

# When neoliberalism met postcolonialism: The 'dual nature' of culture at UNESCO

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**Abstract** As the closest thing that exists to a source of internationally recognised norms and regulations for culture, the work of the *United Nations Educational, Scientific and Cultural Organisation* (UNESCO) presents an interesting case for postcolonial analyses in international relations. This paper examines UNESCO's recent measures regarding cultural diversity, which have brought the organisation a level of international attention - and hostility from the United States - that it has not seen since the 1970s when it became the focus of Third World demands for a *New World Information and Communication Order*. On one hand, the recent campaign at UNESCO has been heralded as marking a renewal of these challenges to Western accounts of cultural progress and modernisation, while offering an antidote to neoliberal prescriptions concerning culture's transformation into a "resource" for commodification and global exchange. On the other however, the measures that have been adopted signal the emergence of a new international consensus around an alternative set of principles for culture, trade and development – one in which the postcolonial and neoliberal have effectively combined forces in the recognition of the "dual nature" of cultural goods and services.

**Keywords:** cultural imperialism, neoliberal governmentality, postcolonialism, trade and culture, UNESCO, WTO

## Introduction

Recent instruments adopted at the *United Nations Educational, Scientific and Cultural Organisation* (UNESCO) have presented a new international framework for cultural regulation. The *Universal Declaration on Cultural Diversity* (UNESCO, 2001) is prefaced by the hope that its principles would become "an outstanding tool for development, capable of humanizing globalization", and to this end an international treaty, the *Convention on the Protection and Promotion of the Diversity of Cultural Expressions* (UNESCO, 2005; hereinafter "the Convention") was adopted in 2005, entering into force in 2007. The main cause uniting the coalition that had mobilised at UNESCO for the adoption of these instruments was an attempt to gain authority for a set of measures that could address what they claimed has been a lack of cultural considerations within the goals of trade liberalisation, most notably within the framework of the World Trade Organisation (WTO). In this spirit the key provisions of the Convention - its assertion of State sovereignty in cultural policy, and of the importance of cultural rights and the links between culture and development - stem from its assertion that "cultural goods, services and activities" have a *dual nature* - simultaneously *economic* and *cultural* - which means that they should not be treated as commodities as any other because they are also "vehicles of identities, values and meanings." (UNESCO, 2005) Although what exactly this means is nowhere specified in the text, it has been received widely and with some ceremony as "the basis of a new pillar of world governance in cultural matters" (European Commission, 2005) and "the first international treaty which lays down rights and duties in the field of culture." (Second Meeting of ACP Culture Ministers, 2006)

At first sight, such claims appear out of proportion for a set of measures coming out of UNESCO. Despite its ostensibly noble mission as the UN agency established at the end of the Second World War to "build peace in the minds of men" through activity in the fields of education, science and culture, this is an organisation that had been left foundering at the margins of international administration after the controversies that pulled it apart in the late 1970s and early 1980s. This period saw accusations from several of the Western states (notably the US, UK, Canada, Japan, the Netherlands, Switzerland and West Germany) and an alliance of information and communications interests that the organisation was being

mismanaged and “politicised” into a platform for a Third World, anti-Western and anti-freedom-of-information agenda.<sup>1</sup> Such accusations gained in intensity in 1980 with the publication of the UNESCO commissioned *MacBride Report*: this document became infamous for setting out recommendations that measures be taken to overturn what it identified as “the predominance of the more powerful, the richer and the better equipped” in international cultural affairs, endorsing the Non-Aligned movement’s calls for a “New World Information and Communication Order” (NWICO) (MacBride et al, 1980:34). The calls for NWICO at UNESCO, echoing the demands for a “New International Economic Order” being made at the *United Nations Conference on Trade and Development* (UNCTAD), formed a key part of Non-Aligned attempts in this period to deepen the independence that many of them had achieved in the decades following the War by “decolonising culture”: focussing on the biased representations contained in the work of the “big 4” international news agencies controlled in the metropolises (Reuters, United Press International, Associated Press, Agence France-Presse), the influence of transnational advertisers, the control of satellite and communications infrastructure, the export of TV/radio programmes, films, newspapers, comic books, and so on. Although the agendas associated with NWICO never gathered enough international political support to materialise, the airing of such sentiments at UNESCO was divisive enough to cause the US and UK to withdraw their memberships in 1984 and 1985 respectively - taking one third of the organisation’s budget with them and leaving UNESCO to ponder the prospects of fiscal austerity, political irrelevance and becoming better known as the organisation at which U Never Eat, Sleep or Cogitate (as one Dutch delegate is supposed to have joked in 1982).

Yet, after nearly three decades of reform (administrative, fiscal and ideological - including, crucially, the dropping of references to NWICO) which have won back the UK (in 1997) and the US (in 2003), UNESCO’s recent Convention on cultural diversity has brought the organisation back to the centre of a serious debate over matters of international regulation. France and Canada, who spearheaded the campaign, were joined by a striking range of developed and developing countries, as well as stakeholders from industry and civil society, in a way that seemed to indicate that the kind of divisions that had existed at UNESCO in the past were no longer relevant. This time it was the US that found itself powerless at UNESCO as the Convention appeared on the agenda - with analysts in *Foreign Policy* reflecting on the “disastrous” conduct and stance of the US delegation in uniting world opinion against it during the process that led to its adoption (Crossette, 2006). The complaint from the US delegation that the Convention would open the way for a range of protectionist and authoritarian restrictions on the free flow of trade, information and ideas was rejected as either out of touch or as another attempt by an American administration to pose as the guardian of universal free trade and speech while pursuing its particular interests - in this case those set by the US Department of Commerce working closely with the *Motion Picture Association* (MPA), a coalition of American film, home video and television industries pursuing greater liberalisation in fora such as the WTO.<sup>2</sup> Each one of the US’s 27 proposed amendments to the text were rejected and, despite a diplomatic campaign to try to weaken support for the Convention, this could ultimately only secure the support of Israel in voting against its adoption (plus four abstentions: Liberia, Honduras, Nicaragua and Australia; Australia has since altered its position, ratifying the Convention in September 2009).<sup>3</sup> The breadth of support that the Convention received in coming to

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<sup>1</sup> For a more detailed account of the controversies over “politicisation” that surrounded UNESCO during this time, see Wells (1987).

<sup>2</sup> This was how the Convention’s adoption was greeted in the *New York Times* for example: “Choosing to defend Hollywood’s interests over joining an international consensus, the United States stood almost alone at UNESCO [on Thursday] in opposing a new convention on cultural diversity designed to combat the homogenizing effect of cultural globalization.” (*New York Times*, 20<sup>th</sup> October 2005)

<sup>3</sup> During the drafting process the US also made suggestions that it could resume its boycott in protest at the Convention, and threatened to rethink bilateral trade relations with those countries showing support for it. As the draft of the Convention was being prepared to be put to the vote at the 2005 General Conference, US Secretary of State Condoleezza Rice addressed a letter to other governments warning them that “this convention threatens support in the United States for UNESCO... We urge you to get involved and work for us to assure that the convention does not undo all the good work we have done together.” (*Inter Press Service*, 2005). This was widely interpreted as a bullying tactic, and anecdotes speak of it fuelling a mood of defiance among participants at the General Conference.

fruition can be measured by the fact that 148 states voted in favour of its adoption and only 2 against, while the hasty ratification process that followed secured its entry into force at an unusually rapid pace for an international treaty.

While it remains to be seen what will be made of its provisions in the coming years, the political and analytical attention that have surrounded the Convention's adoption have suggested that an important moment has been reached in the international debate over cultural regulation. As one of the members of the international group of experts that finalised the draft of the Convention noted: "[a]bove all, this text is a political act: the first time that the international community has shown such a unanimous desire to halt unchecked liberalisation." (cited in *Le Monde*, 18th October 2005) The Convention's assertions that culture must not be reduced to a commercial category have been celebrated by its supporters as a rejection of the prescriptions of neoliberal globalisation, and of American dominance, in cultural matters: in the days following the Convention's adoption supporters and commentators declared a defeat for "Planet Hollywood" (*Inter Press Service*, 2005), while for arch-critics of cultural imperialism such as Armand Mattelart (2005), its adoption even held out the possibility of rekindling the spirit of NWICO that had been laid to rest in the 1980s. At the same time, the Convention marked something of a breakthrough in UNESCO's conceptualisation of culture itself: it does not so much seek to enshrine a preservationist, static, essentialising model of culture and diversity (of the kind that has characterised the classic discourses of imperialism, orientalism and ethnography; or has featured in the strategies of local elites in seeking to justify exclusionary and homogenising narratives of nation or community) as to give legal form to a set of principles that are more in tune with the contemporary era - hybridity, interculturality, complexity, creolisation, and so on (as we will see, this goes beyond UNESCO's long-standing mission to promote international peace and understanding but is part of an attempt to institutionalise what it has referred to since the 1990s as a "new universal ethics"). Over the last decade the Director-General has become an ambassador for such principles, asserting time and again that "UNESCO believes that cultures are not monolithic but interdependent, resulting from mutual exchanges and borrowings." (Matsuura, 2009) Thus Article 1 of the Convention for example refers to the objective "to create the conditions for cultures to flourish and to freely interact in a mutually beneficial manner" and "to foster interculturality in order to develop cultural interaction in the spirit of building bridges among peoples." Similarly, there is an acute appreciation running throughout the Convention of the need to prohibit any invocation of cultural diversity that advances a protective, monolithic or "pure" version of culture in order to legitimate the intolerance, exclusion or oppression of others: Article 2 for example takes care to set out the *Principle of respect for human rights and fundamental freedoms*, stating that "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." (UNESCO, 2005)

Moghadam and Elveren (2008), writing in the *Review of International Studies*, have interpreted the Convention as the outcome of a conflict between the forces of local culture and diversity on the one hand, and the culture of capitalist globalisation on the other: as this conflict heightened during the drafting process, the resulting text, they argue, was an instrument for cultural diversity that asserts the value of cultural diversity but is ultimately compromised by a series of concessions to global capitalism - and therefore to "economics" having the final say over "culture." As they put it:

"The making of the UNESCO convention shows that culture matters, and that member states can go a long way toward addressing liberalisation and cultural invasion. But it also shows that given a capitalist world-system, economics trumps culture - or, to put it less bluntly, cultural concerns end where economic agreements and financial concerns begin. A related conclusion is that although the defeat of the United States over the Convention would suggest its declining hegemony, the compromises that were necessary confirm the power that the financial and trade institutions have in the contemporary world-system, and the way the power of capital is reflected in inter-governmental debates within the UN."

(Moghadam and Elveren, 2008: 751-2)

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As I will seek to show in this paper, this is a profoundly misleading interpretation of the Convention: there has been a lack of critical scrutiny of the new consensus at UNESCO as it has either been assumed to represent a progressive anti-imperial - even postcolonial - response to contemporary globalisation (which is effectively conflated with American capitalism) or analysed as part of a preoccupation with a set of largely technical questions regarding its legal applicability and its status in international trade law.<sup>4</sup> At the same time, the commercial stakes surrounding the Convention have been such that analyses have largely taken the audiovisual sector as their object in addressing wider questions relating to cultural diversity, globalisation and international regulation.<sup>5</sup> Analyses stemming from the kind of epistemological orientation of IR approaches such as Moghadam and Eleveren's ultimately reproduce the kinds of one-dimensional conceptual frameworks contained in such technical-legal analyses, as more awkward questions regarding the nature of the *cultural* in cultural expressions, and the political/normative implications that flow from this, have taken on a secondary or residual importance. This oversight is just as much the case in the parallel attempts that have been made to more effectively integrate culture into the conceptual and practical concerns of economics and economic policy: for example by those seeking to establish the characteristics that distinguish cultural goods and services from "normal" goods and services in order to lay grounds making them deserving of a particular form of expertise and regulation (as, most prominently, with the branch of "cultural economics").<sup>6</sup> As usual - and as Çalışkan and Callon (2009) have most recently reminded us in their work on "economisation" - the processes that constitute "the economic" in the first place (and, by implication, the "non-economic" or "the cultural") are taken as given, rather than problems for investigation in themselves. Acknowledging this brings more than a set of conceptual or epistemological questions to bear on the Convention, but is also to turn a more critical light onto the basis of the new consensus and begins to put its broader political implications in a wider context.

In taking up these issues here, this paper is split into three sections. The first section retraces the ways in which the debate over the relationship between *trade and culture* came to be framed at UNESCO and prepared the terrain for the new political consensus. The second section turns to examine in greater detail precisely how this debate was resolved through the formulation of the principle of *the dual nature of culture*, and retraces the gestation of this principle in UNESCO's international "rehabilitation" over the 1990s. In the third section the contemporary framework of cultural diversity is put into a broader historical context, demonstrating that despite its apparently progressive agenda it has in fact come to rest on a particular narrowing of the terms of the debate - in short, to a set of concerns that are set squarely within the problematic of *market regulation*. In this sense, it is argued that the Convention's key regulatory innovation - the principle of the dual nature of culture - expresses a formula for more effectively defining and working on *the cultural* within the discursive parameters of the global market society. This has, furthermore, marked a significant shift in the kind of stance taken at UNESCO towards the long-standing problem of how to define culture and its relationship to the market: whereas it previously had been an institutional "buffer" between the two, it has today become an agency seeking productive ways of bringing them together. In doing so it aims to augment neoliberal governmentality with a set of principles - hybridity, interculturality, and so on - that could have been lifted straight from the textbooks of postcolonial theory. It is arguably here that the Convention's key normative impulse can be found: the recent fallout at UNESCO has been less about fundamental questions over the primacy of

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<sup>4</sup> The investigation of such questions as they relate to the Convention is well underway in the legal analysis: see for example Hahn (2006); Voon (2007); Van den Bossche (2007); Burri-Nenova (2008); Bernier (2009).

<sup>5</sup> In addition to footnote 3, see for example the collections of studies in Beat Graber et al (2004); Guerrieri et al (2005) or Harvey (ed), 2006 - all of the contributions to these collections analyse the relationship between trade liberalisation and cultural diversity by focusing on the audiovisual sector.

<sup>6</sup> Influential examples include the work of Throsby (2000; 2008) (Throsby was a member of the experts who worked on the preliminary draft of the Convention) and Klamer (2004); also see collections such as Towse (2003) or the contributions to the *Journal of Cultural Economics*.

“market culture” as about how to define the most appropriate (and advantageous) set of norms, rules and forms of regulatory intervention for the working of the “cultural marketplace.”

It should be noted here that in carrying out this study it has not been my intention to look for flaws in UNESCO’s conceptualisation of culture based on a prior model of what culture “is” or “should be.”<sup>7</sup> Instead, I have found it more useful to follow the guidance of Yúdice (2003): to understand what culture means today when it is invoked to describe, analyse, argue, justify, and theorise, one has to focus on *what is being accomplished* socially, politically and discursively - and to sketch out some of the particular dynamics and performative fields of force that are generated in the process. In this way I hope to shed some light in particular on the place of the Convention in what Yúdice (2003:284) referred to as the “hitherto difficult to understand imbrications of projects for social justice with a neoliberalised focus on diversity. Even the antiglobalisation movement has not given this less visible conundrum its due.”

## Trade and Culture

Much of the campaign behind the Convention and the discussions and literature that have surrounded it have been focused on a key set of problems, intensifying in recent years and coming to be headed in negotiations and related discussions under the “trade and culture debate.” There are well established precedents to such questions regarding the relationships between trade and culture, or more specifically regarding the status of culture and cultural policy in the context of free trade.<sup>8</sup> The core of the debate however has essentially been the same: a disagreement between those who argue that so-called “cultural” goods and services (usually classified as those industries involved with printed matter, literature, music, visual arts, cinema, photography, radio, television, games and sporting goods) should be subject to the same framework that governs trade in all other goods and services, and those who argue that cultural goods and services carry a symbolic content that makes their production and distribution deserving of protective measures and provisions in the context of international trade. The worldwide dominance of Hollywood that was becoming apparent by the end of the First World War, coupled with the political sensitivity of film as a medium of mass communication, brought this debate into being with a particular concern for the trade in motion pictures as countries argued for the necessity of protective measures to nurture their own film industries and preserve space for autonomy in national cultural policy. Following the Second World War such claims found recognition in Article IV (*Special Provisions Related to Cinematograph Films*) of the *General Agreement on Tariffs and Trade* (GATT), which preserved for states the right to implement screen quotas for audiovisuals.

Such measures however also preserved a degree of frustration on the part of advocates for greater international liberalisation, most notably those in the US, and as the pressures to bring down such barriers to trade gathered weight in the neoliberal context so did the significance of the debate over trade and culture. In the recent context of GATT/WTO negotiations this has been evident at least since the Tokyo Round (1973-79), when the US filed complaints about the support measures of 21 countries to their cinema and television industries. By the time of the Uruguay Round (1986-93) and the birth of the WTO (in 1995) and NAFTA (1994) such disagreements had sharpened to become one of the most significant sources of tension in negotiations between the developed countries and leading to a deadlock that now seems to have become impassable at the multilateral level. Meanwhile, the commercial stakes involved have been raised dramatically: worldwide, imports of cultural goods (based on the classification that was referred to above) increased by 347% between 1980 and 1998, compared with 189% for all commodities over the same period (Disdier et al, 2009).

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<sup>7</sup> For such a critique see for example Eriksen’s (2001) study of UNESCO’s work in the 1990s.

<sup>8</sup> More detailed accounts of the history of this debate can be found in Footer and Beat Graber (2000); Bernier (2005); Harvey (2006); Singh (2008).

It is in this context that UNESCO was called upon to intervene in what had previously been a matter for dispute in international trade fora. As the specialised “cultural arm” of the United Nations, UNESCO stands as the logical forum in which such a framework could be constructed, and has some degree of autonomy from the kinds of pressures felt in fora such as the WTO (where it has been claimed that culture generally appears as “nothing more than a rhetorical statement...possibly expressing an anthropological ideal [but] out of place amidst the terminological rigour of negotiations in which American lawyers play a key role.” (Regourd, cited in Bernier, 2004:68) Clearly, the stakes in the trade and culture debate are highest for the US: not only is it the global superpower of cultural exports but its cultural sector now makes up its largest export industry - surpassing traditional manufacturing in 1996 and representing a key area of growth - recently estimated to be creating jobs in the US at three times the rate of the rest of the economy (Bruner, 2008). This interest is especially keen in the production and distribution of audiovisuals, with Hollywood increasingly orienting itself to international markets and backed by an extremely active and powerful lobbying machine – the MPA works closely with its domestically oriented counterpart the *Motion Picture Association of America* (MPAA), whose former leader Jack Valenti’s work in turning Hollywood into the “jewel in American’s trade crown” in the 1990s had earned him a reputation as “the most formidable trade lobbyist in the United States.” (Bruner, 2008: 356).<sup>9</sup> Bonnie J.K. Richardson, who has been both *Vice President for Trade and Federal Affairs* with the MPA and chief US negotiator for the services market access negotiations during the Uruguay Round, typifies this confluence of interests in the US’s stance on the Convention: in setting out the MPA’s plea to keep the issue of culture within the framework of the WTO, she warned that a “cultural instrument that removes culture from trade rules does not solve problems - it invites anarchy.” (Richardson, 2004:115-119) It is in this spirit that the US has stuck to the line, increasingly diverging from that being developed at UNESCO, that trade in cultural goods and services should be subject to the same frameworks that govern trade in other commodities.

This has given the debate over trade and culture its distinctive geopolitical topography. With an eye on the next round of talks at the WTO and the possibilities that have been opened up by the Convention in the context of bilateral trade deals, the prize in this debate is the legitimacy of maintaining levers of state support for the cultural sector in future international trade agreements (systems of national quotas and distribution networks, subsidies, preferential tax treatment, rules on foreign ownership and distribution channels, and so on) - and what has been identified by all sides as the strategic importance of holding as strong a negotiating position as possible amidst the impending scramble for the areas of expansion in the “new” economy (the cultural, creative and content industries, distribution and licensing, immaterials, intellectual property, and so on). Trade disputes in the audiovisual sector have already been one of the major sticking points in the recent deadlocks at the WTO, notably with the EU refusing to make liberalisation commitments under US pressure and citing trade deficits with the US in film and television shows - reaching \$6billion in 1998 - as increasingly undermining its goals in the sphere of Cultural and Audiovisual Policy (see Singh, 2008). As countries such as India, China, Nigeria, Brazil, Egypt, South Africa, Mexico and Australia - all with significant ambitions in the cultural sector, and increasingly assertive in pursuing their interests in trade negotiations - have added their names to the list of those who have ratified the Convention, these stakes are set to become even higher in the coming years (witness, for example, the recent disputes between the US and China at the WTO over market access for publications, films and audiovisual products; WTO, 2009). The smaller developing countries, with little relative capacity in the cultural industries, were able to secure some advantages in the Convention in the form of provisions such as Articles 16 and 18: the former seeks to give a basis for preferential treatment from developed countries to developing countries in trade in the cultural sector; the latter sets out measures for

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<sup>9</sup> Among the statistics that are frequently cited to illustrate this point: whereas only 1% of films shown in the US are foreign, Hollywood productions represent 85% of ticket sales globally, grossing \$9.2 billion in 2004 alone - an 80% increase over the prior decade; similarly, rental fees generated by exports of film and tape amounted to \$8.85 billion in 2000 compared to \$1.68 billion in 1986 - an increase of 426%. This means that not only have exports recently been growing much more rapidly than domestic markets, but they now also exceed domestic box-office receipts by a considerable margin. Meanwhile, Hollywood production companies have been busy consolidating direct control over distribution systems in all their principle foreign markets (Bruner, 2008; UNESCO Institute for Statistics, 2009).

the creation of an “International Fund for Cultural Diversity”, which is hoped will provide a source of development assistance and draw support from the private sector in “fostering the emergence of a dynamic cultural sector” in developing countries.<sup>10</sup>

In this context, it is unsurprising that it is in the areas of international economic law and policy that the Convention and related questions over globalisation and culture received most analysis. This is more than a conceptual matter however, because as the debates over trade and culture came to frame the Convention in this way there emerged no stable subject or referent for cultural diversity outside the legislative arena of market regulation. This left little opportunity for the articulation of identities that do not fit into a notion of cultural diversity borne out of a particular set of governmental and commercial concerns - paralleling what Yúdice (2003) refers to as the episteme of *culture as a resource* (an expedient for capital accumulation, development, job creation, urban regeneration, and so on). Picking up on some of the implications of this, Albro (2005) noted briefly that a number of long-standing claims for cultural recognition at UNESCO had effectively been lost in the debates over the Convention, becoming blurred with the regulatory regime for the cultural marketplace:

“[D]ebates over the diversity convention were not so much about the relationship of culture to the marketplace, or the relevance of culture outside the marketplace, as about *what the rules of the cultural marketplace should be*. ...The diversity of voices that might advance claims turning on the recognition of cultural differences within or between states, or outside any obvious market calculus altogether, are largely marginalized.”

(Albro, 2005:252; emphasis added)

It is therefore ironic that, as the Convention’s adoption was being heralded as exposing the limits to the “marketisation” of cultural expressions, it was left to the chairman of the MPAA to complain that in fact the resulting text was “less about cultural diversity than about trade and commercial activities.” (MPAA, 2005) Similar concerns had been expressed by the US delegation after the text had been finalised at UNESCO in June 2005: the trade agenda had been so much to the forefront, they claimed, that it had required “bending” UNESCO’s long-established rules and competencies to accommodate the claims of, in particular, the European Commission, which has traditionally had competency for trade but not culture (Martin, 2005). Before going on to look in greater detail at precisely how this fusion of cultural and economic concerns was expressed in the provisions of the Convention, it is therefore first important to be aware of the ways in which these developments at UNESCO reflect the claims of those that have been so active in generating support for them over the last decade, for this reveals much about the political background to the Convention and its conceptual underpinnings.

That the most prominent actors in building the consensus at UNESCO have been the governments of France and Canada is a point that has been readily been picked up on by the US in setting out its opposition to the Convention: from an early stage the US had made objections to what it referred to as “France and Canada’s efforts to remove cultural issues from the WTO and obtain support for their draft of a ‘new instrument’, possibly to be created within UNESCO.” (US International Trade Administration, 2001:87) Over the 1990s France and Canada sought to gain wider recognition of the need for a new strategy in order to maintain cultural support mechanisms in the context of trade agreements. France’s efforts in gaining greater credibility for the spirit of the “*exception culturelle*” as part of the EU’s negotiating framework over the 1990s played an important part in forging a common EU position in negotiations over audiovisual sector liberalisation - widening what had previously only been some

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<sup>10</sup> Unsurprisingly there are a number of questions over what Articles 16 and 18 will mean in practice. Few commitments to the details of the Fund could be arrived at during the negotiations over the text of the Convention apart from the fact that its mechanisms would be decided later and that contributions would remain voluntary; subsequent disagreements over how the Fund will be managed (and an inevitable dearth in contributions) have prevented it from getting off the ground (see UNESCO, 2008). Early indications of how Article 16 is likely to be implemented can be seen in the novel “Protocol on Cultural Cooperation” that was contained in the Economic Partnership Agreement concluded between the EU and CARIFORUM states in 2008 (see: <http://ec.europa.eu/trade/wider-agenda/development/economic-partnerships/>); notably, this extends the possibility of access to the European market for Caribbean audiovisuals that meet certain co-production criteria.

lukewarm support from the UK and the Nordic countries and giving the cultural “trade war” with the US a more regional quality (Singh, 2008). Perhaps most significant however were the initiatives taken in Canada, where already mounting concerns over the direction of trade liberalisation had been brought home to the Canadian international trade minister in 1999 by an influential report by the *Cultural Industries Sectoral Advisory Group* (SAGIT), a policy-oriented group of Canadian film, TV, music, publications and communications industries, which noted that the “cultural exemption” that they had relied on in the past to take culture off the table in negotiations had now reached its limits with the deepening of trade agreements in the 1990s (SAGIT, 1999). This was a response, in particular, to a WTO decision in 1997 (WTO, 1997), following a complaint brought by the US, which ruled that Canadian content requirements for magazine advertising were illegal - and which therefore appeared to pave the way for an unravelling of Canada’s wider support measures for its cultural sector. Highlighting the way that nations had come together to protect and promote biodiversity with the adoption of the Convention on Biological Diversity in 1992, SAGIT therefore called on the Canadian government to develop “a new strategy” that would involve negotiating a new international instrument specifically addressing the need to promote and preserve cultural diversity in the context of trade agreements (SAGIT, 1999). This instrument should recognise the particular contribution of the cultural industries to development, not only on economic grounds - themselves becoming increasingly important - but also for their role in the expression of identity in the context of American dominance in the cultural industries:

“Culture is the heart of a nation... Canadian books, magazines, songs, films, new media, radio and television programs reflect who we are as a people. Cultural industries shape our society, develop our understanding of one another and give us a sense of pride in who we are as a nation.”

(SAGIT, 1999)

It was under this banner of the importance of preserving and promoting a worldwide diversity of cultural industries in the face of a monopolistic, uni-directional and imperial cultural globalisation that Canada and France were able to assemble a significant body of support among the cultural ministries and sectors of other states, through active diplomacy in existing fora such as the EU and the *International Organisation of the Francophonie* (OIF) and through the creation of dedicated networks such as the *International Network of Cultural Policies* (INCP)/*International Network for Cultural Diversity* (INCD). The INCP and INCD together formed the vanguard of the coalition that brought the cultural agenda to UNESCO: the INCP was created under the leadership of the Canadian Minister of Heritage as an international forum for national cultural ministers with the aim of generating an international instrument for cultural diversity; running parallel to their work has been the activity of the INCD, an international network of arts and cultural industries, heritage institutions and others, established and backed by those ministries involved in the INCP (notably Canada, which hosts the headquarters of both networks).<sup>11</sup> By September 2000, when the INCD was launched under the wings of the INCP at its annual conference, there was therefore a substantial alliance of governmental and private sector groups from around the world pledging to build consensus for “a new international instrument that would give a permanent legal foundation for cultural diversity.” (INCD, 2000) The kind of statements that were issued at this meeting (“The fruits of artistic creation are more than conventional goods and services”; “Market forces alone cannot ensure cultural diversity at the national and international levels”) soon began to gain more formal political currency - notably in December 2000, when the Council of Europe made its first *Declaration on Cultural Diversity*, and this was followed in 2001 with the adoption of UNESCO’s *Universal Declaration on Cultural Diversity*.

The Convention’s adoption was therefore claimed in both France and Canada as a diplomatic coup by their governments and cultural industries (“So, let’s salute the negotiating success of our ministers, bureaucrats and cultural industries. International lawmaking requires vision and a willingness to play as a team. It’s a Canadian game” (Byers, 2005); “France was the initiator and leader of this process... Putting the defense of its national interest under the aegis of collective values, France transformed what was at risk of becoming a lonely battle of the old guard into a universally shared ambition for building the first

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<sup>11</sup> For more information on the history and activities of the INCP/INCD see: [www.incp-ripc.org](http://www.incp-ripc.org) and [www.incd.net](http://www.incd.net)

global pillar of cultural governance.” (Musitelli, 2006)). While there is more than a degree of triumphalism in such claims, the role of intergovernmental networks such as the INCP/INCD, and private sector groups such as SAGIT, in campaigning and organising for the adoption of a binding international instrument along the lines of the Convention have been central - indeed both SAGIT and the INCP/INCD drew up preliminary drafts for a cultural diversity convention before UNESCO’s official involvement and through their advocacy at UNESCO it was these drafts that formed the basis of the text that was ultimately proposed for adoption at the General Conference in 2005 (see INCD, 2003; SAGIT, 2002). We can now turn to look at its key provisions in greater detail.

## The Dual Nature of Culture

“The object and objective of [the Convention] reside in the idea that works of the mind should not be subjected to the ordinary laws of commerce. This means they are recognized as having a specific nature; culture and cultures express the souls of peoples, and cannot be reduced to products that are bought and sold. The Convention establishes, for the first time and with force, that cultural products have a double nature: economic, because naturally creators have to be remunerated, but also a nature that cannot be reduced to market value and which has to do with meaning and symbolism. The Convention is trying precisely to establish a legal framework that takes into account the dual characteristics of cultural products.”

(Jean Musitelli, member of the international group of experts involved in drafting the Convention, in interview 14<sup>th</sup> June 2007)

As we have seen, the primary reason for the renewal of interest in UNESCO has been its intervention in a long-standing controversy, intensifying over the 1990s, over what kind of regulatory framework is most appropriate to govern the relationship between trade and culture. Striking a balance between the two was one of the main tasks faced by the group of experts that worked on finalising the draft of the Convention between 2003 and 2005. The coalition mobilised at UNESCO, as Ivan Bernier - one of the foremost legal authorities on the Convention - recalls, were demanding that a new balance was required between trade and culture [“un nouvel équilibre devait être trouvé entre le commerce et la culture”] – and getting this balance right presented a difficult task of legal rapprochement (Bernier, 2009:1). This was achieved through the Convention’s assertion - for the first time in international law - that cultural activities, goods and services have a uniquely *dual nature*: they carry more than a “merely” commercial value, because they are also “vehicles of identities, values and meanings” - they “embody or convey cultural expressions, irrespective of the commercial value they may have.” (UNESCO, 2005:2-5) Although the “cultural” in cultural expressions was effectively left to be defined in the process of implementation, it had been conflated with *cultural goods and services* in the drafting process and the surrounding discussions to the extent that references to *cultural activities* sat uneasily in the text. As it was quickly made apparent at one of the early Expert Group meetings which aimed to establish a framework of basic operational definitions and initial methodological guidelines from which to begin the process of implementing the provisions of the Convention, the notion of *cultural activities* stood out as a particular anomaly, since “it was unclear to which extent expressions that are not marketed or commodified fell under the 2005 Convention”; UNESCO, 2007).

The dual nature of cultural expressions also gives them a dual role to play in policy: on one hand, they are a valuable source of economic growth, employment, trade and development; on the other, they are a more profound expression of humanity’s diverse identity, requiring careful management as an endangered source of pluralism, creativity and innovation. As the *Universal Declaration on Cultural Diversity* (UNESCO, 2001) had already noted, these are now key assets both in the new knowledge based economy and in the mission to build a global society open to peaceful exchange, tolerance and mutual understanding; indeed Article 1 of the Declaration asserts that: “As a source of exchange, innovation and creativity, cultural diversity is as necessary for humankind as biodiversity is for nature.” For these reasons, it is argued that cultural expressions require a particular set of international provisions to complement those that have been associated with the liberalising and commercialising thrust of the globalisation of recent decades: in particular, that they must not be treated as solely having commercial value. In this spirit the text asserts that States have “the sovereign right to adopt measures and policies to protect and promote the diversity of cultural expressions within their territory.”

It is precisely such measures that have formed the basis of the new consensus at UNESCO. Through their dual economic and cultural provisions, and their recognition of the concerns of a large number of both developed and developing countries, the instruments on cultural diversity were able to accommodate a variety of claims in a way that had proven impossible in the past: “The elephants and eagles could converse with mice” was how the Jamaican representative to UNESCO described the processes that had led to the Convention’s adoption (*Le Monde*, 18<sup>th</sup> October 2005), while the European Commission (2005) referred to the creation of “a consensus that the international community has never before reached on a variety of guiding principles and concepts related to cultural diversity.” Reflecting on his experience as president of the inter-governmental committee responsible for finalising the draft of the Convention, Kader Asmal (long-standing anti-apartheid campaigner and member of the African National Congress, selected by UNESCO for his work in drawing up South Africa’s post-apartheid Constitution) made parallels with the “electrifying experience” of being involved in the work of the organisation as part of the decolonisation and anti-racism efforts of the 1960s and 1970s. The Convention, he noted, not only took this work a step further by giving greater recognition to the place of culture in addressing international development and inequalities in flows of cultural expressions, but it also marked a transcendence of previous North-South divisions on matters of the international regulation of culture:

“We are the participants in and witnesses to a truly historic event – the international community has now adopted a truly ‘cultural treaty’ reaffirming the bonds linking development, dialogue, international co-operation, social cohesion and the cultures of all the peoples of the world... We have established the most innovative platform for international cultural co-operation that the world has ever known.”

(Asmal, 2006: 355-6)

Perhaps most significantly, the recognition of the dual characteristics of cultural products in the *Universal Declaration of Cultural Diversity* was heralded by UNESCO as a point of conversion that had overcome previous divisions over matters of international cultural regulation. The promotion of cultural rights and greater international pluralism could now be squared with the protection of cultural goods and services in the context of trade, finding a point of convergence between developed and developing countries, the private sector and civil society – and finally paving the way for a binding, and truly universal, international treaty:

“The debate between those countries which would like to defend cultural goods and services ‘which, as vectors of identity, values and meaning, must not be treated as mere commodities or consumer goods’, and those which would hope to promote cultural rights has thus been surpassed, with the two approaches brought together by the Declaration, which has highlighted the causal link uniting two complementary attitudes.”

(UNESCO, 2001: Foreword by the Director General)

While the campaign to arrive at this point was led by a particular constellation of interests (notably the governments and cultural industries of France and Canada) and opposed by another (notably those in the US), the formulation of the “dual” nature of culture that forms the key contribution to this debate over globalisation is at the same time presented as transcending past divisions over the international regulation of culture. The account of this development by UNESCO in its own review of work done between 1946 and 2004 (UNESCO, 2004) frames the contemporary project on cultural diversity as the outcome of a series of advances over the previous half century: the completion of a journey that was begun at the organisation’s birth and that has witnessed the gradual evolution of what it refers to as an increasingly “inclusive”, “multilayered”, “sophisticated” and “universal” concept of culture, culminating in the political consensus of recent years over the simultaneously commercial and identity-bearing properties of culture. “Globalisation”, it is argued in this account, has brought a “radical change not only in the economic and technological order, but also in the mentalities and the ways of conceiving the world”, and so has necessitated “a redefinition of the type of actions and strategies to be established in order to preserve and promote cultural diversity, in particular at a time when new global markets are being formed and the statute of cultural goods compared to that of ordinary goods is being debated.” (UNESCO, 2004:4)

What is striking here is not so much the intended function of the principle of the dual nature of culture to keep “the culture of the market” at bay, recalling for example Moghadam and Eleveren’s assumption that “cultural concerns end where economic agreements and financial concerns begin”: rather, it provides a mechanism for widening and deepening the connections between them. Moghadam and Elveren’s analysis of the geopolitical dynamics behind this is also extremely misleading: the US has in fact been in opposition *not* to an attempt to keep culture and commerce *apart*, but precisely an attempt to bring the two closer together (largely out of fear for the potential impact that it could have on its ability to maintain its monopolistic position in the existing regime of international trade).

Nevertheless, the emergence of this principle at UNESCO, and the near unanimity that brought its adoption, does indeed mark a new development in the international debate over cultural regulation. Somewhat ironically, we can trace the opening for this to UNESCO’s efforts over the 1980s and 1990s to regain its “universality” after the NWICO controversies by reorienting its stance towards the market and restoring its links with the governments and investors with which it had lost credibility. Glossed over in the triumphalist accounts of the new consensus at UNESCO is the way in which this shift after the 1980s was, as Babbili had reflected in 1990, a testament to the “maintenance of power reinforced by the Western bloc”, particularly with the removal of the more challenging implications of the *MacBride Report* and the demands of NWICO (Babbili, 1990). Since UNESCO could no longer be entrusted to deliver any significant programmes of investment or development assistance through the unchallenged control of Western capital, technology and expertise, it became increasingly clear that it could not stand for anything that would present a fundamental challenge to the new world order of the Washington Consensus: UNESCO’s work would either be commensurable with the emergent rules of the global marketplace, or it was fit for the dustbin of history. UNESCO’s international rehabilitation over the 1990s under the reforms of Director-General Federico Mayor was given its most authoritative bill of health in a number of calls from the US Congress for the President to authorise renewed membership to the organisation (for example see the *New York Times*, 19<sup>th</sup> February 1994; *Washington Post*, 20<sup>th</sup> April 2000), leading to on and off proposals to rejoin from each of the Presidencies of Reagan, Bush and Clinton until 2002, when G.W.Bush made the surprise statement, as part of the infamous “Saddam speech” to the UN General Assembly, that the US would rejoin the following year: “This organisation has been reformed and America will participate fully in its mission to advance human rights and tolerance and learning.”<sup>12</sup>

It was against this backdrop of reform that the *World Decade for Cultural Development*, which ran between 1988 and 1997, sought to set out a new agenda for culture and development and reposition UNESCO in the international debate. At the launch of the Decade in 1988 the new Director-General Federico Mayor was joined by the UN Secretary-General in noting that development efforts had too often failed because “the importance of the human factor - that complex web of relationships and beliefs, values and motivations, which lie at the very heart of a culture - had been underestimated in many development projects... Clearly there [is] a need to transcend economics, without abandoning it.” (UNESCO, 1995: 7-8) This was the key theme in what became the centrepiece work of the Decade, the report *Our Creative Diversity* (UNESCO, 1995), which set out to clear the intellectual path that would reorder the priorities between economics and culture by “provincialising” the tenets of mainstream development, decentering the place of economics and recasting it within a model of *cultural growth*: “Once we shift our attention from the purely instrumental view of culture to awarding it a constructive, constitutive and creative role, we have to see development in terms that include cultural growth.” (ibid: 25) This assertion of the importance of culture’s *constructive, constitutive and creative role* in development processes was the basis for an early formulation of the principle of the “dual role of culture”, which is used in the report to denote culture’s simultaneously “far-reaching instrumental function” (as a tool of economic development) and its “intrinsic” value as “the end and aim of development itself” (ibid: 23-4). We can consider a couple of the examples that were given in the report to illustrate in a little more detail how exactly it was envisaged that this could work:

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<sup>12</sup> This speech is available at: <http://usiraq.procon.org/sourcefiles/bush.un.9-12-02.pdf>

“At one extreme of modernity, promotion of creativity is seen as essential for industrial productivity and innovation. A new kind of organization for managing creativity, known as the ‘entrepreneurial conglomerate’, for example, has come into being during the 1980s. ...At the other end, where tradition meets modernity, a process of ‘hybridization’ is well under way. Many Latin American Indian populations are seeking deliberately to master both modern technological knowledge and cultural resources, despite strong movements against ‘Westernization’. ...They are combining traditional healing techniques with allopathic methods...adapting to their own ends democratic changes in the economic and political spheres, and aligning their traditional beliefs with Christian movements that generally have a more radical approach to the promotion of modernity.”<sup>13</sup>

“Many tribal communities in India have age-old technologies and practices in such diverse areas as hill-top agriculture, medicine and health care, community education and socialization. On the surface, their attitudes appear to be to be anti-modern. But a closer look reveals that through a complex process of assimilation they are absorbing and using modern technology and political systems as a path to power and betterment. Society’s ritual base is modernized to fit into and serve its political and economic ends. In this way they help, in unobtrusive and effective ways, to bring together the instrumental and constitutive roles of culture.”

(UNESCO, 1995: 78-79)

In such examples development is reconstructed as a complex and productive engagement between “modernity” and “culture”: a process of absorption, assimilation and hybridisation that can more effectively realise the creative potential of both modern and traditional forms of knowledge, technology and social organisation. Of course, there is a jarring binary logic at play in this formula which largely goes unproblematised: fostering productivity and development by implication remains an engagement between “modern” forms of rationality, management and progress on the one hand, and the cultures, traditions and creativity of “others” on the other. Nevertheless, we can see that by seeking to recognise the potential of a range of practices that might previously have been denied by development/tradition as “anti-modern”/“western” there is an attempt to close this circle - and thereby “bring together the instrumental and constitutive roles of culture.” It is arguably here that we find the key normative thrust of the report, because once this formula is established it follows that cultural development requires a constantly active, careful mediation to be successful. Some groups – those that are dynamic, pluralistic, open to exchange, assimilation, experimentation, hybridisation – make better use of their cultural differences and creative potential than others, and this forms a key problematic for contemporary development policy: “These capacities can neither be imposed nor taught. But they can be nurtured. ...Creative and organizational processes must engage, must mesh with each other if social institutions are to be fully productive.” (ibid: 78) It is precisely in designing the right kinds of regulatory frameworks and institutional balances that the productive and developmental potential of culture can be allowed to flourish.

Bennett’s (1998) brief analysis of *Our Creative Diversity* has suggested some of the ways in which it rests on a normative splitting and hierarchical gradation of culture, setting out a set of principles for identifying which *ways of life* are to be allotted a reforming role and which are to be targeted as objects of reform. We might develop this point by considering a section of the report entitled *No Culture is an Island*, which opens by stating that: “No culture is a hermetically sealed entity. All cultures are influenced by and in turn influence other cultures. Nor is any culture changeless, invariant or static.” (UNESCO, 1995: 54) As such, it is asserted that cultures are in a constant state of flux, involved in an ongoing process of mutual exchange, discovery and enrichment, drawing on and contributing to the “accumulated treasure of all human experience, wisdom and conduct” – and it is in this sense that a peaceful, creative international cultural diversity is described in the report as having “benefits comparable to those of bio-diversity.” (ibid: 54) Other important projects during the Decade - notably the *Integral Study of the Silk Roads – Roads of Dialogue*, which ran between 1988 and 1997 - similarly sought to highlight the importance of a model of culture in a process of constant evolution and flux through networks of trade and intercultural exchange, asserting the principle that “identity...must not be viewed

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<sup>13</sup> The *entrepreneurial conglomerate* is used here to refer to the new breed of technological and organisational innovators in production: as examples of this trend it refers for instance to “the Japanese project dealing with the fifth generation of computers”, “the Centre Mondial de l’Informatique in France”, and “firms such as Catalyst Technologies in the United States of America” (UNESCO, 1995: 78)

as a ghetto or form of confinement, but should rather be achieved as a process, a synthesis, and an encounter.”<sup>14</sup>

These recognitions go beyond the long-standing principle at UNESCO of promoting inter-cultural dialogue and exchange: they are at the core of an attempt to elaborate what is referred to as a *new universal ethics*. This refers to an attempt to outline a principle of international intervention in which movements trying to pull up the cultural drawbridge and raise the flag of “intolerant, exclusive, exploitative, cruel and repressive” forms of identity must not be tolerated: “Whatever we may be told about the importance of ‘not interfering with local customs’, such repulsive practices, whether aimed at people from different cultures or at other members of the same culture, should be condemned.” (UNESCO, 1995: 54) Just as cultural diversity can have benefits to humanity comparable to those of biodiversity, it can also become harmful if not properly managed: just as it is noted that cultural differences can “encourage creativity, experimentation and diversity, the very essentials of human development”, it is equally noted that they “run the risk of cultural conflict”, bringing disorder and breeding “hotbeds of disgruntlement rather than a source of productive activity.” (ibid: 25-26; 154) It is made clear that this is as much a problem stemming from flawed international development models and interventions (which had failed to recognise the salience of cultural and ethnic complexities) as from the efforts of particular groups and elites seeking to manipulate and essentialise cultural differences into principles of exclusion and subordination.<sup>15</sup> Together these had raised the spectre of a post-Cold War world “that has become familiar with ‘ethnic cleansing’, religious fanaticism and social and racial prejudice” (ibid: 25). This had become a matter of urgency in the context of the vacuums for identity created by geopolitical transformation and widespread economic and political collapse: a “rising tide of human despair and anger” and the increasing attraction of xenophobic, exclusionist and fundamentalist forms of cultural identification, breeding conflict and humanitarian crises (ibid: 273-4). In this way international regulation and intervention has a crucial role to play in “set[ting] the legal stage for mutual tolerance and accommodation”:

“Intolerant attitudes become particularly pernicious when they become the policy of intolerant governments. Discrimination, segregation and exclusion based on cultural traits then become official policy. In these cases strong international pressures should be used to denounce and punish such policies, including all forms of racism, persecution of people because of their beliefs, and the curtailment of freedom of their own people.”

(UNESCO, 1995: 54)

We can see clearly here some of the ways in which culture in the report appears in Bennett’s sense as a *reforming apparatus* - one which differs from previous, “modern” epistemes by marking a shift “from a principle of cultural development which saw diversity as an obstacle to be removed to one dedicated to (within limits) the promotion and celebration of diversity.” (Bennett, 1998: 106) How this might feature in a reconstructed development policy was set out in the report’s concluding *International Agenda* of initiatives designed to generate greater international authority and consensus for the issues that it had explored over the previous ten chapters (UNESCO, 1995: 271-288). Among the most significant outcomes of these initiatives were the inauguration of the *World Culture Reports* (with the first being published in 1998) and the convening of an *Intergovernmental Conference on Cultural Policies for Development* in Stockholm in 1998, which was envisaged as an opportunity to follow up on the report’s call for the formulation of “new culturally sensitive development strategies.”

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<sup>14</sup> Details of the *Silk Roads* project are available at: <http://unesdoc.unesco.org/images/0015/001591/159189E.pdf>

<sup>15</sup> Thus we read for example that: “Standard development models have paid little attention to this diversity, assuming that functional categories such as class and occupation are more important...many development failures and disasters (the civil wars in Nigeria, Rwanda and Burundi, the break-up of Pakistan) stem from an inadequate recognition of cultural and ethnic complexities” (p.55); “distinctions between ‘us’ and ‘them’ are frequently drawn on pseudo-scientific lines so that one group can exercise power over another and justify to itself the exercise of that power. Distinctions based on ‘race’, ‘ethnicity’ or ‘nationality’ are artificial, without any basis in biological differences.” (p.25); “ethnic identification is often a normal and healthy response to the pressures of globalization. Ethnicity acts as a trigger for violent conflict only when it is mobilized and manipulated to do so.” (p.73)

The case being made for greater involvement of UNESCO in this regime of cultural development and international intervention however contrasted with the organisation's continued marginalisation in the 1990s. It is important to bear in mind here that as the decade came to a close in 1997 it remained to be seen how the report's contributions would be taken up, if at all - particularly given the ongoing snubs from the US superpower (largely continued after rejoining under the Bush administration - which, despite some of the discursive overlaps between the War on Terror and UNESCO's "new universal ethics", largely viewed UNESCO with contempt) and the resilience of orthodox development models at national and international levels.<sup>16</sup> Keen to showcase the organisation's reforms and its new framework for culture and development, UNESCO was at pains to make clear prior to the 1998 Stockholm conference that this would be a gathering of a different nature to those that had characterised the period of confrontation, notably at the Nairobi conference in 1976 and Mexico City in 1982 (see UNESCO, 1998a). Stockholm certainly attracted an impressive number of participants - 2,500 people, from 149 countries - and much was made by UNESCO of the wide range of delegations in attendance over the four days: a mixture of representatives not just from governments but also civil society and the private sector: the official press release at the conclusion of the conference was keen to note the participation of "more than 100 non-governmental organisations, foundations and representatives of the business sector, as well as young people" (UNESCO, 1998b), and the nature of the gathering was a reflection of the new approach to designing cultural policy in closer collaboration with the "dynamic forces" of civil society and the private sector. The conference had therefore been "deliberately designed to allow government officials and cultural leaders, artists, intellectuals, scholars, and media personalities, to interact and debate" (UNESCO, 1998a), and in celebrating the adoption of the *Action Plan on Cultural Policies for Development* following the conference the Director-General had made a particular point of "highlight[ing] the importance of the Conference in establishing a link with the private sector." (UNESCO, 1998b)

By reaching out and seeking partners outside of the organisation in this way, it was hoped that more effective and longer-lasting bridges could be secured between economic and cultural concerns in development policy. As we have seen, it was the campaign for cultural diversity, led by the international campaigns and networks of the cultural industries formed at the end of the 1990s that would articulate and give form to this narrative at UNESCO over the coming years. In the next section we can begin to draw out some of the implications of this by putting the contemporary framework of cultural diversity into a longer perspective.

### **The Rules of the Cultural Marketplace**

Although a concern for cultural diversity has been part of UNESCO's mandate since its foundation at the end of the Second World War, the ways in which it has been conceived and the roles that it has been expected to play have varied over time - coming to feature very differently, and occupying centre stage, by the time of the 2005 Convention. It is worth recalling here that in UNESCO's early work, *culture* is largely referred to as performing the mission of civilising, educating and elevating that cannot be done by "mere economics" alone, and carried few of the kind of economic qualities that, as we will see, have become the other half of its "dual nature" today. This primarily "civilising" role for culture and cultural exchange in its early work was consistent with the organisation's initial role in the task of postwar reconstruction - and of course reflected the colonial and paternalistic biases and concerns of its founding participants: its Constitution, drawn up in 1945, still resonates with the experiences of the War, citing the words of the American poet Archibald MacLeish: "Since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed." (UNESCO, 1945) This set out the blueprint for a particular *bildung* in its work: in short, an attempt to cultivate, at an international level, an enlightened, cosmopolitan humanism fit for the postwar liberal order. A peace based exclusively upon the political and economic arrangements of governments - of the kind being created in the form of the UN

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<sup>16</sup> Indeed, one of the key figures behind the report, the anthropologist Lourdes Arizpe, reflected at a World Bank workshop in 2002 on its lack of impact by noting that "ambiguities in the definition of culture" and "the implicit assumptions about culture in economic development models" had produced a series of "culturally blind rather than culturally sensitive development programmes" and led to "generally well-intentioned, yet frequently insubstantial, institutional responses, both nationally and internationally." (Arizpe, 2004: 183)

Charter/Security Council, and the Bretton Woods institutions respectively - was seen not to be embedded firmly enough, requiring complementary activity in the realms of education, science and culture to foster "the intellectual and moral solidarity of mankind." (ibid)

With UNESCO's early programmes in the 1950s and 1960s generally being carried out within this framework of cultural "modernisation"/Westernisation<sup>17</sup>, the problematic of cultural diversity in its work only emerged later in the second half of the twentieth century. The most significant reason for this was the waves of decolonisation and the shift in the composition of its membership with the entry of the newly independent nations, who soon became a numerical majority. Such majority presence can translate into real political weight in UNESCO, unlike other bodies in the UN family (such as the Security Council, World Bank or IMF) whose agendas are more readily influenced by the powerful states through built-in advantages (permanent seats, weighted voting mechanisms, controls over the use of budgets and the appointment of top-level personnel, and so on). By the 1980s the 20 members that had drawn up the constitution in 1945 had grown to 160, and already by the 1960s and 70s UNESCO was being referred to as the scene of a "Third World takeover" and platform for the nationalist modernisation programmes and demands of the Non-Aligned Movement (see Smith, 1980). Cultural "modernisation" thus came to be supplanted by cultural "decolonisation" as UNESCO was called upon by its new members to become an agency for assisting the Non-Aligned countries towards the emancipation and development of their national information and communication systems.<sup>18</sup> The widespread accusations of UNESCO's "politicisation" during this time that we encountered earlier stand as the most obvious reminders of the ways in which UNESCO had been turned into a key battleground over the principles of international cultural regulation.

This challenge to the existing international regime of cultural regulation involved an attempt to "expand" its concept of culture, reflecting the claims of representatives from the newly independent nations in addressing some of the elitist and Western biases that had characterised it previously. As symptoms of this change we might refer to landmark measures such as the 1976 *Recommendation on the Participation by the People at Large in Cultural Life and Their Contribution to it* (UNESCO, 1976), which came out of the fiery 19<sup>th</sup> General Conference in Nairobi (at which a number of delegates from the Western countries walked out in protest), and the 1982 *Mexico City Declaration on Cultural Policies* which came out of the *World Conference on Cultural Policies* ("MONDIACULT") held in Mexico City (UNESCO, 1982a). The former of these was UNESCO's first significant statement regarding the need to "democratize the means and instruments of cultural activity" and "broaden access to culture by endowing it with its true meaning." (UNESCO, 1976) The *Mexico Declaration* made six years later was notable for including the agreement that "in its widest sense, culture may now be said to be the whole complex of distinctive spiritual, material, intellectual and emotional features that characterize a society or social group. It includes not only arts and letters, but also modes of life, the fundamental rights of the human being, value systems, traditions and beliefs." (UNESCO, 1982a) Such recognitions were central, the *Mexico Declaration* went on to state, in the struggle to address systemic international biases and inequalities in the control, flow and content of cultural representations, as well as in addressing the continued dominance of the North over the South - and were therefore key aspects of wider attempts by the South to establish a *New World Information and Communication Order* (UNESCO, 1982a: point 36) and *New International Economic Order* (ibid: point 50).

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<sup>17</sup> Thus relations with developing countries in the 50s and 60s at UNESCO largely took the form of a one-way flow of both hardware (printing presses, broadcasting transmitters, etc) and software (radio, TV programmes, etc). This occurred within the overall framework of "modernisation" and with goals such as ensuring that every country had at least 10 copies of a daily newspaper, 5 radio receivers, 2 television sets and 2 cinema seats per thousand inhabitants.

<sup>18</sup> It is important to be clear here that while this conflict involved the claims of a variety of progressive popular national liberation struggles, these tended to be expressed through the voices of a new cadre of national representatives that, while seeking to carve out spaces of autonomy for national modernisation from imperial ambition and interference (and often speaking through collective fronts such as the Group of 77), were also in the process of erecting domestic structures of domination that proved to be equally severe (Hardt and Negri (2000:132-134) captured this well in their description of the "poisoned gift of national liberation").

If we compare the kind of statements from this period regarding the relationship between culture and economy with the more recent statements associated with the work on cultural diversity we can get an immediate impression of the shift that has taken place at UNESCO over this time. Consider for example the following: 1) from the 1976 Nairobi *Recommendation* and 2) from the UNESCO report *Cultural Industries: A Challenge for the Future of Culture* (which was circulated at MONDIACULT in 1982 as a document “bear[ing] witness to UNESCO’s efforts over the past ten years or so to update its thinking on culture”):

1. “The ultimate objective of access and participation is to raise the spiritual and cultural level of society as a whole on the basis of humanistic values and to endow culture with a humanistic and democratic content, and this in turn implies taking measures against the harmful effect of ‘commercial mass culture’ which threatens national cultures and the cultural development of mankind, leads to debasement of the personality and exerts a particularly harmful influence on the young generation.”

(UNESCO, 1976)

2. “Generally speaking, a cultural industry is held to exist when cultural goods and services are produced, reproduced, stored or distributed on industrial or commercial lines, that is to say on a large scale and in accordance with a strategy based on economic considerations rather than any concerns for cultural development.”

(UNESCO, 1982b:21)

We can see quite clearly in the above examples that the agendas of decolonising, democratising and humanising culture at UNESCO in this period are opposed to those of trade and commerce: the attempt to broaden the meaning of culture is part of the search for a form of cultural development considered wider than that prescribed by the imperial designs and categories of political economy. We might now compare the above with two examples of the contemporary work being carried at UNESCO in response to the instruments on cultural diversity: 3) the organisation’s recent attempts to measure levels of global diversity in film and video production and 4) the work of the UNESCO initiative *Global Alliance for Cultural Diversity*, which was established to generate public-private partnerships and programmes of investment and cooperation between the North and South to build cultural industries:

3. “Film and video production are shining examples of how cultural industries - as vehicles of identity, values and meanings - can open the door to dialogue and understanding between peoples, but also to economic growth and development. This conviction underpins the UNESCO Convention on Cultural Diversity. And this new data on film and video production provides yet more proof of the need to rethink the place of culture on the international political agenda.”

(UNESCO Institute for Statistics, 2009)

4. “In recent years creative industries have become a significant source of social and economic development and are now recognized as a powerful driving force of world trade and offer great potential for developing economies rich in cultural diversity. ...Global Alliance projects are therefore underway to unlock the potential of local cultural industries. These recognise that a successful cultural industry has a range of needs that span the production chain from initial conception through to distribution and they support countries in their efforts to develop a conducive business environment necessary to allow such industries to grow.”

(UNESCO-Global Alliance for Cultural Diversity, 2009)

We can see from these quick examples that it is precisely by expressing particular identities through cultural industries and integrating them more effectively within global chains and circuits of production, investment and exchange - accompanied by action to ensure appropriate levels and forms of infrastructure, training, capital, copyright and neighbouring rights, and so on - that the aim of cultural diversity is to be realised (indeed, the motto of the *Global Alliance for Cultural Diversity* is precisely that: “Sustaining Cultural Diversity Through Cultural Goods and Services”). UNESCO here has in fact returned to a particular model of modernisation, this time derived from the kind of discursive framework that we have become familiar with under neoliberal globalisation: insertion into the global market accompanied by the creation of appropriate structures of “good governance” for the work of international development assistance, capital and expertise.

## Conclusion

As we have seen, the significant contribution of the Convention is as an expression of a political consensus over how to regulate the relationship between trade and culture. Its practical implications remain to be seen: it would require a considerable political effort to make its provisions widely effective given UNESCO's relative standing in the hierarchies of international administration and the contemporary complexities of international trade negotiation. However the significant point to note here is that the claim that this consensus has revealed the limits to the "marketisation" of culture (and in the process exposed the role of the US as its leading proponent) is extremely misleading: such claims are more indicative of the way that this process has been brought onto the agenda at UNESCO and framed by those governments and cultural industries who have claimed it as a "universal" victory for cultural diversity. The recent fallout at UNESCO has been less about fundamental questions over the primacy of "market culture" as about how to define a more effective set of rules for the regulation of the cultural marketplace - and, in the process, how to secure greater market share in the new cultural capitalism by developing an anti-imperial, even postcolonial, narrative of cultural identity. When we look in more detail at the path that has led to the consensus at UNESCO we can see the extent to which it has in fact been based around a set of concepts and measures that are set firmly within the problematics of market regulation.

However, it would also be misleading to understand these developments by falling back on the long-established models of commodification, instrumentality and cultural imperialism. The new consensus at UNESCO signals not so much the "closure" of culture within administration and capitalism (recalling the long line of criticism set by Sombart or Adorno and Horkheimer), or the perfection of a set of rules for furthering a corporate agenda (as Herbert Schiller had argued in his account of the marginalisation of UNESCO in the 1980s).<sup>19</sup> Rather, we might turn for greater understanding here to Foucault's (2008) analyses of neoliberalism which are now available in greater detail in *The Birth of Biopolitics*: neoliberalism, he argued, is not only or simply an "economic" government, but more fundamentally a government of society, a "sociological" government: that is, it is about setting the right *socio-cultural environment* for the market to operate effectively; it is not so much about creating a society of standardisation, spectacle and consumption ("orientated towards the commodity and the uniformity of the commodity") but rather about obtaining a society that is oriented towards *the multiplication and differentiation of the enterprise form*. (ibid: 145-149) As an international instrument, the Convention is trying precisely to establish a normative framework in which this can take place. The extent to which its adoption has been celebrated as a triumph of universalism reflects the extent to which the market has been established as the fundamental organising principle of international regulation.

We might also reflect briefly on how the fallout over the Convention is indicative of the kinds of imperial dynamics that are at play in these contemporary discursive and ideological strategies. While the US's isolation over the Convention concerned its potential threat to its monopoly position in cultural industries and the future of its "empire of free trade", the support of the Convention was articulated by a range of states and industries through a discourse of political economy which held up the possibility of a truly "universal" free trade: this was the argument of the French cultural minister for example, writing in *Le Monde* after the adoption of the Convention: "[T]here is a risk of uniformity. US films represent 85% of all ticket sales in the world. The goal is to preserve the broadest possible diversity while also aiming for equity. For trade to occur, the other trading partner must exist." (Donnedieu de Vabres, 2005) Such struggles over the Convention, rather than signalling any challenge to fundamental principles, are perhaps more reminiscent of the ways in which liberal political economy was invoked in the early 19<sup>th</sup> century by the European states and the US as they sought to establish their own place in the order of free trade which

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<sup>19</sup> Schiller (1989) reflected on the sidelining of UNESCO by the US in the 1980s for example by writing that: "In sum, the call for a new information order to increase the number of voices in the global discourse has been set aside. Instead of the hoped-for openness, there is a corporate regimen." (Schiller, 1989:145)

was blocked by British commercial hegemony (again, Foucault is useful on this history of liberal political economy: see 2008:64-65).

As a concluding note, it may be that the kind of principles that made up the “new universal ethic” that had been articulated at UNESCO in the 1990s are now finding greater resonance in the changing tactics and struggling ideologies of the *War on Terror*. In response to complaints in late 2003 from US officers in Iraq of poor local intelligence, there has been increased emphasis put on counter-insurgency efforts such as the *Human-Terrain Teams* - which embed anthropologists with combat brigades in order to help tactical commanders in the field to better work with local cultural complexities and “the subtler points of tribal relations” - steadily increasing their numbers in Iraq and Afghanistan and bringing a \$40million expansion in budget from the defence secretary in 2007 (Rohde, 2007). American officers have increasingly cited the success of the advice of anthropologists and other social scientists on how to “improve the performance of local government officials, persuade tribesmen to join the police, ease poverty and protect villagers from the Taliban and criminals.” (ibid) If these are the symptoms of a new kind of *Orientalism* in dealings with and knowledge about “the East”, it is one which seeks to work not so much through a principle of essentialism as anti-essentialism - and with a narrative of diversity and complexity that recognises the limitations of the colonial binary orderings of West/East or tradition/modernity. We can see this quite clearly in two recent statements of the change in tone of foreign policy under the Obama Presidency - the first by the British Foreign Secretary at the Oxford Centre of Islamic Studies in May, and the second by Obama at the University of Cairo in June:

“There is a different tale to be told [about the history of relations between Europe and the Islamic world]... It is a history not of conflict or confrontation, not even of coexistence or tolerance, but of interchange and mutual contribution. It is the history of 17<sup>th</sup> century Iran – as told so impressively in the current British museum exhibition. Of 13<sup>th</sup> century Andalucia, Norman Sicily or the European enlightenment, of St John of Damascus, Christian advisor to Umayyad Ruler, of dialogue between Byzantine Emperor and Arab Caliph and the discovery of Greek thought by early Islamic scholars. These are histories of openness, diversity and achievement. Of cultures coming together and learning from each other...The Taleban are the violent aberration of an authentic tradition of conservative tribal religious nationalism. The Pashtuns and other tribes are as much the victims of Taleban violence as anyone else in Afghanistan...It is by drawing more Pashtun and other tribal representatives away from violence and into the political arena that we can hope to stabilise Afghanistan.”

(Miliband, 2009)

“For over a thousand years, Al-Azhar has stood as a beacon of Islamic learning; and for over a century, Cairo University has been a source of Egypt's advancement. And together, you represent the harmony between tradition and progress... Islam has a proud tradition of tolerance. We see it in the history of Andalusia and Cordoba during the Inquisition. I saw it firsthand as a child in Indonesia, where devout Christians worshiped freely in an overwhelmingly Muslim country...[But] among some Muslims, there's a disturbing tendency to measure one's own faith by the rejection of somebody else's faith. The richness of religious diversity must be upheld - whether it is for Maronites in Lebanon or the Copts in Egypt.”

(Obama, 2009)

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