10.2

Policies and measures that promote and protect artistic freedom are a) established, b) evaluated and c) functioning

Means of verification

• Evidence of policies and strategies that recognize and support the right of artists to create, disseminate and/or perform their artistic works

• Evidence of policies and strategies that recognize and support the right of all citizens to freely access and enjoy artistic works both in public and in private and to take part in cultural life without restrictions

• Independent bodies established to receive complaints and monitor violations to artistic freedom (e.g. censorship)

• Evidence of government support for transparent decision-making on funding/grants/awards (e.g. through independent committees and/or arm's-length bodies)

• Initiatives taken by States and by CSOs to protect artists at risk, such as providing safe houses, safe cities, guidance and training

Indicator 10.3

Policies and measures that recognize and promote the social and economic rights of artists are a) established, b) evaluated and c) functioning

Means of verification

• Evidence of social protection measures that take the status of artists into account (e.g. social security, health insurance, retirement benefits, etc.)

• Evidence of economic measures that take the status of artists into account (e.g. employment, income and tax frameworks)

• Artists have the right and are organized in trade unions or professional organizations that can represent and defend the interests of their members

"

CONCLUSION

This chapter has argued that promoting and protecting artistic freedom ensures creative diversity for the benefit of humankind. It has also explored some of the ways in which, today, artistic freedom is threatened or even deliberately curtailed by States, civil society pressure groups and militant organizations, as well as by commercial enterprises. These threats run counter to the respect for human rights and fundamental freedoms upheld by the Universal Declaration of Human Rights and the United Nations Charter. They also hamper the objective set out by the Convention of creating and sustaining a climate encouraging freedom of expression, together with the conditions that lead to the flourishing of the social and economic rights of artists and cultural workers. It is for these reasons that the monitoring and the implementation of the Convention should be enhanced and strengthened by including data pertaining to artistic freedom and measured in terms of the indicators presented above.

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*A*rtistic expression is not a luxury, it is a necessity- a defining element of our humanity and a fundamental human right enabling everyone, individually and collectively, to develop and express their humanity and world view. Explicitly covered in the two main international Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights, and the Universal Declaration of Human Rights, artistic freedom had received little attention in human rights forums when I took up the issue in 2013. Threats to artists and artistic expressions were evident, but few artists engaged with the UN human rights system.

Having consistently addressed this question since then, I am pleased to note a growing realization of the crucial role artists and artistic creativity play in our societies, and the vitality of ensuring that artistic voices are not silenced by different means. Cultural expressions do not only entertain; they contribute to social debates and invite us to think. The growing engagement of various stakeholders around artistic freedom is encouraging. Much still needs to be done, however, to ensure access to and participation in artistic endeavours, especially in public spaces. Catalyzing ongoing critical thinking about the 'identity, values and meanings' we wish to choose for our lives, artistic expressions and creativity can play a significant role in many arenas, from social reconciliation processes to everyday life. This chapter on the status of artists is therefore an invaluable tool that will help to guide our future actions on the matter.

Farida Shaheed
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Conclusion

The present state of implementation of the 2005 Convention

Danielle Cliche[1] and Yudhishthir Raj Isar[2]

The Introduction to this Report defined its triple ambition: to raise awareness of the Convention, to generate debate on the challenges and opportunities it presents today and to put forward a methodology to monitor its long-term impact. Thus, in their historical overview chapter, the respected Swedish cultural policy activist and scholar Carl-Johan Kleberg and Senior Advisor to the Swedish Minister of Culture Mikael Schultz, expressed their shared belief that the present report 'is likely to be a milestone in the advancement of cultural policy research across the world'. The ten analytical chapters contributed by independent experts that followed have all sought to rise to this challenge, and to significantly strengthen the international knowledge building and sharing process that is at the heart of the Convention and was explicitly envisaged in Articles 9 and 19.

The basic building blocks for this purpose have been provided by the Quadrennial Periodic Report (QPR) process as approved by the Conference of Parties in 2011. Each of the authors have consulted the 71 QPRs so far submitted by Parties as their core evidence base, but have also referred to her/his own expert experience and sought data from other, non-official sources as well. The purpose of any concluding chapter such as this one should be to provide a synthesis of the main lessons learned. It would be useful to recapitulate the insights of the authors that appear to be the most significant. In order to do so, we shall examine how the Parties have succeeded in advancing towards attaining the four goals set out in the Introduction. Before doing so, however, we need to address the challenges of indicator building and data collection.

Chief among the abiding challenges, made manifest by the QPRs, has been the crying lack of data that could be used for the design, implementation and evaluation of evidence-based policies at the local, regional and national level. Without such data, it is clearly difficult if not impossible to devise adequate indicators for assessing the impact of policies and measures taken

to promote the diversity of cultural expressions. Reducing this glaring knowledge gap was at the heart of the challenge addressed by Prof. Helmut K. Anheier, who in his chapter above set out the kind of indicator framework that can effectively answer the questions posed in the Introduction. The author has expanded those questions into the following four:

- Has the Convention induced or inspired *policy change* at the country level, in the form of new or amendments to current policy provisions and measures to protect and promote the diversity of cultural expressions?

- How *effectively* are these policies and measures being implemented?

- Have these policies and measures led directly or indirectly to *improvements in policy making* for the diversity of cultural expressions?

- Have these policies and measures created better outcomes in terms of *human development*?

Answers to these questions can provide the basic conceptual framework for an indicator system to monitor key trends in policy making, identify positive reforms and successful measures, pinpoint strengths and weaknesses, indicate ways forward and generate constructive debate and exchange among the Parties. With these questions in mind, together with the Secretariat and in consultation with each of the authors, Prof. Anheier has elaborated the indicator framework that has informed the content of the subsequent chapters. Importantly, having also reviewed all the existing sources of data, he concluded that all of them combined will not be adequate to the task of constructing a dedicated indicator system of the kind he deems necessary. *An ongoing and systematic and sustained search for data for each indicator will therefore be indispensable, together with an assessment of data coverage, periodicity and quality.* Like the author himself (and indeed all the contributors), we are fully aware that such data will not be available for quite

some time still. It is nevertheless a horizon of expectation that cannot be foresworn, if the Convention is to stand out not only in terms of its promise but also in the transparency of its achievements.

In his chapter pertaining to the Convention's provisions regarding sustainable development, Prof. David Throsby has also reminded us 'that future monitoring of the implementation of the Convention will be seriously constrained unless further progress is made in data collection at national and sub-national levels. Reliable, relevant and comprehensive data are essential for tracking the impacts of the Convention over time and for identifying strengths and weaknesses in its operation'. Throsby also observed that data collection procedures can be systematized by reference to the UIS Framework for Cultural Statistics and the UNESCO Culture for Development Indicators Suite. In regard specifically to the cultural and creative industries, it is important to persuade national statistical agencies, he has argued, to rationalize and refine their classification systems for cultural industries and cultural occupations in their national accounts and employment statistics so as to enable accurate monitoring of the economic performance of sustainable development policies. In this respect, more countries could be encouraged to investigate the establishment of satellite accounts for culture, following the lead of those where such projects have been undertaken or are contemplated.

Let us turn now to the specific issues dealt with in the remaining chapters that can lead us to some preliminary observations on how far or close the Parties are to reaching the four primary goals of the Convention.

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> Support sustainable systems of governance for culture through the introduction of national policies and measures to promote creation, production, distribution and access to diverse cultural goods and services that are based on informed, transparent and participatory processes and systems of governance

In her chapter entitled 'New trends in policy making' Nina Obuljen Koržinek has examined how well the policies and measures adopted and implemented by Parties have strengthened the value chain of creation, production, distribution/dissemination and access as envisaged by Articles 5, 6 and 7 as well as the Operational Guidelines on Article 7. Hence the stress she has placed on the importance of ensuring that such measures and mechanisms be transversal, cutting across different domains of governmental responsibility and different societal sectors, which requires Parties to shoulder the task of adopting and implementing such 'joined up' strategies. As a corollary, how have such strategies successfully addressed needs and realities faced by creators and producers of cultural expressions in many different settings across the world? In a word, the record shows that progress has been achieved, but not enough. In particular there is:

- an absence of enabling legislation, together with the regulatory and administrative mechanisms that flow from such legislation;

- not enough implementation structures and organizations; competences and skills remain inadequate;

- a great heterogeneity of needs as regards the cultural industries field that is made up of many different micro-enterprises;

- poor access to international markets.

One key lesson to be drawn from this is that collaboration between independent experts and researchers and officials in ministries and arts agencies is indispensable if countries are to achieve informed systems of governance for culture. The author observes in this regard that such collaboration is at the heart of the *Compendium of Cultural Policies and Trends in Europe* established and implemented by the ERICarts Institute, the Council of Europe and a community of researchers and policy makers from 44 countries. In order for the QPRs to attain their full potential in providing the robust evidence required for informed policy monitoring and impact assessment, she argues that this partnership model between civil society and public sector officials needs to be developed elsewhere. Indeed, many Parties have reported on positive changes and developments, including the adoption of new policy frameworks. But the pace of implementation needs to be not just maintained, but also and above all intensified, so that the next round of reporting on the monitoring process can bring us appreciably closer to the ambitious goals of the Convention.

A key advance for the Convention would be to broaden its uptake in policy fields that are recognized as important enablers and drivers of the diversity of cultural expressions. Public service media and digital technologies have been identified by the Parties as two such emergent fields to be investigated. The media, in particular the public service media, constitute a technology-dependent domain that is of great importance for the diversity of cultural expressions, as Christine M. Merkel has argued. In her chapter, Merkel has analysed policies and measures taken by Parties and other stakeholders to support the creation, production and distribution of high-quality media content, to address digitization and media convergence and involve new types of media actors, such as citizens journalists, bloggers and amateur film producers. Although Article 6.2 of the Convention enjoins Parties to adopt 'measures aimed at enhancing the diversity of the media, including through public service broadcasting' this provision figures merely in an illustrative

list of measures and policies that Parties *may* adopt, taking into account their own particular circumstances and needs. It has not figured prominently in the QPRs. But in view of the interdependence of media diversity and the diversity of cultural expressions, the time has come, Merkel argues, for far greater attention to be paid to attaining a diversity of high-quality media content as a core requirement of effective implementation of the Convention. Indeed, the impressive expansion of the audiovisual media that has occurred across the world in recent years is itself beginning to contribute significantly to this goal.

As regards the rapidly evolving media landscape, Merkel has usefully reviewed the consequences of factors such as the increasing power of *private internet intermediaries*, referring here to Article 4.1 that accorded primacy to content over any future development of technologies. Today, media convergence has become more and more visible across the board and the main policy challenge is that of vertical integration, where major media companies own both radio and television stations as well as newspapers and, increasingly, internet platforms as well. For example, ensuring net neutrality would be a key element in addition to the 'must-carry' obligation to promote diversity of content and ownership in a converged media landscape, as argued in UNESCO's Report *World Trends in Freedom of Expression and Media Development* of 2014. Yet traditional media institutions will remain the predominant agenda-setters for media and public communications in most regions. But they too are already deeply caught up in the digital revolution and their destinies will be increasingly linked to it. The Convention rightly prioritizes public service media, since it is public policies that govern their remit, role and substance. The aim of such systems is to provide diverse and representative content, ensuring that the public service media are sufficiently financed and enjoy full editorial independence. Yet the past six years have seen ongoing struggles over their organization and economic models.

Editorial independence in public service broadcasting (as distinct from government controlled broadcasting) remains virtually non-existent in many countries, owing to both the absence of adequate legal and regulatory frameworks as well as a lack of appropriate distance by the government. There has been little progress in supporting independent public service broadcasting and community media as elements of a pluralistic media landscape with a private-public mix. In a nutshell, media diversity and the diversity of cultural expressions are interdependent: only the flourishing of the one can ensure the flourishing of the other.

Merkel rightly recognizes that the entire value chain of cultural goods and services has become increasingly tied to the digital arena in the last decade. Hence cultural policy can no longer be envisaged independently of the *digital technology* dimension. Octavio Kulesz, in his chapter on this topic, reminds us that the Convention is 'technologically neutral', making no direct reference to the Internet or digital data, referring merely to 'information and communication technologies' and 'new technologies'. Yet this generic allusion of a decade ago already marks a clear recognition that the diversity of cultural expressions is bound up closely with the changes taking place in the technological world – whatever those transformations may be. The technologies bring the promise of enormous opportunities but they also present barriers or obstacles. Parties have implemented numerous measures designed to take advantage of the former and overcome the latter, for example by launching programmes focused on ICT infrastructure, digital literacy, or promoting electronic art and modernizing the cultural industries. But digital technology also creates threats that are not always taken into account. The measures undertaken to address these three aspects – opportunities, barriers and threats – will be essential for promoting the diversity of cultural expressions in the digital age.

On the basis of the information in the QPRs, Kulesz was able to group the direct or indirect references to digital issues into the following five core themes or nodes: i) access to culture; ii) creativity; iii) the cultural industries; iv) public awareness and civil society participation; and v) cultural data and statistics. His analysis theme by theme makes it clear that the impacts of the digital are multifarious. While many different initiatives could be implemented, the strategic key is to see the field in holistic terms rather than in isolation. As in so many other domains of cultural policy, different areas of governmental responsibility must be involved – for example, the Ministries of ICT and Economy/Industry. Moreover, within a specific node, it would be necessary to take integrated measures: access projects, for instance, should not be limited to a single component – infrastructure, equipment, platforms or content – but should instead take into account the largest possible number of these elements.

Kulesz concludes by stating that it is still too early to arrive at a definitive picture of the current situation. Data are lacking, the sources are highly dispersed and it will very probably take years to produce stable indicators. As new information is gradually incorporated, the starting framework can be improved to include more complex phenomena. But it is clear already that a comprehensive approach to the digital domain is indispensable if we are to optimize the impact of digital technologies on the Convention's goal of promoting the diversity of cultural expressions through support for sustainable systems of governance for culture.

In order to achieve this goal, the Articles of the Convention collectively call for informed, transparent and participatory systems of governance. We have already alluded to this important need. Participatory systems of governance mean the involvement of all Convention stakeholders in its overall implementation, whether at the global or country level.

Indeed, the Convention is unique among international treaties for the role civil society bodies and leaders played in its elaboration and the importance it attaches to the *participation of civil society*, as enshrined in Article 11. The QPR process has already revealed a variety of relationships between civil society and government, which have influenced the nature of civil society involvement in attaining the goals of the Convention. In some countries, civil society energies contribute already to the formulation, implementation, monitoring and evaluation of cultural policies, in others there is a continued lack of communication and a mistrust that impedes such engagement. Specific areas identified by the Secretariat in which civil already plays a greater role include: (i) improving artists' status and conditions; (ii) data collection and generation of statistics to inform cultural policy; and (iii) mainstreaming the voices of vulnerable groups.

The chapter co-authored by Prof. Helmut Anheier (whose earlier research and writing on the subject in the framework of the Intergovernmental Committee is well known to Parties) and his colleague Olga Kononykhina has enriched this knowledge basis. They posed three questions at the outset. First, they asked, has the Convention opened up space for participatory governance, in other words, has it lead to greater involvement of civil society in the policy making process? Their finding is that a clear majority of countries include civil society organizations in the policy making process, however some countries reported on gaps between national and local governments capacity for policy making cooperation, lack of financing and qualified human resources and lack of awareness about the Convention among civil society in general. Second, they asked, has the Convention created a practice of informed governance, by meaningful involvement of civil society entities in the QPR process? Here the authors were able to identify various civil society organizations that took part in report preparation and consultation, and participated in report writing;

these were mostly networks or association representing various cultural groups. Yet the diversity of organizations in terms of gender, minorities, youth and cultural entrepreneurship could be increased, in their opinion. In reply to their third question as to whether the Convention has brought about greater transparency in decision-making in cultural policy, the authors have found that the many already existing Coalitions for Cultural Diversity have served an important role, but that this role ought to be strengthened and their number increased.

On the basis of their analysis, the authors have recommended that civil society actors also receive training in the requirements of the QPR process so that they can contribute more effectively to it. At the same time, civil society bodies might be invited to submit reports in formats they can manage (and also via the use of social media). The new indicator framework proposed should not forget the importance of a simple yet meaningful common framework with standard indicators for civil society involvement, Overall, there remains a fairly steep 'learning curve' to increase awareness of the Convention in civil society. This is required so that distrust and 'operational distance' between public administrators, civil society actors and the cultural community can be reduced significantly. Finally, the authors have recommended that Parties partner horizontally across national borders – government with government, civil society with civil society, both North and South, to build capacity and to facilitate trade in cultural goods and services.

> **Achieve a balanced flow of cultural goods and services and increase the free movement of artists and cultural professionals worldwide through granting of preferential treatment measures at the individual and institutional levels and through international, regional and bilateral trade agreements and treaties that recognize cultural goods and services beyond mere commodities or consumer objects for trade**

Preferential treatment 'to artists and other cultural professionals and practitioners…from developing countries' figures alongside trade as one of the responsibilities of developed countries set out in Article 16. The progress of implementation in this area has been tracked for several years by the playwright and cultural activist Mike van Graan, who has updated his previous analyses of the QPRs for the purposes of his chapter, co-authored with Sophia Sanan. The evidence base for this chapter, which uses the terms 'global South' and 'global North' in preference to 'developing' and 'developed' countries, has emerged mainly from countries in the global North that have submitted Quadrennial Periodic Reports or have responded to the 2014 global survey on the implementation of the UNESCO Recommendation Concerning the Status of the Artist. The Secretariat had already noted from the QPRs that facilitating the mobility of artists from developing countries was one of the main objectives reported on by Parties as regards the preferential treatment provisions of the Convention. It has appeared to be one of the biggest challenges too, for both financial and current security reasons. The trend in developed countries that are Party to the Convention has therefore been to initiate advocacy discussions with various national stakeholders, including civil society and relevant ministries, regarding the granting of visas to artists from developing countries.

As van Graan and Sanan have observed, this too is a domain bereft of empirical data. Most of the anecdotal and experiential evidence and information available from global South sources exists in oral rather than written form and is therefore difficult to corroborate independently. Among the positive developments identified, mostly in the global North, are initiatives such as interdepartmental committees to streamline visa and work permit application processes, or making available information about artist mobility funds and processes, and the elimination of double taxation. It has also emerged from the analysis that many countries in the global South whose development would benefit from accessing global North markets, do not have the critical mass of creative industries to compete in such markets yet. If they do, providing support for their cultural professionals to access international markets does not appear to have become a priority so far. Some authoritarian regimes are not supportive of either freedom of artistic expression or of the international mobility of artists, who among other things may express dissident views on international platforms.

Mobility funding is also linked to economic wellbeing; hence it is no coincidence that when recessionary conditions prevail, cultural mobility funds – both national and transnational – are adversely affected. In the global South, a combination of a lack of funding and a lack of vision around the issue (other than the utilitarian appropriation of artists for cultural diplomacy ventures) generally means that artists must depend on funding from global North sources in order to be mobile. Along with such dependency, there are often unspoken power relations that impact on the respective artistic collaborations, with artists or promoters from the global North making final aesthetic and related decisions. While global South artists may benefit from international travel, they may experience various forms of artistic or professional disempowerment in the process. For this reason,

the concrete measures that may be envisaged to remedy the situation would be different in the global North and the global South. The authors suggest a panoply of such measures. Yet they cannot help but conclude on a cautionary note, reminding us that the present climate of security concerns, unstable economic conditions and rising political pressures to limit immigration, clearly hinders even the implementation of such relatively simple concrete steps. It is difficult to fault their conclusion that considerably greater effort is required to help remedy the situation.

The Convention stipulates in Article 16 that *preferential treatment should be extended to cultural goods and services from developing countries*. Lydia Deloumeaux has analysed evidence drawn from the QPRs and other sources of how Parties have implemented Article 16. The QPRs already showed that preferential treatment tends to be given to countries that are located in the same or nearby geographic region (e.g., several EU member states indicated that they offer support and preferential treatment to countries of Eastern and South-Eastern Europe but not necessarily to countries of the global South) and to countries with which there exist linkages based on culture, language and/or the colonial past. It was also possible to conclude from the responses provided by Parties that the impacts of such measures were either institutional or organizational, i.e. building capacities of cultural enterprises and organizations in promoting the economic and trade dimension of the sector, or played out at the industry environment level through specific trade agreements and other policy frameworks. Drawing on additional sources of information, Deloumeaux found that the overall balance of exchange of cultural goods was more favourable to developing countries in 2013 than it was in 2004. However, the increase has benefited primarily a few powerful exporters, in particular China and India. Yet the data also reveal the dynamism, creativity and strength of a number of developing countries, especially in the visual arts.

Unfortunately, she also observed, the market for cultural goods from the developing world is almost exclusively located in developed countries; there has been little progress on this front amongst developing countries themselves. Cultural services for their part are dominated by developed countries (accounting for more than 95% of all exports).

Accurate measurement is difficult, however, notably because technological progress has led to the digitization of many cultural practices and productions and piracy can skew the results of any dataset. Hence statistics on cultural services are insufficient for accurate monitoring purposes and new systems of measurement, both economic and non-economic, as regards the balance of flows of cultural services are certainly needed. In the meantime, support is also urgently required for capacity building, especially in collecting and analysing the appropriate statistics and other categories of evidence. At the institutional or organizational level, it is clear also that governments need to foster freer development of and access to cultural goods and services internally, in order to enable them to fully participate in regional and / or international markets. While the Convention appears to have had a positive impact already in the trade policies of Parties, the impact that these policies in turn will have on achieving balanced worldwide flows of cultural goods and services is still unclear.

While cultural policies and measures concern Parties mainly at the national level, *a key challenge for the Convention at the international level is the extent to which it exerts its power and influence in the constantly evolving international legal environment*, in ways that supplement each respective national effort. It is in this sense that protecting and promoting the diversity of cultural expressions is also a responsibility to be shouldered internationally, as is the strengthening of international cooperation to enhance the capacities of developing countries and rebalance cultural trade.

So the question is what impact the Convention is having, as other international treaties are being formulated or as agreements in other arenas are being forged between countries and/or groups of countries. In other words, as Véronique Guèvremont has stressed in her chapter, Parties need to have both the capacity and the political will to refuse any commitments under other treaties that could limit their right to adopt policies of their choice as regards protecting and promoting the diversity of cultural expressions. As Guèvremont has shown, over the past ten years, Parties have been particularly active in promoting the Objectives and Principles of the Convention in international bodies that have a cultural remit. In other forums, however, the results have been limited, although remarkable progress is embodied by some trade agreements, notably those concluded by the EU with several Parties. In addition, the use of the cultural exemption has increased. But in domains such as telecommunications, intellectual property, human rights and sustainable development, the challenge remains. Parties will have to stay vigilant so that the diversity of cultural expressions may continue to flourish, regardless of the forums in which they come together to cooperate.

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Integrate culture in sustainable development frameworks and introduce policies and measures to address growth of the cultural industries that generate not only economic but also social, cultural and environmental outcomes; equity in the distribution cultural resources; and fairness, justice and non-discrimination in access to cultural participation

The protection and promotion of the diversity of cultural expressions in the context of development is one of the cornerstones of the Convention, as reflected principally in Article 13, Integration of culture in sustainable development and Article 14, Cooperation for development. The QPRs have already shown how great a challenge this remains, despite the progress that has been made. As the Secretariat's analysis of 2012 observed, Parties are working towards sustainable development, with a balanced concern for both economic and social outcomes, and with a clear comprehension of the importance of fairness and non-discrimination in the allocation of cultural resources. At the same time, there is still a lack of understanding of the development potential offered by the cultural goods and services value chain. The findings of David Throsby supplement and nuance this analysis. He reiterates the three key principles of the notion of 'culturally sustainable development': *intergenerational equity*, which safeguards the capacities of future generations to access cultural resources and meet their cultural needs; *intragenerational equity*, by which development must provide equity in access to cultural production, participation and enjoyment to all members of the community on a fair and non-discriminatory basis and the *centrality of diversity*, for just as ecologically sustainable development requires the protection of biodiversity,

so also should account be taken of the value of cultural diversity to all the processes of economic, social and cultural development.

On the basis of a thorough analysis of the QPRs and other sources, Throsby was able to conclude that much has been learnt since the Convention entered into force. The range of policies, programmes and strategies reported by Parties in their efforts to integrate culture into sustainable development in their own territories or in their international development assistance activities has expanded. Many of these efforts have had positive outcomes and have contributed to the accumulating body of experience regarding effective policies in the pursuit of integrating culture into sustainable development. This experience has been particularly valuable in the light of a key trend in international cultural policy making, namely the campaign by UNESCO and other agencies and organizations to raise the profile of culture in the UN's Sustainable Development Agenda 2030. This campaign, through the debate and inter-agency dialogue that it generated have direct implications for the implementation of the sustainability provisions of the Convention. Yet the evidence also points to significant challenges. Perhaps the most important of these, in Throsby's view, is the difficulty encountered in translating the general precepts of the sustainable development paradigm as implied by Article 13 into practical terms. In other words, in terms that can persuade planners and policy-makers of the contribution the cultural goods and services value chain can make to economic growth, social cohesion, cultural fulfilment, individual and collective wellbeing, and environmental sustainability. In wealthy countries, the challenges can be met through comprehensive cultural policy formation that brings together a full range of administrative functions in arts, social welfare, education, urban and regional development, industry, trade, the environment, and so on.

In countries of the global South, the challenge is more likely to be encountered in attempts to incorporate culture into the framework of national development planning. In this regard, the key to progress obviously lies in a far stronger recognition of the developmental potential of the cultural industries, and of the SMEs that they contain. There is also a widespread need to fill the gaps as regards constitutional, legislative and administrative provisions. A sound administrative basis is essential to ensure that the beneficial outcomes that are sought by sustainable development policies can actually be achieved. While the chapter shows how some countries have used their sustainable development programmes to address these issues, significant gaps remain elsewhere, especially in the areas of intellectual property protection and copyright enforcement.

> Promote 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. This is to be achieved through the implementation of international and national legislation that promotes artistic freedom and the social and economic rights of artists and women as creators and producers of cultural goods and services and their access to cultural goods, services and activities

Diversity of cultural expressions is bound to remain a distant goal unless gender inequality is recognized as a major impediment to full access to and participation for all in cultural life. The 2005 Convention took full cognizance of this reality: the Preamble highlighted the potential of culture for the enhancement of the status and role of women in society, while Article 7 makes special mention of the need to pay heed to women. The related Operational Guidelines specifically state that cultural policies and measures developed to promote the diversity of cultural expressions should foster the full participation and engagement of all members of society, particularly women and persons belonging to minorities and indigenous peoples. Yet despite this, as the journalist and writer Ammu Joseph has made it clear in her chapter, gender issues have not been accorded sufficient prominence in the implementation of the Convention. She has rightly stressed that 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'. She has reminded us that it also advocates action at several levels to ensure that disadvantaged groups

of people, including women, are able to not only fully participate in social and cultural life but also, specifically, to create, produce, disseminate, distribute and have access to their own cultural expressions. These concerns reflect the growing global appreciation of the vital importance of gender equality in the cultural arena.

Both Joseph's analysis of the QPRs and a recent UNESCO review of policies and programme measures to support women at different stages of the cultural value chain have revealed that while noteworthy initiatives exist in several countries, most Parties have not yet adequately addressed the challenge of ensuring gender equality (UNESCO, 2014f). One of the reasons is no doubt the insufficiency of knowledge and data as regards the diversity of cultural expressions, which is why in this domain, in particular the need for systematically gathered, reliable information is so crucial. As Joseph points out, 'in the absence of sex-disaggregated cultural data, policies aiming to strengthen the cultural sector tend to be gender blind, often failing to adequately address the existence of gender-based biases and barricades which make the sector inequitable in many ways'. Hence the collection, collation and evaluation of gender-disaggregated data on various aspects of women's participation in and access and contribution to cultural life is clearly the most urgent task to be undertaken by Parties. Equally important in this domain as well is a holistic approach, which recognizes the symbiotic relationship between gender equality, cultural rights and cultural diversity, as well as the impossibility of protecting and promoting the diversity of cultural expressions without acknowledging and addressing gender-related disparities in the cultural arena. Such an approach would ensure the institution of legal frameworks, policies and practical measures to safeguard and promote the fundamental right of women and girls to participate in and contribute to cultural life on an equal footing. It would also involve the incorporation of a gender perspective into seemingly gender-neutral matters

such as international cooperation, the protection of cultural expressions in special situations and the integration of culture into sustainable development policies. Furthermore, a holistic approach would require the participation of a wide range of stakeholders, including national machineries for women's empowerment, as well as other institutions, organizations and individuals with expertise and experience in the area of women's rights and gender equality. For Joseph, the bottom line is the recommendation made by the UN Special Rapporteur in the Field of Cultural Rights, Ms Farida Shaheed: '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).'

The issue of artistic freedom, which has attained considerable salience in recent years, is another domain not yet foregrounded in the implementation of the Convention. In his chapter, Ole Reitov, the Executive Director of Freemuse, the world forum on music and censorship, has provided a comprehensive review of the significance of artistic freedom. Since its protection has not been a topic on which Parties have been asked to report specifically, Reitov's analysis has focused on defining the issues, on demonstrating the increasing international awareness, both governmental and non-governmental, that has emerged around them, on the efforts of both government and civil society entities that constitute good practice in this regard and on advocating more systematic monitoring of artistic freedom. He reminds us that the first Guiding Principle in Article 2 of the Convention affirms that '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'. The recognition and protection of artistic freedom are germane not only to the being and creative practice of artists themselves but also to the rights of all cultural producers.

What is more, as a core fundamental freedom, artistic freedom is an essential ingredient of the wellbeing of citizens and societies, in the dynamics of social development and for the stability of the arts and cultural and creative industries sectors. The growth and flourishing of the latter are striking in countries that respect and protect the freedom of artistic expression and at the same time have established intellectual property rights mechanisms for the fair remuneration of artists and producers. The freedom to imagine, create and distribute free of governmental censorship, political interference or the pressures of non-state actors allows both artists and artistic producers to concentrate their efforts on the creation, production, distribution and dissemination of cultural expressions called for by the Convention. And when citizens as members of audiences or publics are free to attend and take part in public artistic events of their choice, or enjoy artworks in their homes without fear of hindrance or interference, the quality of life for individuals and societies is inevitably enhanced.

On the basis of these core arguments, Reitov has concluded that the many threats to artistic freedom that can be observed around the world today all run counter to the respect for human rights and fundamental freedoms upheld by the Universal Declaration of Human Rights and the United Nations Charter. They also make it more difficult to attain the objective set out by the 2005 Convention of creating and sustaining a climate encouraging freedom of artistic expression, together with the conditions that lead to the flourishing of the social and economic rights of artists and cultural workers. It is for these reasons that monitoring the implementation of the Convention should be enhanced and strengthened by including data pertaining to artistic freedom and its safeguardance.

How far are the Parties from attaining these goals? Where are the main successes? What are the persistent challenges and areas of uneven progress? As stated in the Introduction, this Report, elaborated ten years after the adoption of the Convention, is but a first step towards the truly systematic monitoring of its impacts. The evidence that has been gathered, however, permits us to make some general observations on these matters. These are summarized below.

GOAL 1

SUPPORT SUSTAINABLE SYSTEMS OF GOVERNANCE FOR CULTURE

- New cultural policies, measures and mechanisms have been implemented over the past ten years to support the creation, production, distribution and access to diverse cultural goods and services. Technology is opening up channels for new voices and talent as well as new forms of citizen participation that are redrawing the boundaries between these links in the value chain and raising new questions for the design of new policies and measures.

- As regards two emergent policy fields that are important enablers and drivers of the diversity of cultural expressions – public service media and digital technologies – it has become clear that the policy and perhaps even legislative scope of the Convention needs to be broadened to include freedom of information laws, telecommunication policy, questions of e-commerce as well as internet governance.

- In terms of governance systems, participation of multiple civil society stakeholders in policy design and implementation is crucial. The role of civil society as a 'cultural watchdog' remains underdeveloped and the diversity of civil society voices is still insufficient. Both should be enhanced. Partnerships between civil society and public sector officials are required to generate the robust evidence required

for informed policy monitoring and impact assessment that is lacking in many regions of the world.

GOAL 2

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

- Countries in all parts of the world are taking action to support the development and growth of their creative sectors. New policies are being designed and supported by action plans, funding and new structures. However, on the global level, there is a long way to go before balance in the flow of cultural goods and services is achieved. New data produced by the UNESCO Institute of Statistics (UIS) show that the export of cultural goods worldwide reached approximately US$212.8 billion in 2013 and that the developing countries' share represented 46.7%. If China and India are excluded from this category, however, the great majority of developing countries would be seen to still play only a marginal role in the export of cultural goods. The data also show that cultural services reached approximately US$128.5 billion in the same period. This includes films, music or books downloaded from the internet, dance or music performances etc. The share of developing countries remained dismal: only 1.6%! Therefore, there is a new urgency for countries to introduce preferential treatment measures before the Convention's goals can be achieved.

- While some countries have adopted measures to ease restrictions on creative professionals, artists are still unable to travel freely in some parts of the world. This regrettable situation blocks the balanced flow of cultural goods and services. Policies to encourage the mobility of artists and other cultural professionals, especially those from developing countries, are crucial so that they can expand their access to new markets and seize opportunities for collaboration.

■ The Convention appears to have had a positive impact with the implementation of new trade frameworks and agreements over the past ten years, namely, Protocols for Cultural Cooperation annexed to trade agreements that recognize the specificity of cultural goods and services and improve access of cultural goods and services from developing countries to regional and international markets. However, the impact that these will have on achieving balanced worldwide flows of cultural goods and services remains unclear.

GOAL 3

INTEGRATE CULTURE IN SUSTAINABLE DEVELOPMENT FRAMEWORKS

■ Both the 2005 Convention and the recently adopted 2030 Agenda for Sustainable Development make a commitment to create conditions for inclusive and sustained economic growth, shared prosperity and decent work for all.

■ The cultural and creative industries can be a major enabler of policy leading towards development that is both economically and culturally sustainable. Policy initiatives to support the growth of these industries also yield significant long-term social, cultural and environmental benefits, equity in the distribution of cultural resources, and fairness, justice and non-discrimination in access to cultural participation.

■ Support for culture through international development assistance frameworks and programmes has decreased since 2005, however, and this is therefore a global challenge.

GOAL 4

PROMOTE HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

■ Supporting and defending fundamental freedoms of expression, information and communication for artists and cultural professionals is a prerequisite for the creation, distribution and access to a diversity of cultural expressions. In 2014, Freemuse registered 237 attacks on artistic expression around the world.

■ Restrictions to artistic freedom and access to artistic expressions generate major cultural, social and economic losses, deprive artists of their means of expression and livelihood, and create an unsafe environment for all those engaged in the arts and their audiences.

■ While women are strongly represented in the creative sector in most parts of the world, they remain poorly represented in a number of cultural professions and in decision-making positions in many cultural organizations and industries. New policies and measures are needed to recognize, support and promote women as creators and producers of cultural expressions, and as citizens participating in cultural life.

In summary, then, at the overarching level, reporting by Parties, together with the analyses brought together in this Report, have demonstrated that the 2005 Convention has enriched the panoply of policy making for the benefit of the diversity of cultural expressions, even in the case of Parties that already had well defined cultural policy frameworks in place before the new treaty entered into force.

It has also revealed that the imperatives of implementing the Convention have triggered the development of new frameworks and/or mechanisms. These advances and innovations are indeed promising, but they are insufficient. Considerable progress needs to be achieved and this is within the grasp of all the stakeholders concerned, provided the lessons learned through the present exercise are applied, in particular the proposals put forward for data collection and indicator building that will make possible ever more meaningful monitoring, assessment and evaluation.

Annex

Author biographies
The 2005 Convention
Abbreviations
References
Photo credits

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Chapter • Towards a monitoring framework
Chapter 4 • Partnering with civil society

Helmut K. Anheier is the President and Dean of the Hertie School of Governance. He founded and directed the Centre for Civil Society at LSE, the Center for Civil Society at UCLA, and the Center for Social Investment at Heidelberg. He is the author of over 400 publications and is the principal academic lead of the Hertie School's annual Governance Report. Helmut is currently working on projects relating to indicator research, social innovation, and success and failure in philanthropy.

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Mike van Graan is the Executive Director of the Cape Town-based African Arts Institute (AFAI), whose mission is to help train leadership for Africa's creative sector, build regional markets for African artists and their creative works, incubate regional cultural/arts networks, develop cultural policy rooted in African paradigms and engage in public art programmes to promote human rights and democracy. He served as the founding Secretary General of Arterial Network, a pan-African network of artists, cultural activists, creative enterprises and others engaged in the African creative sector and its contribution to human rights, democracy and development.

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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, and is co-founder of the International Network of Lawyers for the Diversity of Cultural Expressions (RIJDEC).

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Olga Kononykhina is a quantitative sociologist and a data scientist at the Hertie School of Governance. She has worked on various national and international data-driven research projects in the fields of arts, culture, civil society, non-profit sector, governance and development for academia (Hertie School of Governance, Germany; CSI Heidelberg University, Germany; John's Hopkins University, USA; HSE, Russia) and NGOs (CIVICUS, South Africa). She holds a bachelor's degree in sociology, a master's degree in applied mathematics and computer science and is currently a PhD student at Heidelberg University.

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Octavio Kulesz is is an expert in digital publications, based in Buenos Aires, Argentina. 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.

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Nina Obuljen Koržinek is the former State Secretary (2008-2011) and former Assistant Minister (2006-2008) for the Croatian Ministry of Culture responsible for culture and media. She holds a Ph.D. from the University of Zagreb and her research focuses on cultural and media policies, with a special focus on cultural diversity and international cultural relations and cooperation. She is also the co-editor of the book entitled *The UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions: Making it Work*, published in 2006.

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Chapter 10 • Challenges of artistic freedom

Ole Reitov is Executive Director and co-founder of Freemuse, an international organization defending and advocating musicians' and artists' rights to freedom of expression. He formerly worked as a broadcaster for over 30 years and in more than 40 countries, served as cultural advisor to CKU, The Danish Centre for Culture and Development and advised the Danish Government and the European Council of Artists on the implementation of the 2005 Convention. In 2012-2013, he served as a consultant to the UN Special Rapporteur in the Field of Cultural Rights.

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Sophia Olivia Sanan holds a master's degree in Sociology, has an academic background in both philosophy and visual art, and has worked as a lecturer and writer in the fields of visual culture and art education. She has developed and run a number of community-based art and design projects in South Africa. Her research work has focused on arts education and localized institutional transformation, and more recently on African migration to Germany, South Africa and India. She is currently working as the Research Manager at the African Arts Institute.

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Head of International Coordination, Swedish Ministry of Culture

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Mikael Schultz is a former professional dancer and holds a bachelor's degree from the Stockholm School of Economics. Currently, he is Head of International Coordination at the Swedish Ministry of Culture. He has worked for the Swedish Arts Council as well as at the Swedish Institute. He has, among other things, been involved in the work of the International Network on Cultural Policy (INCP) preceding the initial negotiations of the 2005 Convention.

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Chapter 8 • **Culture in sustainable development**

David Throsby is a distinguished professor in the Department of Economics at Macquarie University. His research interests include the role of culture in economic development, the economic situation of individual artists, the economics of the performing arts, the creative industries, and the relationship between cultural and economic policy. He is the author of Economics and Culture and The Economics of Cultural Policy, and co-editor of the Handbook of the Economics of Art and Culture Vol. 1 and Beyond Price: Value in Culture, Economics and the Arts.

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

ACP	African-Caribbean-Pacific
AMPAS	American Academy of Motion Picture Arts and Sciences
ANDEAN	Andean Community
APF	Assemblée parlementaire de la Francophonie
APPAS	Association pour la Promotion de l'Audiovisuel et du Spectacle
ASEAN	Association of Southeast Asian Nations
ASEF	Asia-Europe Foundation
ASEM	Asia-Europe Meeting
AV	Audiovisual
BEMA	African Music Exports Office
BIMAC	Image Database of Central Africa
BPfA	Beijing Platform for Action
BRICS	Brazil, Russia, India, China and South Africa
BSCIC	Bangladesh Small and Cottage Industries Corporation
CACM	Central American Common Market
CARIFORUM	Forum of the Caribbean Group of African, Caribbean and Pacific
CDIS	Culture for Development Indicators
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CELAC	Community of Latin American and Caribbean States
CETA	Comprehensive Economic and Trade Agreement
CIS	Commonwealth of Independent States
CISAC	International Confederation of Authors and Composers Societies
CJEU	Court of Justice of the European Union
CKU	Danish Centre for Culture and Development
COMESA	Common Market for Eastern and Southern Africa
COTED	Council for Trade and Economic Development
CPLC	Community of Portuguese Language Countries
CSO	Civil Society Organization

DSB	Dispute settlement body (WTO)
EBOPS	Extended balance of payment
EC	European Commission
ECOWAS	Economic Community of West African States
EEI	Enabling Environment Index
EFTA	European Free Trade Association
EPA	Economic Partnership Agreement
ERICarts	European Institute for Comparative Cultural Research
EU	European Union
FATS	Foreign Affiliates Trade Statistics
FCS	Framework for Cultural Statistics
FDI	Foreign Direct Investment
FESPACO	*Festival Panafricain du cinéma et de la télévision de Ouagadougou*
GATS	General Agreement on Trade in Services
GATT	General Agreement on Tariffs and Trade
GDP	Gross domestic product
GMMP	Global Media Monitoring Project
GNI	Gross national income
IATA	International Air Transport Association
IBERESCENA	*El Fondo Iberoamericano de ayuda Iberescena*
IBERMEDIA	*El Espacio Audiovisual Iberoamericano*
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICORN	International Cities of Refuge Network
ICT	Information and communications technology
ICTS	Intellectual property, information and communication technologies
IFACCA	International Federation of Arts Councils and Culture Agencies
IFCCD	International Federation of Coalitions for Cultural Diversity
IFCD	International Fund for Cultural Diversity

IFPI	International Federation of the Phonographic Industry
IGF	Internet Governance Forum
INCD	International Network on Cultural Diversity
INCP	International Network on Cultural Policy
IPD	Institutional Profiles Database
ITU	International Telecommunication Union
LDC	Least developed countries
LGBTQI	Lesbian, gay, bisexual, transgender, queer or questioning, and intersex
MDG	Millennium Development Goals
MEDIS	Mediterranean Distribution Network
MENA	Middle East and North Africa region
MERCOSUR	Southern Common Market
MICA	*Mercado de Industrias Culturales Argentinas*
NAFTA	North American Free Trade Agreement
NCCD	National Coalition for Cultural Diversity
NGO	Non-governmental organization
ODA	Official development assistance
OECD	Organisation for Economic Co-operation and Development
OHCHR	Office of the United Nations High Commissioner for Human Rights
OIF	Organisation Internationale de la Francophonie
PAFTA	Pan-Arab Free Trade Area
PCC	Protocol on cultural cooperation
PRC	Pew Research Center
PSM	Public service media

QPR	Quadrennial periodic report
RTP	*Rádio e Televisão de Portuga*
SAFTA	South Asian Free Trade Agreement
SIDA	Swedish International Development Agency
SINCA	Sistema de Información Cultural de la Argentina
SME	Small and medium-sized enterprises
TFEU	Treaty on the Functioning of the European Union
TTIP	Transatlantic Trade and Investment Partnership
UCLG	United Cities and Local Governments
UGC	User-generated content
UIS	UNESCO Institute for Statistics
UN	United Nations
UNCTAD	United Nations Conference on Trade and Development
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNIDO	United Nations Industrial Development Organization
UNSD	United Nations Statistics Division
UPR	Universal Periodic Review
UTECA	*Unión de Televisiones Comerciales Asociadas*
VAT	Value-added tax
VOD	Video on-demand
WIPO	World Intellectual Property Organization
WSIS	World Summit on the Information Society
WTO	World Trade Organization

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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

Cultural policies	Public service media	Digital environment	Partnering with civil society
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 the Internet	Legislative and financial base support 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 participates 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 the ratification and promotion of the Convention

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 refer to the Convention	Policies and measures support equity in access to cultural resources by vulnerable groups in the community	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

RE | SHAPING CULTURAL POLICIES

Anniversaries are a time for reflection and planning.

The 10th anniversary of the UNESCO 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions provides its Parties and non-governmental stakeholders with a significant opportunity to recall its origins, critically review the achievements and, on this basis, form an ambition for the implementation of the Convention for the next ten, twenty, even thirty years.

One of the questions asked during this anniversary year is whether or not the implementation of the Convention reflects the vision of its authors. In other words, has it led to the positive changes its drafters envisaged? What steps have been taken to reach the four main goals of the Convention: support sustainable systems of governance for culture; achieve a balanced flow of cultural goods and services and increase the mobility of artists and cultural professionals; integrate culture in sustainable development frameworks; and promote human rights and fundamental freedoms.

This new Global Report series presents evidence on the implementation of the Convention goals, with a proposed set of indicators to monitor change and progress over time. Based on the quadrennial periodic reports submitted so far by Parties, as well as other sources, this maiden edition is a first effort to take stock and share information on the challenges encountered, in particular in emerging policy areas, such as digital, public service media, preferential treatment as well as gender and artistic freedom. It investigates how cultural policies may have been re-shaped as a result of efforts to implement the Convention.

This Report is also intended to provide evidence for the implementation of the United Nations 2030 Sustainable Development Agenda.

http://en.unesco.org/creativity/

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