Trade, Culture and the New Politics of Cultural Development at UNESCO

A thesis submitted to the University of Manchester for the degree of Doctor of Philosophy in the Faculty of Humanities

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School of Social Sciences
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Abstract

In the late 1990s an attempt got underway to develop a new paradigm for cultural development policy at the United Nations Educational, Scientific and Cultural Organisation (UNESCO). The fruit of these efforts was the adoption of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, which entered into force in 2007. This binding international treaty has been welcomed for restoring a degree of cultural policy sovereignty to states against some of the pressures of contemporary globalisation, and celebrated for burying some of the political differences between North and South that had pulled UNESCO apart in the 1970s and 1980s. As an instrument with widespread political support the Convention on cultural diversity has also marked something of a landmark event in the more general controversies over the nature of contemporary cultural change and the role of cultural policy in the era of neoliberal globalisation.

This thesis is a response to these developments over the last decade, based on a series of studies looking at the processes that led to the formation of the Convention and examining some of the effects of the new framework as they are becoming apparent in the first years following its adoption and entry into force. It looks in particular at the precise points of consensus between North and South that have been found in the new framework of cultural development, examining some of its measures and the way they are coming to feature - or not - in the work of international development agencies, policymakers and cultural industry stakeholders. These observations are developed through two main case studies looking at contemporary attempts at cultural policy reform in China and the Caribbean. The thesis also attempts to offer an alternative perspective to the legal and international relations analyses that have surrounded the Convention and its political controversies so far by approaching them within the framework of social and cultural theory, engaging in particular with recent claims about the transformation of culture into a “resource” for trade and development in the new global economy. I argue that the new framework tends to conflate cultural rights and recognition with the right of the state to protect and promote activities that it deems worthy of recognition on cultural grounds: this has offered a welcome development to those that have come to have a privileged role to play in the contemporary concern to promote enterprise, production and trade in the knowledge-based economy of content and intellectual property creation, but it has also tended to weaken the position of others whose claims to cultural recognition are inseparable from demands which have little or no protagonism in this framework.

Keywords: Cultural development; cultural policy; neoliberalism; trade and culture debate; UNESCO; WTO.
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<tr>
<td>ACDHR</td>
<td>Amazigh Commission for Development and Human Rights</td>
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<td>ACP</td>
<td>African, Caribbean and Pacific Group of States</td>
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<td>ANC</td>
<td>African National Congress</td>
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<td>ASEAN</td>
<td>Association of South-East Asian Nations</td>
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<td>CaMINO</td>
<td>Caribbean Music Industry Networking Organisation</td>
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<td>CAN</td>
<td>Caribbean Audiovisual Network</td>
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<tr>
<td>CARICOM</td>
<td>Caribbean Community</td>
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<td>CARIFORUM</td>
<td>Caribbean Forum of African, Caribbean and Pacific States</td>
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<td>CCD</td>
<td>Coalition for Cultural Diversity</td>
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<td>CCIBN</td>
<td>Caribbean Creative Industries Business Network</td>
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<td>CCIN</td>
<td>Caribbean Cultural Industries Network</td>
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<td>CCL</td>
<td>Caribbean Copyright Link</td>
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<td>CCTV</td>
<td>China Central Television</td>
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<td>CEDA</td>
<td>Caribbean Export Development Agency</td>
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<td>CFG</td>
<td>China Film Group</td>
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<td>CIE</td>
<td>Caribbean Creative Industries Exchange</td>
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<td>CMO</td>
<td>Collective Management Organisation</td>
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<tr>
<td>COSCAP</td>
<td>Barbados Copyright Society of Composers, Authors &amp; Publishers, Inc.</td>
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<tr>
<td>CRNM</td>
<td>Caribbean Regional Negotiating Machinery</td>
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<td>CSME</td>
<td>Caribbean Single Market and Economy Convention</td>
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<tr>
<td>DFAIT</td>
<td>Canadian Department of Foreign Affairs and International Trade</td>
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<td>EDF</td>
<td>European Development Fund</td>
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<tr>
<td>EMFTA</td>
<td>Euro-Mediterranean Free Trade Area</td>
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<td>EPA</td>
<td>Economic Partnership Agreement</td>
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<td>EU</td>
<td>European Union</td>
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<td>FERA</td>
<td>Fédération Européene des Réalisateurs de l’Audiovisuel</td>
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<td>Florence</td>
<td>UNESCO Agreement on the Importation of Educational, Scientific and Cultural Materials (adopted 1950)</td>
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<td>Agreement</td>
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<td>FTA</td>
<td>Free Trade Agreement</td>
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<td>G77</td>
<td>Group of 77</td>
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<td>GACD</td>
<td>UNESCO Global Alliance for Cultural Diversity</td>
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<td>GATT</td>
<td>General Agreement on Tariffs and Trade</td>
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<tr>
<td>GATS</td>
<td>General Agreement on Trade in Services</td>
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<tr>
<td>GPRC</td>
<td>Government of the People’s Republic of China</td>
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<tr>
<td>Acronym</td>
<td>Full Form</td>
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<tr>
<td>IADB</td>
<td>Inter-American Development Bank</td>
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<td>ICH</td>
<td>Intangible cultural heritage</td>
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<td>ICT</td>
<td>Information and communication technologies</td>
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<td>IFCCD</td>
<td>International Federation of Coalitions for Cultural Diversity</td>
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<td>IFCD</td>
<td>UNESCO International Fund for Cultural Diversity</td>
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<tr>
<td>IGO</td>
<td>Intergovernmental organization</td>
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<td>ILC</td>
<td>International Liaison Committee of the Coalition for Cultural Diversity</td>
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<td>ILO</td>
<td>International Labor Organization</td>
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<td>IMF</td>
<td>International Monetary Fund</td>
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<td>INCD</td>
<td>International Network for Cultural Diversity</td>
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<td>INCP</td>
<td>International Network on Cultural Policy</td>
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<td>IPDC</td>
<td>UNESCO International Program for the Development of Communication</td>
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<td>IP Declaration</td>
<td>UN Declarations on the Rights of Indigenous Peoples (adopted 2007)</td>
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<td>JAMPRO</td>
<td>Jamaica Promotions Corporation</td>
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<tr>
<td>JBC</td>
<td>Jamaican Broadcasting Commission</td>
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<tr>
<td>JCTU</td>
<td>Jamaica Confederation of Trade Unions</td>
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<tr>
<td>MAI</td>
<td>Multilateral Agreement on Investment</td>
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<tr>
<td>MEFTA</td>
<td>US-Middle East Free Trade Agreement</td>
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<td>Mexico Declaration</td>
<td>Mexico City Declaration on Cultural Policies (adopted 1982)</td>
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<td>MONDIACULT</td>
<td>The World Conference on Cultural Policies (Mexico City, 1982)</td>
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<tr>
<td>MPAA</td>
<td>Motion Picture Association of America</td>
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<tr>
<td>NAFTA</td>
<td>North American Free Trade Agreement (signed 1992)</td>
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<td>Nairobi Declaration</td>
<td>UNESCO Recommendation on the Participation by the People at Large in Cultural Life and Their Contribution to it (adopted 1976)</td>
</tr>
<tr>
<td>NCF</td>
<td>National Cultural Foundation of Barbados</td>
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<tr>
<td>NGO</td>
<td>Non-governmental organization</td>
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<tr>
<td>NIEO</td>
<td>New International Economic Order</td>
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<td>NTFCI</td>
<td>Barbados National Task Force on Cultural Industries</td>
</tr>
<tr>
<td>NWICO</td>
<td>New World Information and Communication Order</td>
</tr>
<tr>
<td>NWU</td>
<td>Jamaica National Workers’ Union</td>
</tr>
<tr>
<td>OECD</td>
<td>Organisation for Economic Co-operation and Development</td>
</tr>
<tr>
<td>OIF</td>
<td>Organisation International de la Francophonie</td>
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OTN Caribbean Office of Trade Negotiations
PDAM Amazigh Democratic Party
Protocol Protocol on Cultural Cooperation (part of the ECONOMIC PARTNERSHIP AGREEMENT between the CARIFORUM States, of the one part, and the European Community and its Member States, of the other part) (signed 2008)
RCCI China Research Centre for Cultural Industries
RTFCI Caribbean Regional Task Force on Cultural Industries
SAGIT Cultural Industries Sectoral Advisory Group on International Trade
SWAPO South-West Africa People’s Organization
TTFC Trinidad and Tobago Film Company
TRIPS Agreement Agreement on Trade-Related Aspects of Intellectual Property Rights (signed 1994)
TWF Television Without Frontiers Directive
UK United Kingdom
UN United Nations
UNCTAD United Nations Conference on Trade and Development
UNESCO United Nations Educational Scientific and Cultural Organization
Universal Declaration UNESCO Universal Declaration on Cultural Diversity (adopted 2001)
US United States of America
UWI University of West Indies
WCCD UN-UNESCO World Commission on Culture and Development
WIPO World Intellectual Property Organization
WTO World Trade Organization
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Chapter 1

1 Introduction

1.1. A Magna Carta for international cultural policy?
With the inauguration of the World Trade Organization (WTO) in 1995, a widespread sense began to emerge that culture had been left out of the emerging global architecture of trade and development. The concern was expressed most vocally by Europe and Canada in a series of high-profile trade disputes with the US, but it also reflected a broader and more diffuse set of concerns over the pace of technological change and economic liberalisation as it began to accelerate in the late 1990s. From 1998 a broad coalition of governments and civil society organisations began to emerge under French and Canadian leadership, raising the banner of cultural diversity and calling for the creation of political and juridical mechanisms that could provide some form of cultural counterpart to the new international regulatory architecture. They found a sympathetic forum for their campaign at the United Nations Educational, Scientific and Cultural Organisation (UNESCO), the specialised agency of the United Nations that is specifically delegated with addressing cultural matters in international administration, and this resulted in the formulation of two instruments: 2001 saw the adoption of the Universal Declaration on Cultural Diversity (UNESCO, 2001a; hereinafter the “Universal Declaration”), followed in 2005 by the adoption of a binding international treaty, the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (UNESCO, 2005a; hereinafter “the Convention”). The Convention was adopted by a majority of 148 states to 2, followed by a rapid process of ratification by governments that secured the Convention’s entry into force by March 2007 - an unusually quick time for an international treaty.

In just over a decade, the problem of culture in trade and development - how to define and defend it, how to give recognition to it and to regulate it, how to create mechanisms for its protection and promotion - appeared to have found an authoritative solution with widespread political support. According to UNESCO:

The speed at which this Convention was adopted is considered an extraordinary achievement and signals the urgency and commitment for action from governments around the world...As a binding international legal instrument, the 2005 Convention has been heralded as the Magna Carta of International Cultural Policy reaffirming the right of governments to maintain, adopt and implement cultural policies and measures they deem
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necessary to protect and promote the diversity of cultural expressions and to ensure the free flow of ideas and works.

(UNESCO, 2010a:1)

Over the course of this work I will attempt to take stock of these developments, tracing how they have evolved and examining some of their effects as they are becoming apparent in the first years of the Convention’s implementation. Something of a landmark appears to have been reached in the international debate that is deserving of analytical attention: the new instruments on cultural diversity have been heralded by UNESCO and by the instruments’ sponsors as presenting a new paradigm for cultural policy, while legal analysts have referred to the Convention as addressing a long-standing absence of cultural concerns in the framework of international regulation, “filling a lacuna in public international law regarding cultural values.” (Beat Graber, 2006:564) The protection and promotion of cultural diversity is now formally recognised as being a vital consideration within the context of contemporary globalisation, paralleling the contribution of international instruments such as the Convention on Biological Diversity aimed at the stewardship of the world’s biological resources: “As a source of exchange, innovation and creativity, cultural diversity is as necessary for humankind as biodiversity is for nature.” (UNESCO, 2001a: Article 1). The instruments set out a set of rights and obligations through which state parties have agreed to manage cultural diversity as an essential resource - “the cultural wealth of the world” - for trade and development and for the simultaneous realisation of human rights, democratic pluralism and peaceful international coexistence. The Universal Declaration was prefaced in this spirit by the hope that it would become “an outstanding tool for development, capable of humanizing globalization” (ibid), and to this end the adoption of the Convention has been received as marking “the first international treaty which lays down rights and duties in the field of culture” (Second Meeting of African, Caribbean and Pacific Culture Ministers, 2006) and “the basis of a new pillar of world governance in cultural matters…a consensus that the international community has never before reached on a variety of guiding principles and concepts related to cultural diversity.” (European Commission, 2005)

At first sight such claims appear wildly out of proportion for an instrument adopted at UNESCO: this is after all an organ of international administration which since the 1980s has been shunned by international society, resembling a cross between a black sheep and a white elephant in the United Nations family. The kind of jibes that are
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reported to have come from delegates in the 1980s referring to UNESCO as the organisation at which U Never Eat Sleep or Cogitate (Gulick, 1982) have echoed embarrassingly around the organisation’s corridors ever since. The emergence of such a broad political consensus behind an international cultural instrument has been all the more remarkable given that barely two decades ago the North and South had been at loggerheads at UNESCO over the controversies that centred on the demands for a New World Information and Communication Order (NWICO), through which the Non-Aligned Movement of Third World countries emerging from independence called upon UNESCO to become an agency perpetuating forms of one-way “cultural modernisation” on behalf of the more powerful states into one that would assist in the ongoing project of “cultural decolonisation” (see below). Such demands drew accusations from the Western bloc (notably from the US, UK, Canada, Japan, the Netherlands, Switzerland and West Germany) that the organisation was being mismanaged and “politicised” into a platform for a Third World agenda to place restrictions on the free operation of international media enterprises, cultural industries and news agencies (for critical and detailed overviews of the controversies in this period see Wells, 1987). These controversies proved divisive enough to cause the US and UK to withdraw their memberships from UNESCO in 1984 and 1985 respectively, taking one third of the organisation’s budget with them and effectively consigning UNESCO, along with the NWICO agenda, to the dustbin of history.

With the adoption of the Convention twenty years later however, UNESCO has been brought back to the centre of a serious debate about international regulation, and this time it has been the US which has been forced to retreat with a bloody nose, inflicted as much by the rest of the North (including the UK, which rejoined in 1997) as by the South. A diplomatic offensive by the US delegation to try to weaken support for the Convention, after rejoining UNESCO in 2003, only served to alienate potential allies and highlight its distance from the new consensus (the US was ultimately only joined by Israel in voting against the Convention’s adoption in 2005) - prompting commentators in *Foreign Policy* to reflect on a “disastrous” campaign by the US delegation (Crosette, 2006).

Despite the ways in which UNESCO and the instruments’ supporters have framed the Convention as an expression of a politically and legally significant international consensus, a number of analysts have nevertheless drawn attention to the weaknesses of
its provisions and the instrument’s ambiguous standing in international law. Craufurd Smith (2007:53-54) for example describes the Convention as “a document that evades controversy, which establishes general objectives and frames them in purely exhortatory terms. As a political manifesto, with little legal substance, it is hardly an advance on the international declarations on cultural diversity which preceded it.” The core provisions of the Convention stem from its assertion that “cultural goods, services and activities” have a “dual nature”: they carry more than a commercial value, because they are also “vehicles of identities, values and meanings” that “embody or convey cultural expressions, irrespective of the commercial value they may have.” (UNESCO, 2005a:2-5) Although what exactly this means is nowhere specified in the text, the Convention’s only substantive right is granted on the basis of this extremely broad proposition: since cultural activities, goods and services are not only objects of trade but also “vehicles of identities, values and meanings,” it is asserted that they cannot be treated in policy solely as objects of commercial exchange and should not therefore be subjected to the general pattern of trade liberalisation. For this reason each state party to the Convention has been granted the sovereign right 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.” (UNESCO, 2005a: 3)

This is problematic because Article 4 of the Convention provides eight definitions around which the instrument is built and which could be interpreted in any number of ways: 1) cultural diversity, 2) cultural content, 3) cultural expressions, 4) cultural activities goods and services, 5) cultural industries, 6) cultural policies and measures, 7) protection, and 8) interculturality. The kinds of difficulties and tautologies that are involved here are quickly demonstrated with just a glimpse at the substance of some of these definitions: the key term, cultural expressions, is defined as “those expressions that result from the creativity of individuals, groups and societies, and that have cultural content”, while cultural content is defined as “the symbolic meaning, artistic dimension and cultural values that originate from or express cultural identities.” Of course, cultural identities, like culture, are left without any definition in the text, raising fears that this leaves the instrument with something of a black hole at its centre. Such concerns were aired for example at one of the early UNESCO 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
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Convention. Its final report, presented to the first session of the Intergovernmental Committee of the Convention in December 2007, emphasised that “[g]iven the nature and the language of the 2005 Convention, an understandable concern about definitions and terms such as diversity, cultural expressions, cultural diversity or cultural goods, services and activities, emerged.” (UNESCO, 2007: 4) How to render operational the notion of cultural activities posed the biggest difficulty of all since it was noted that “they often overlap with cultural practices” and that “it was unclear to which extent expressions that are not marketed or commodified fell under the 2005 Convention.” (ibid)

In one respect the framers of the Convention have had a near impossible task here, because their problem reflects the fact that culture - for Raymond Williams “one of the two or three most complicated words in the English language” (Williams, 1983) - has a number of different, and constantly shifting, referents in every day usages, intellectual disciplines and systems of thought. If we were to take as a preliminary guide Williams’s (1983) identification of the three broad meanings that culture accumulated in modernity - (1) as a description of “a general process of intellectual, spiritual and aesthetic development”; (2) as a way of demarking “a particular way of life, whether of a people, a period, a group, or humanity in general”; and (3) as “the independent and abstract noun which describes the works and practices of intellectual and especially artistic activity” (“music, literature, painting and sculpture, theatre and film”, but which today tends to encompass a growing number of forms from “high” to “low” culture) - then it would appear that culture in the Convention could refer to any, or all three, of these. Article 2 of the Convention largely leaves it up to governments to decide: “nothing in this Convention shall be construed to limit the sovereign authority of a Party to define such terms and concepts as ‘culture’, ‘cultural diversity’, and ‘indigenous or national culture’ in a manner it considers appropriate to the characteristics of its particular society.” (UNESCO, 2005a)

However, although it is not stated explicitly the purpose of the Convention, as we will see, has in fact been quite specific: namely, to establish a counterpart to WTO rules regarding the trade in cultural goods and services, and in particular the audiovisual sector (television, cinema and related online content). In this respect at least its subject has been relatively uncontroversial, referring to phenomena such as “printed matter, literature, music, visual arts, cinema, photography, radio, television, games and sporting
Introduction

goods” - this is an internationally conventional definition of cultural goods and services that has been used for example by UNESCO in studies of cultural trade flows (Disdier et al, 2009). The significance of these products has risen dramatically in the context of the “new” global economy of information, knowledge and intellectual property: worldwide, imports of cultural goods (based on the classification we have just considered) increased by 347% between 1980 and 1998, compared with 189% for all commodities over the same period (ibid). Such developments have led a number of observers to refer to a reorientation of cultural policy and its practical concerns since the 1990s; according to David Throsby for example, one of the many consultants and policy experts involved during the creation of the Convention at UNESCO: “the rise of the so-called creative economy and the growth of the cultural industries has shifted the policy emphasis towards the economic potential of the arts and culture sector.” (Throsby, 2010: x). In the context of WTO negotiations and regulations that seek to limit the ability of states to implement policies of preferential protection and stimulation for their domestic cultural sectors, a number of governments have therefore sought refuge at UNESCO, where there is some degree of autonomy from the kinds of pressures felt in fora such as the WTO (where its critics lament 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). The cultural policy measures that have been under question have therefore been those measures of support to domestic producers of cultural goods and services that have been challenged in WTO negotiations: mechanisms such as domestic quotas, subsidies, preferential treatment, competition policy, government procurement or systems of content review. In short, it is by reinforcing the right of states to maintain, adopt and implement such measures that the Convention seeks to

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1 Examples typically referred to in the debate include the Canadian Radio-Television and Telecommunications Commission’s quotas reserving air-time for Canadian televisual and musical productions; France’s long-standing systems of quotas on film screenings and mechanisms of domestic subsidisation through taxation on box-office receipts; Europe’s Television Without Frontiers and Audiovisual Media Services Directives, through which broadcasters are required to reserve a majority proportion of their transmission time for European works; Egypt’s restrictions on the number of foreign produced films that can be distributed relative to domestic films (and the use of profits from the distribution of those foreign films to finance domestic production); tax incentives in the UK for investment in domestic film and television production; China’s restrictions on the import of foreign films through mechanisms of state distribution and content review, and so on. For more detailed discussions of such measures, see for example Beat Graber et al (2004) or Voon (2007:18-23).
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protect and promote cultural diversity, which is understood here as the plurality of the cultural goods and services produced by the world’s different ways of life (which in turn are understood primarily as nation states). In this sense, cultural goods and services are seen to bridge the 2nd and 3rd senses identified by Williams above, and by creating mechanisms aimed at proliferating their production in different contexts the aim is to augment “the cultural wealth of the world” and to contribute to the universal cause of human development, in the 1st of Williams’s senses.

Despite this implicit focus of the Convention, and for all the attempts to make the instrument consistent with international obligations, in the absence of any stable core definitions it nevertheless appears to give governments an extremely broad scope to assert their sovereignty under the pretext of protecting the right to policies which may be questionable according to authoritative international norms and an expanding corpus of trade and human rights legislation (this has been the central objection made by the US, as we will see later). History might suggest for example that the assertion of cultural sovereignty could be used to justify the nationalist suppression of internal religious or ethnic minorities, uphold racist and patriarchal institutions and customs, or place restrictions on the free flow of information and reporting. Arguments invoking cultural sensitivities in trade disputes in areas such as the limitation of practice by foreign attorneys (Japan), the defence of agricultural subsidies (France), the support of the steel industry (US), or in opposing foreign investment in the insurance sector (Saudi Arabia), also demonstrate how the malleability of the term culture could be deployed to attempt to counter pressures for liberalisation in any number of areas (indeed as Suranovic and Winthrop (2005) had already noted in 2005, such cases are becoming more frequent). The extent to which the kind of roles and qualities now being claimed for culture in policy can in fact be recognised quite adequately within the existing provisions of the WTO is also a matter of controversy, prompting much debate amongst legal analysts regarding the rationale behind the Convention in the first place and the problem of interpretation.2 These were all concerns that were regularly expressed during the instrument’s drafting and have resurfaced following the cultural diversity instruments’ first formal deployment in a dispute at the WTO in 2009, when the Chinese government

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2 The investigation of such questions as they relate to the Convention has been underway in the literature for some time now (for example see Beat Graber et al, 2004; Nenova, 2008; Carmody, 1999; Head and Mayer, 2009; Voon, 2007; Wouters and de Meester, 2008; Schneider and van den Bossche, 2008).
referred to its sovereign right to impose restrictions on the import of audiovisual and published material, which the US had accused of being a guise for censorship and illegal protectionism (we will consider this case in chapter four).

Alongside these issues however there are a series of further questions being begged but that have rarely been raised in the debates that have surrounded the Convention so far. As I will argue in chapter two, there has been a lack of critical scrutiny of the new framework that has been adopted at UNESCO as it has either been assumed to be the fruit of a progressive alliance or analysed as part of a concern with a set of largely technical questions regarding its legal applicability and its ambiguous status in international law. We might also ask how it was that culture came to be written into an instrument in this way with such widespread support from governments and civil society and how it has come to be ascribed such a prominent role in the contemporary work of policy makers, trade negotiators, lawyers and development institutions. It is perhaps puzzling that, just as culture has been in the ascendance internationally in these ways since the 1990s, there has also been a sense of unease in academic debate about the term and its applications, stemming from works such as Edward Said’s *Orientalism* (Said, 1978) and the rise of interpretive and discourse-analytical methodologies (see for example Balibar, 1991; Kuper, 1999; Eriksen, 2001; Mamdani, 2002; Bayart, 2005). Following the work undertaken by Bennett (1998) or Yúdice (2003) there has also been a productive series of enquiries into the ways that the domain of culture is entangled with contemporary governmentalities and a readiness to engage with the field of cultural policy. How might we draw on the analytical contributions that such work has made over the last decade to approach this new framework of international cultural policy, and to what extent does this new framework - if indeed it is accurate to describe the Convention in this way at all - require that we rethink or revise some of their insights?

This work is split into two parts. Part I, made up of chapters two and three, covers in greater detail the political and theoretical controversies that have surrounded the creation of the new framework; part II, made up of chapters four, five and six, then turns to explore the nature and effects of the new framework through a series of analyses and case studies.

In chapter two I cover in greater detail the key debates that have surrounded the Convention’s formation and adoption, looking in particular at the controversies over the
relationship between trade and culture as they came to take on a heightened significance in the 1990s. I also consider how we might situate the new international framework of cultural policy within wider debates in cultural theory, looking in particular at the work of Bennett and Yúdice regarding the relationship between culture and governmentality. Yúdice (2003) has recently put forward the thesis that the ways that culture has come to feature in political and economic life today suggest that we have entered a new epistemic conjuncture, arguing that neoliberal globalisation has brought about a transformation in the conceptualisation and role of culture into a “resource” - an expedient for capital accumulation and development, for urban regeneration, for political recognition - and that UNESCO has been central in effecting this shift internationally. In Yúdice’s account, the reciprocal permeation of the cultural with economic and political management that we see today has rendered problematic the kind of critiques of “commodification” or “instrumentality” that have typically provided the thrust of critical theory over the modern period. These theoretical discussions are then used to draw out in greater depth some of the key questions that are at stake in examining the new international framework of cultural policy.

In chapter three I look more closely at the work that took place at UNESCO prior to the formation of the cultural diversity campaign in the late 1990s. I focus in particular on the period of the World Decade for Cultural Development (1988-1997), which paved the way for the consensus that would subsequently emerge at UNESCO and provided much of the groundwork for the cultural diversity instruments that were adopted in the 2000s. A huge amount of work was done over the 1980s and 1990s not only intellectually in the field of cultural development but, equally importantly, through the reforms that the organisation underwent in response to the political turbulence it encountered the 1980s. As Babbili (1990) had noted in 1990, the defeat of UNESCO and NWICO in the 1980s was indeed a testament to the North’s bid to reassert its authority over the process of development in the South in the 1980s, but I also argue that it was an opportunity for the reinvention of UNESCO over the 1990s in a way that ultimately created the possibility for the international alliance that would attempt to turn the tables on Washington in the 2000s.

This theme is carried forward in chapter four, where I turn to analyse the precise points of the new consensus on trade, culture and development at UNESCO and how exactly it constitutes a “check” on the reign of the US/WTO in international cultural
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regulation. Examining some of the measures that are starting to come out of the provisions of the Convention I challenge a number of accounts that see in the new framework of cultural policy a resuscitation of the spirit of NWICO and the basis for countering the basic tenets of neoliberal globalisation: not only is the new framework far distanced from the politics of the 1970s and 1980s but it is also set much more squarely within the discursive order of neoliberal regulation than has generally been assumed. This is illustrated in particular by considering the process of contemporary cultural policy reform in China, which in 2009 became the first test case for the new cultural diversity instruments when they were deployed by China in a high-profile dispute with the US at the WTO. This case has revealed both the weaknesses and the strengths of the new instruments, but more importantly it has served to demonstrate the extent to which cultural policy has come to turn on some of the basic principles of market reform: decentralisation, enterprise formation and competitive insertion into the global market are all key motifs of the new cultural policy in China and form a key part of the government’s attempt to rise as an economic and cultural power in the 21st century.

In chapter five I consider the new consensus around cultural diversity at UNESCO alongside the relative lack of consensus that has been struck on alternative international cultural instruments that have been proposed over the same period. In particular I contrast the rapid success of the Convention in coming to fruition with the difficulties and slow progress that have dogged instruments such as the UNESCO Convention on the Safeguarding of Intangible Cultural Heritage or the United Nations Declaration on the Rights of Indigenous Peoples. I also consider the emergence over the 1990s of a distinctive legal vocabulary of representations and claims turning on the “rights” of diverse cultures and ways of life that have made these instruments possible: international concerns over biodiversity and the sustenance of “intangible” and “traditional” heritages, knowledges and practices in the context of neoliberal globalisation and the “new” economy of intellectual property have provided opportunities across a variety of struggles and conflicts for articulating claims to recognition through the universalisation of the discourses of human rights and the expanded, “anthropological” concept of culture. Where culture is concerned, this development has changed the dynamics of international treaty making, posing both opportunities and problems for the expansion of capitalist protocols and the consolidation of international and national hierarchies. In comparing these different instruments and
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the fortunes of the different campaigns that have been behind them I attempt to bring into sharper relief some of the limits and exceptions to the “universalism” that has been claimed for the Convention, arguing in particular that the new framework of cultural development marginalises claims to cultural recognition that turn on demands to the “right to land, tenure and place” or that cannot be translated into internationally valuable, alienable and marketable expressions. I also examine records from the process of the Convention’s drafting between 2003 and 2005 in order to identify some of the lines of tension between the North and South that have been papered over in the new framework by the language of consensus.

Chapter six then turns to a case study of the framework’s first major example of implementation in a trade agreement: the Economic Partnership Agreement (EPA) concluded in late 2008 between the European Union and the Caribbean regional trade grouping known as CARIFORUM. Alongside sweeping measures aimed at liberalising trade between the two regions this agreement included a set of provisions on cultural cooperation that were widely hailed as a “blueprint” for the new framework of cultural development that has been adopted at UNESCO. These provisions on cultural development have been presented to the region as an opportunity to restructure the region’s political economy faced with the loss of EU trade preferences and the enormous effort of adjustment and reform that is now required for the new phase of trade liberalisation under the EPA. I examine the way in which the EPA negotiations have been related to an attempt to reconceptualise the cultural field in the Caribbean as the value of culture as a resource for export development has been elevated as a primary concern in the region’s search for a new strategy of integration into the global economy. I also look at how these attempts by regional policymakers and international development agencies are beginning to unfold through some of the responses - and lack of responses - that have been evident among the various stakeholders that are involved in this attempt to redefine the role of culture in the region’s development strategy. I examine a number of measures now underway in the region that can be used to give an insight into some of the practical implications and effects of the new strategy, but at the same time it is noted that the call for regional consolidation and adjustment in the cultural sector is finding resonance among a relatively small group of countries and a vanguard of well-positioned cultural producers and professionals. These points are developed in reference to a number of examples, looking in particular at some of the
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measures of policy reform that are now underway in Barbados and Trinidad & Tobago, as well as examining some of the wider responses in the region from industry and civil society. This allows us to begin to take stock of the new culture and development strategy as it has been evident in the Caribbean so far, and to draw out some of its implications in the broader debates about culture’s transformation into a resource in the context of neoliberal globalisation.

One of the arguments that I advance over the course of this work is that the Convention does indeed signal the emergence of a politically significant consensus around the contemporary role of cultural policy. The contribution of the new framework has been its assertion of the universal validity of the “cultural exception” - the principle that goods, services and activities that are deemed by governments to have a cultural component are deserving of special treatment in the context of trade liberalisation and international development. The problem of course is that how such a distinction between “the cultural” and the “merely economic” is determined is a deeply contentious one, particularly once it becomes a factor in deciding how particular sectors or populations should be treated in international trade regulation and negotiation - where this decision now has the potential to impact significantly on competing claims to material distribution and employment, to the right to land, tenure and place, to subsidies and other forms of protection from international competition, or to determine entitlements to development assistance and international market access. I argue that the new framework leaves little room for those that do not fit into its authoritative model of cultural diversity in which cultural rights and recognition are largely conflated with the right of the state to promote enterprise, production and trade in expressions that it judges to be worthy of recognition on cultural grounds. This may well be a welcome development to those that have come to have a privileged role to play in the contemporary concern to build the “new” global economy of diverse cultural production and trade, but it has also tended to weaken the position of others whose claims to cultural recognition are inseparable from demands which have little or no national or international protagonism in this framework - and who are largely bearing the brunt of neoliberal reform and state development strategies.

In carrying out this work I have used a combination of methods and drawn on a number of different sources, trying to situate the material as much as possible in wider debates and conflicts given that most of the time I have been studying UNESCO archives, World Bank reports, WTO rulings and government policy papers. I have also
therefore spent time at the European Parliament gathering information at hearings on the implementation of the Convention and corresponding with government ministries, civil society and industry organisations that have been involved in one way or another in the campaign for the Convention and its implementation. For the purposes of analysing the new framework of cultural policy I have found it useful to follow the guidance of Dominguez (1992) and Yúdice (2003): rather than trying to arrive at a definitive answer to what culture is (or should be), it can be more productive to attempt to understand what culture means today when it is invoked to describe, analyse, argue, justify, and theorise by focusing on what is being accomplished socially, politically and discursively - and on the ways its present usages are derived and differentiated from those in the past. One of the key themes I have been investigating is the nature of the contemporary relationship between the policy domains of culture and economy: too often the processes that constitute these domains in the first place are taken as given, rather than problems for investigation in themselves. If we begin by acknowledging that the boundaries and overlaps between these categories are not given but related to historically mutable governmental projects, then their problematisation involves more than simply an inquiry into a set of conceptual or epistemological questions but can also offer a wider perspective on the basis of the new international consensus at UNESCO and allow us to open some of its effects up to closer analytical scrutiny.

To develop some of the above themes, it is also worth noting from the beginning that although culture 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 - featuring very differently by the time of the adoption of the Convention in 2005. To begin to put the Convention’s contemporary significance into perspective we will therefore turn in the remainder of this chapter to briefly introduce some of the different ways in which culture has featured in the organisation’s work and in some of the key debates that have surrounded it over the postwar period. This will establish a few key landmarks and points of reference that will be returned to in the discussions over the following chapters.

1.2. An introduction to culture at UNESCO

We should stress from the beginning that UNESCO does not assume the role of setting the cultural policies of states. Rather, as an institution it is little more than a reflection of
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the different states that make up its membership and the implementation of its instruments is largely left to state parties. As such, a restriction to matters of “national” interest and concern is woven into its fabric and the discussions that take place within the organisation tend to frame culture in national terms. As Tomlinson (2002:70-75) has noted, the nation is the mold into which - by the very nature of UNESCO as an inter-governmental organisation - narratives of cultural identity tend to be squeezed at UNESCO, and in the process this generally leaves little room for those who are not recognised within the officially sanctioned narratives of national culture. To illustrate this point very briefly here we might note for example that France, which has been one of the key supporters of the Convention at UNESCO, does not officially recognise the existence of minorities on its territory. As we will see, this priority accorded to the nation is a theme that resurfaces time and again when looking at UNESCO’s work, even as it has tried in recent years to distance itself from the privilege that it has traditionally accorded to the nation state as a site for the articulation of authoritative discourses of cultural recognition. Similarly, in the absence of any meaningful dispute settlement mechanisms in the Convention, enforcement is likely to be limited due to the relative standing of UNESCO in relation to, for instance, the work of the Bretton Woods institutions (IMF, World Bank, WTO, which can and do override national sovereignty on many issues) and to the priorities of the more influential states (not only the US, which has opposed the Convention from the beginning, but also some of the Convention’s key supporters such as France, the EU and Canada who, just as they gave life to the Convention, could just as easily render it ineffective). UNESCO’s role is limited to providing “leadership” and “guidance”: fostering international agreement, exchange and cooperation, convening national representatives and experts, and attempting to foster

3 This was made clear when the French government submitted a declaration under Article 27 of the International Covenant on Civil and Political Rights (1966), which was aimed at strengthening the rights of national cultural minorities: the French declaration implied that, since the French Constitution prohibits all distinctions between citizens based on grounds of origin, race or religion, no minorities exist in France and therefore Article 27 is not applicable under French law; the French Constitutional Court has further declared that the Charter on Regional Minority Languages (1992) and the Framework Convention on National Minorities (1995) of the Council of Europe are incompatible with the French Constitution on the basis of the same argument (Donders, 2008:24). The recent controversies in France over the expulsion of the Roma or the place of the niqab in French society (resulting in a recommendation by a cross-party committee in January 2010 that anyone covering their face be barred from entering public sector property, including hospitals and schools, or using public transport) are the latest episodes in a long-running saga.
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initiative and authority behind the various rights, obligations and guidelines that are contained in its body of work. In studying UNESCO over the following chapters I have therefore approached it primarily as a site for the contestation and formulation of general principles rather than definitive policy prescriptions, retaining a great deal of scepticism towards reading its programmes and instruments at face value and looking for the effects of the Convention as it is implemented (or not) in particular contexts according to specific policy problems.

With all these points in mind, it is nevertheless the case that UNESCO is the foremost international organisation dealing directly with culture and its role in policy, and as such its work offers an extremely valuable record of the different controversies and concerns that have driven the international debate. In examining this here we can split the debates at UNESCO very schematically into three broad periods: modernisation (1945-1960), decolonisation (1960-1984) and globalisation (1984-2005).

1.2.1. Modernisation, 1945-1960

In the organisation’s early work, culture is largely referred to as performing the mission of “civilising”, “educating” and “uplifting” that could not be done by economics alone, and carried few of the extra roles that have become ascribed to it today (as a resource for trade and development, for the expression of different ways of life, for the realisation of democratic pluralism and human rights). This was consistent with the organisation’s initial role in the task of postwar reconstruction, and also of course reflected the colonial and paternal biases of the representatives from the 20 founding nations that founded the organisation at the end of the Second World War. The organisation’s Constitution, drawn up in 1945, still resonates with the experiences of the first half of the twentieth century, opening with 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 kind of Bildung in its work: in short, an attempt to cultivate, at the international level, an enlightened, cosmopolitan humanism fit for the postwar liberal order. The signatories to the Constitution noted that a peace “based exclusively upon the political and economic arrangements of governments” - of the kind being created in the form of the United Nations Charter/Security Council, and the Bretton Woods institutions respectively - would not be embedded firmly enough: through complementary activity in the fields of
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education, science and culture, UNESCO would be the specialised agency of the United Nations (UN) responsible for encouraging the liberal peace to take root in something deeper, lifting ignorance and mutual suspicion between nations and cultivating what it described as “the intellectual and moral solidarity of mankind.” (ibid)

The intellectual and practical autonomy of the cultural from those disciplines and institutions concerned with the economic and the political was thus cast in an institutional division of labour in which UNESCO took on the lofty role of the tête pensante of the UN, evolving from the precedents and materials left by the International Institute for Intellectual Cooperation (begun in 1926 but dismembered during the War), and positioning itself as the centre of an epistemic community of professionals, intellectuals, scholars, scientists, librarians and other “learned societies.” As such, the policy domain of culture was given a noble birth but in practice was largely left at the bottom of the priorities and hierarchies of international administration, most vividly illustrated by the fact that while matters of culture could be safely delegated to UNESCO’s headquarters in Paris, those dealing with the economy (World Bank, IMF) and politics (the UN headquarters and Security Council) were kept on a much shorter leash in the new imperial centres Washington and New York.

As it was written into its early work, culture was largely equated with the kind of repositories of knowledge and materials of learning which could provide the key to peace and understanding and the nourishing, uplifting stimuli necessary for building a liberal world order in the minds of men. Article 1 of the Constitution spells out its objectives to: “Maintain, increase and diffuse knowledge by assuring the conservation and protection of the world’s inheritance of books, works of art and monuments of history and science”, and to “encourage cooperation among the nations in all branches of intellectual activity, including the international exchange of persons active in the fields of education, science and culture and the exchange of publications, objects of artistic and scientific interest and other materials of information.” (UNESCO, 1945) The organisation’s early programmes largely focused on establishing international cooperation in areas such as the preservation of works of art, monuments and heritage, the supervision of education and “re-education” (focused on the normalisation and international integration of the so-called “ex-enemy peoples” - for example in the revision of history textbooks in post-war Germany and Japan - as well as the attempt to discredit scientific racism in the 1950 Statement on Race), and the diffusion of historical information, books, objects for museums, galleries
and libraries. One of UNESCO’s first major instruments was the 1950 Agreement on the Importation of Educational, Scientific and Cultural Materials, or “Florence Agreement” (UNESCO, 1950), which was conceived along the lines of the 1947 General Agreement on Tariffs and Trade (GATT, the precursor to the WTO): the Florence Agreement set out “to foster international agreements as may be necessary to promote the free flow of ideas by word and image”, for example in the agreement that states undertake not to apply customs duties or other charges on the importation of “books, publications and educational, scientific and cultural materials.” (ibid) The role of culture in policy in this period was largely equated with the role that the fine arts and literature could play in providing individuals with the kind of “healthy personality” and “balanced maturity” that was deemed necessary for proper participation in civic life (and without which “a cultural civilization cannot persist”) (UNESCO, 1952).

Although divisions at UNESCO soon became apparent between the founding nations with the onset of the Cold War (see Graham, 2006), the most dramatic controversies played out between the North and South as the process of decolonisation gathered pace over the 1960s and 1970s. UNESCO’s work in the South during the modernisation period largely took the form of technology transfer and a one-way flow of both hardware (printing presses, broadcasting transmitters, etc) and content (radio, news, television programming and so on) (Arizpe, 2004). This generally occurred along the lines of modernisation theory and as part of the Cold War discourses of development, which tended to look upon culture as a secondary consideration in the drive for economic growth, employment, capital-intensive technology and productivity (as in Arthur Lewis’s influential The Theory of Economic Growth), or which otherwise looked upon cultural differences as reflections of inhibiting institutions and values in need of reform for the successful implementation of programmes of modernisation (as in Walt Whitman Rostow’s “non-communist manifesto” for the Third World, The Stages of Economic Growth) (Esteva, 1995; Escobar, 1995). Within this framework the key indicators of cultural development were generally seen to be urbanisation, literacy, mass media exposure and participation in public life: this broad model of cultural modernisation was reflected in UNESCO programmes such as those aimed at 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 (Carlsson, 2003:6).
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*Diversity* featured twice in the Constitution but only as part of the establishment of some procedural matters between the founding nations (rather than forming any overall objective, value or guiding principle): (1) as part of a domestic jurisdiction reservation clause, part of the standard diplomatic formula guaranteeing that no participating governments would be ceding sovereignty (“With a view to preserving the independence, integrity and fruitful *diversity* of the cultures and educational systems of the States Members of the Organization, the Organization is prohibited from intervening in matters which are essentially within their domestic jurisdiction”); and (2) regarding the need to achieve a balanced distribution in electing Members to the Executive Board (“the General Conference shall have regard to the *diversity* of cultures and a balanced geographical distribution”) (UNESCO, 1945, emphasis added). Similarly, diversity barely features in early measures such as the Florence Agreement, mentioned once in the first lines of its preamble as part of the need for mutual exchange and communication in the postwar project of international liberal reconstruction: “considering…that the free exchange of ideas and knowledge and, in general, the widest possible dissemination of the diverse forms of self-expression used by civilizations are vitally important both for intellectual progress and international understanding, and consequently for the maintenance of world peace.” (UNESCO, 1950, emphasis added) In this context there was little room for those that did not fit into the framework of exchange between civilisations, which were implicitly the industrial and imperial states: no consensus could be reached within the organisation on the question of human variation outside of this model of civilisation, with scientists at the organisation caught up in recurring controversies over the primacy of “socio-environmental” or “genetic” explanations: indeed the *Statement on Race* was revised a year later to reaffirm a biological definition of race and to note the differences between “non-literate” and “more civilized” people on intelligence tests, and this would remain a sore point over the following decades, rarely separable from the ongoing controversies over segregation, colonialism and Cold War realpolitik (Brattain, 2007).

1.2.2. Decolonisation, 1960-1984

These biases in UNESCO’s work nevertheless began to change over the second half of the twentieth century. The main impetus for this came with the waves of decolonisation and the shift in the composition of the organisation’s membership with the entry of the
newly independent nations, who soon became a numerical majority. Such majority presence can translate into real political weight at UNESCO (where procedures follow a nominally democratic voting process), 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 founding participants of 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, advanced through collective fronts such as the Group of 77 (G77) (Smith, 1980; Tomlinson, 2002).

The cultural “modernisation” of the postwar period therefore came to be supplanted by cultural “decolonisation” as UNESCO was called upon by its new members to become an agency for assisting Third World countries towards the emancipation and development of their national information and communication systems (Carlsson, 2003). The controversies and widespread accusations of UNESCO’s “ politicisation” during this time - often associated with the tenure of the Senegalese Director-General Amadou-Mahtar M’Bow (from 1974 to 1987) and emanating in particular from the more powerful nations and their news agencies (see Gulick, 1982; Wells, 1987; Preston et al, 1989) - are indicative of the ways in which UNESCO had been turned into a key battleground regarding international cultural regulation in this period. 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

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4 The Group of 77 (G77) is a coalition of developing countries organised for more effective cooperation and collective negotiation on international matters within United Nations fora. Its name derives from the fact that it consisted of 77 members at its founding in 1964, and the group has retained the name G77 over the following years despite the membership subsequently expanding (at the time of writing its membership stands at 130; for information on the G77 see www.g77.org). The Non-Aligned Movement was formed in 1961 and gathered increasing support over the following years from Third World governments as a forum for articulating claims to national sovereignty, territorial integrity, the condemnation of racism and colonialism, and calling for world peace against competing First and Second World ambitions in the Cold War context. After the Cold War it has lost focus and impetus and its members’ interests have begun to diverge (its objective in the post-Cold War world is described very broadly as: “Thereafter [the Cold War] the focus shifted away from essentially political issues, to the advocacy of solutions to global economic and other problems.” For more information see www.nam.gov.za)
interference were also in the process of erecting domestic structures of domination that often proved to be equally severe (Hardt and Negri (2000:132-134) captured this well in their description of the “poisoned gift of national liberation”). The work of the *International Commission for the Study of Communication Problems* ("The MacBride Commission"), published as *Many Voices One World* ("The MacBride Report") (UNESCO, 1980) that was adopted by the UNESCO General Conference of 1980 became a key reference point in these international controversies, even if most of its recommendations proved too politically divisive to come to fruition. Its call for a “New World Information and Communication Order” (NWICO) paralleled the demands being pursued by the G77 at the United Nations Conference on Trade and Development (UNCTAD) for a “New International Economic Order” (NIEO), and dared to assert the right of [national] cultural autonomy in the face of neocolonial patterns in the control and content of flows of cultural representations, communications, media, information, news, and so on - ultimately demanding a radical restructuring of international cultural relations. A sense of the issues that proved so politically sensitive can be given by considering the following passage from the 1980 *MacBride Report*:

> Probably the major phenomenon of the second half of the twentieth century has been the accession to independence of almost 80 nations, thanks to which almost 2 billion people have been liberated from colonial domination. Despite this, present day world conditions - political, economic, scientific, technological and military, as well as social and cultural - tend to foster the position and influence of certain countries, and to perpetuate the dependence of a large number of other countries....

> It has become increasingly clear that the effects of intellectual and cultural dependence are as serious as those of political subjection or economic dependence. There can be no genuine or effective independence without the communication resources needed to safeguard it. In today’s world, communication has all too frequently become an exchange between unequal partners, allowing the predominance of the more powerful, the richer and the better equipped.

(MacBride et al, 1980: 34)

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5 The demands of NWICO at UNESCO, although never becoming turned into a coherent programme, involved issues such as “the adoption of national communication policies”, “defining a new concept of news not based on sensationalism”, “multiplying exchange agreements among the countries of the Third World”, “consolidating and developing the infrastructures of information”, “promoting national agencies and the Non-Aligned News Agencies [‘POOL’]”, “creation of regional information systems”, “creation of centres for the training of journalists in the developing countries”, etc (Carlsson, 2003: 13). Sustained discussions of the NWICO debates and controversies can be found in a special issue of *Media, Culture and Society*, vol.12, i.3 (July 1990).
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Such a diagnosis reflected the widespread anxieties being voiced at UNESCO during this period regarding the influence of a handful of overwhelmingly dominant players in international media and communications: from the work of the “big 4” international news agencies based in the metropoles - Reuters, UPI, AP, AFP - to the activities of transnational advertisers, the control of satellite and communications infrastructure, distribution networks, the export of TV/radio programmes, films, newspapers, comic books, and so on. The calls for NWICO that characterised the 1970s and 80s, the authoritative backing that they received in the MacBride Report, and the parallel attacks on “cultural imperialism” at UNESCO (often bolstered by socialist governments in Europe and the Soviet Union), ultimately resulted in the withdrawal of US membership under the Reagan administration in 1984, quickly followed by the UK (in 1985) and Singapore (in 1986) (along with threats to do the same from Canada, Japan, the Netherlands, Switzerland and West Germany), amidst accusations that UNESCO was being “politicised”, “mismanaged” and being used to place restrictions on the free flow of information and the operations of Western enterprise. Such accusations were backed up by a concerted smear campaign in interested media and reflected more than a degree of realpolitik and imperial manoeuvre on the part of the US as it sought to protect assets and market access on the one hand, while maintaining its ability to gain future access to closed markets - and to a greater share of European privileges in the former colonies - by promoting deregulation and privatisation in the international arena (Wells, 1987; Preston et al, 1989). Colleen Roach (1987), who had formerly worked for the US at UNESCO, stated the crux of the problem in explaining US hostility to NWICO: “The imperative for US transnational telecommunications business interests is concretely reflected in the ‘deregulatory fever’ and the move toward the privatization of the public sector.” (Roach, 1987; also see Roach, 1990).

This emergence of a challenge to international cultural regulation at UNESCO in the post-independence period has been associated with a parallel “expansion” in the concept of culture, reflecting the claims of representatives from the newly independent nations in addressing some of the biases that had characterised UNESCO’s work in the period of modernisation. UNESCO’s own review of the evolution of the concept of culture in its work describes these changes over the 1970s in the following terms: “the concept of culture was expanded to encompass that of ‘identity’ itself”, and this is explained by a growing resistance to “the homogenising effects of uniform technology”
on one hand, and “the ideological imperialism of the powerful states in an emerging Cold War context” on the other (UNESCO, 2004a: 3). Some of the symptoms of this change can be drawn out here by considering two landmark measures that were taken at UNESCO in the late 1970s and early 1980s: the 1976 Recommendation on the Participation by the People at Large in Cultural Life and Their Contribution to it (UNESCO, 1976) and the 1982 Mexico City Declaration on Cultural Policies (UNESCO, 1982a).

The first of these came out of the fiery 19th General Conference in Nairobi in 1976, at which a number of delegates from the Western bloc walked out on several occasions in protest at a number of claims that international cultural regulation reflected and reinforced a neoimperial bias. The 1976 Nairobi Recommendation was UNESCO’s first significant statement regarding what was now being referred to as 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) By this was meant an attempt to articulate a space of [national] cultural autonomy from imperial interference and the designs of orthodox development models. We thus read in one passage of the Nairobi 1976 recommendation that:

[C]ulture is not merely an accumulation of works and knowledge which an elite produces, collects and conserves in order to place it within reach of all; or that a people rich in its past and its heritage offers to others as a model which their own history has failed to provide for them; that culture is not limited to access to works of art and humanities, but is at one and the same time the acquisition of knowledge, the demand for a way of life and the need to communicate.

(UNESCO, 1976)

Six years later, at the World Conference on Cultural Policies (“MONDIACULT”) held in Mexico City in 1982, these points were reiterated in the “Mexico Declaration”, again with some controversy (for UNESCO’s arch-critics, such as the Reaganite Heritage Foundation,\(^6\) MONDIACULT was confirmation that UNESCO had been transformed into “a very large amphitheatre for international political propaganda.”; Gulick, 1982). The 1982 Mexico Declaration was notable for including the first

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\(^6\) The Heritage Foundation is a Washington D.C.-based think-tank and one of the key sources of Reagan and Bush I/II-era domestic and foreign policy. As of 2009 Foreign Policy has judged it to be the 5\(^{th}\) most influential think-tank in the US (Foreign Policy, February 2009).
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Authoritative statement 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.” (UNESCO, 1982a) The Mexico Declaration went on to state that giving international recognition to this broader concept of culture, widened from the elitist and ethnocentric biases that characterised its use in the modernisation period, was a key aspect in the struggle to address systemic international inequalities in the control, flow and content of cultural representation, as well as the continuing economic and political dominance of the North over the South - and was therefore a key aspect 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).

1.2.3. Globalisation, 1984-2005

After the withdrawal of the US and the UK from UNESCO and the subsequent transformations in the Third World that unfolded through the debt crisis and the collapse of the Soviet Union, the NWICO agenda faded into history and UNESCO entered a period of crisis. According to the critics of cultural imperialism, such as Herbert Schiller, the sidelining of UNESCO in the 1980s was the opening act in a new age of global corporate domination: “In sum, the call for [NWICO] 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…[and] the now commanding vision: ‘world-class products being sold by uniform advertising campaigns on commercial television around the world.’” (Schiller, 1989:145) In chapters three and four I will argue that this offers a misleading account of the political dynamics that emerged from the ruins of the 1980s: not only because instruments such as the Convention appear to have presented a challenge to this “regimen” by seeking to replace uniformity with diversity, but more importantly because it is an account which underestimates the consensus that was ultimately forged between the North and South over the 1980s and 1990s over the basic principles of cultural regulation: the multiplication and differentiation of the enterprise form and the strategy of competitive insertion into the global marketplace have become touchstones of the new international framework of cultural policy and are now informing the creation of mechanisms that are aimed precisely at building the capacity of local cultural producers while promoting a more multi-directional process of international
cooperation and exchange (moreover, the kind of accounts of cultural imperialism and the culture industries on which such accounts have traditionally rested have become increasingly untenable on theoretical grounds, as we will explore in the discussions in chapter two).

Nevertheless, it is undoubtedly the case that a major change in culture’s conceptualisation in UNESCO’s work after the NWICO controversies in the 1980s comes with the new set of problems that are posed by the combination of technological change, the end of the Cold War and the reinvention of development as a process of integration into the global market through economic liberalisation - what came to be referred to over the 1990s as the process of “globalisation.” According to UNESCO, the acceleration of globalisation 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 requires 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, 2004a:4) In this account the importance of cultural diversity is seen to have gained a heightened poignancy in the face of the twin threats of cultural homogenisation and the rise of ethnic conflict and religious fundamentalism. The recognition of humanity’s diversity is now seen to be an ethical and practical imperative in a number of areas of the new “global governance”: it is inseparable from respect for human dignity, the realisation of pluralist democracy and social cohesion, and international peace and security; furthermore, its value as “a source of exchange, innovation and creativity” in the context of the development of a knowledge based economy is recognised as being an integral part of both economic and cultural development, and it is in this sense that cultural diversity is formulated in the new instruments as a resource “as necessary for humankind as biodiversity is for nature.” (UNESCO, 2001a: 2; UNESCO, 2005a)

This recognition is seen to have given UNESCO a new international relevance in advocating for the recognition and affirmation of the crucial role of cultural diversity in national and international development strategies (UNESCO, 2004a: 20), and indeed “for the future benefit of humanity.” (UNESCO, 2001a: Article 1) With the emergence of the Universal Declaration and the Convention in the 2000s UNESCO has put cultural diversity at the centre of its mission, summarising its work in the field of culture and the
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body of instruments that it has adopted over the postwar period as “assisting the Member States in the protection and promotion of cultural diversity through the adoption of measures encompassing heritage protection, rehabilitation and safeguarding, and the development and implementation of cultural policies and sustainable cultural industries.” (www.unesco.org) As we will see in more detail over the following chapters, this has brought UNESCO into closer relationship with the other international development institutions and begun to blur some of the distinctions between UNESCO’s competences in the field of culture with the work of those organisations designated with areas such as trade (such as the WTO), economic development (the World Bank, UNCTAD) or intellectual property (the World Intellectual Property Organisation).

Both the Universal Declaration and UNESCO’s own review of its work over the postwar period describe this project in the era of globalisation as continuing the democratisation of the concept of culture over the 1960s, 1970s and 1980s, and carried on through the 1990s at UNESCO by the efforts of the World Decade for Cultural Development (1988-1997), which sought to mainstream an appreciation of culture as the “last frontier of development” in international development policy in order to overcome the biases and blind spots of orthodox development models (we will look in more detail at the work of the World Decade for Cultural Development in chapter three). Similarly Obuljen (2006), in a brief review of the different ways that culture and cultural diversity had featured in the debates over the wording of the Convention, notes that the adoption of the final text had built on some of the key contributions of NWICO and the World Decade for Cultural Development periods in order to enshrine a truly universal concept of cultural diversity in a way that had overcome some of the conceptual differences and controversies of the past: the adoption of the Convention had “prove[n] that it was possible to take into account all these different aspects...[and that] it was time to leave ‘conceptual’ dilemmas aside.” (Obuljen, 2006:23) The principle of the “dual” nature of cultural goods and services, as bearers of simultaneously economic and cultural value that express “a vision of the world and the most complete identity of individuals and peoples”, gains its first formal international recognition in the Universal Declaration on Cultural Diversity (UNESCO, 2001a: Article 8) where it is presented as the outcome of an increasingly inclusive trajectory, one which transcends past divisions and controversies over the international regulation of culture: “the debate between those countries which would like to defend cultural goods and services and those which would
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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, 2001a) The story here is of the emergence of a universal political consensus around the expanded economic and political roles of culture in the context of contemporary globalisation. UNESCO’s own review of its history paints a familiar picture of the gradual evolution of an increasingly inclusive concept of culture in its work that culminates in the contemporary emphasis on cultural diversity (UNESCO, 2004a). Over the course of this work I will also attempt to problematise this account.
Part I
Tensions and Debates
2 Trade and Culture

Introduction
To situate the new framework of cultural regulation and development that has been articulated over the last decade at UNESCO it is necessary first of all to place it within the context of a particular debate over the relationship between trade and culture. This debate has formed the backdrop to the adoption of the instruments on cultural diversity and has framed the drafting process as a solution to a series of high-stake international political and commercial conflicts regarding the appropriate regulatory balance between trade liberalisation and cultural policy. This chapter therefore begins in section 2.1 by outlining the contours of this debate and its international political and commercial stakes, then goes on to note how the debate has tended to be restricted in its focus on a set of “technical” legal questions regarding the appropriate status of cultural goods and services within the frameworks of international trade administration and negotiation: this focus, it is argued, has tended to leave unproblematised a number of more awkward conceptual and normative questions that have been raised by the Convention’s adoption and entry into force.

With this in mind the second half of the chapter, 2.2, turns to consider how the new framework can be situated within some of the broader developments in social and cultural theory that have unfolded alongside the legal, policy and commercial debates surrounding the Convention. Following discussions of the work of Benhabib and recent contributions from postcolonial studies, particular attention is paid to the work of Bennett, Foucault and Yúdice in order to draw out some of the methodological, empirical and political questions that are at stake as we turn to analyse the new international framework for cultural policy in more depth over the following chapters. In particular I examine Yúdice’s argument that we are experiencing the transformation of culture’s role into a “resource” for trade and development in the context of neoliberal globalisation, and end with some critical reflections on the value of this thesis as a framework for analysing the contemporary developments in cultural policy.
2.1. The trade and culture debate

2.1.2. Contours of the debate

*Pro-Culture and Pro-Trade*

Much of the campaign behind the Convention and the discussions and literature that have surrounded it have been concerned with a particular set of questions in the field of international trade regulation, gaining heightened political sensitivity in the second half of the 1990s and coming to be headed in negotiations and related discussions under the “trade and culture debate.”¹ This debate has revolved around the following kinds of questions:

To what extent should free trade principles apply to different sorts of ‘artistic’ and ‘linguistic’ products and services? Are certain so-called cultural goods and services more tradeable than others and therefore more susceptible to global dissemination? If so, should they be treated differently? To what extent should international trade policies defer to the cultural policies of national governments, even if those policies include the protection, or subsidisation, of cultural goods and services in the interests of the preservation of cultural identity and cultural heritage?

(Footer and Beat Graber, 2000: 1)

Two broad “pro-culture” and “pro-trade” positions have tended to divide opinion on these questions - although the differences between them have often been exaggerated as they have been deployed in trade negotiations and as part of the political conflicts over the Convention. According to the pro-culture proponents of the Convention at UNESCO, led in particular by the governments of France and Canada but extending across a coalition of developed, emerging and developing countries, the contemporary pursuit of liberalisation in the cultural sector is seen to run counter to the objective of cultural diversity by undermining the cultural policy capacity of states.² In particular, it is claimed that established international conglomerates and oligopolies in the audiovisual and publishing sectors that have been nurtured in larger and wealthier domestic markets are able to consolidate market power on an ever greater international scale, undercutting the offer of local producers that are rendered commercially unviable. At the same time, the pressures of international trade negotiation, particularly in the contemporary era of the WTO, are seen to threaten the capacity of states to provide measures of support to domestic

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² See for example Bernier (2005), Voon (2007), UNESCO (1999) or UNESCO (2005b) for more detailed coverage of these arguments.
producers through mechanisms such as domestic quotas, subsidies, preferential treatment, competition policy, government procurement or systems of content review.\(^3\) It is claimed that such intervention is necessary to fulfil legitimate public aims (social cohesion, the protection of “public morals”, cultural and linguistic diversity, and so on), to correct the market failures of the cultural sector and to create a level playing field in the international circulation of cultural products between different countries - contributing to the creation of a truly universal process of international trade and cultural exchange and thereby a more plural and tolerant international society (UNESCO, 2004a); in the words of the former French cultural minister Renaud Donnedieu de Vabres in explaining the rationale of the Convention: “US films represent 85% of all ticket sales in the world...There is a risk of uniformity. For trade to occur, the other trading partner must exist.” (Donnedieu de Vabres, 2005) More fundamentally, it is often claimed that the vision of “pure market ideology” that sees in everything a commodity to be traded and subject to “the ordinary laws of commerce” is based on a crucial misunderstanding: that “unlike wheat or coal, cultural products are also intimately bound with matters of social identity and consciousness.” (Scott, 2002) In this vein France and Canada have argued in particular that cultural goods and services should be subject to the principle of “l’exception culturelle” (“cultural exception” or “exemption”) for the purpose of international trade negotiation and administration.

For these reasons UNESCO, with its specialised competence in the field of culture, was seen by pro-culture campaigners to be a fitting organisation to house an instrument that could provide some form of counterweight to the momentum of trade liberalisation by reasserting the value of national cultural policy measures and the legitimacy of the principle of the exceptional status of cultural goods and services in international trade. This role has been welcomed by UNESCO, with the Director-General opening the first session of the Conference of Parties to the Convention

\(^3\) Examples typically referred to in the debate include the Canadian Radio-Television and Telecommunications Commission’s quotas reserving air-time for Canadian televisual and musical productions; France’s long-standing systems of quotas on film screenings and mechanisms of domestic subsidisation through taxation on box-office receipts; the European Union’s Television Without Frontiers and Audiovisual Media Services Directives, through which broadcasters are required to reserve a majority proportion of their transmission time for European works; Egypt’s restrictions on the number of foreign produced films that can be distributed relative to domestic films (and the use of profits from the distribution of those foreign films to finance domestic production); tax incentives in the UK for investment in domestic film and television production; China’s restrictions on the import of foreign films through mechanisms of state distribution and content review (see chapter four), and so on. For more detailed discussions of such measures, see for example Beat Graber et al (2004) or Voon (2007:18-23).
following its entry into force by noting that: “It is not by chance that UNESCO was entrusted with the task of drawing up the Convention. The point is to ensure sounder management of the cultural, and not just the economic, aspects of cultural activities, goods and services.” (Matsuura, 2007: 2) One of the key figures involved in the drafting of the Convention, and a key member of the French delegation at UNESCO, reflected on this purpose of the instrument to create a new balance between trade and culture:

The object and objective of the text 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, in interview 14th June 2007)

The opponents of such arguments point out that free trade is merely a mechanism by which consumers select the most successful and efficient producers, while also disseminating technology and raising incomes around the world in a way which ultimately allows domestic forms of cultural production to flourish (for example see the exchanges recorded in UNESCO, 1999; Mackenzie, 1999). The pro-trade position also involves those who argue that the very notion of “protecting” culture is to deny its fundamentally fluid and hybrid character in a way which paves the way for essentialising and authoritarian political agendas (see for example the accounts of Rushdie, 1999; Appiah, 2006). Indeed, by positioning itself as the guardian of the free flow of commerce and of culture, the US has combined both of these arguments in setting out its opposition to the Convention and in maintaining that for the purpose of trade negotiation and regulation the cultural sector should not be subject to the principle of cultural “exception” or “exemption” (for the US’s official statements regarding the Convention, see Oliver, 2005; Martin, 2005; US State Department, 2005). As Dan Gioia, the US Chairman of the National Endowment for the Arts, put it for example in explaining the US’s objection to the Convention, “cultural diversity is best served by recognising that culture changes”: by granting states the right to implement protectionist policy, it is argued that the text fails to establish a properly open process of mutual exchange while potentially allowing governments to “restrict the free flow of ideas and information” or to
“justify government censorship - both political and cultural.” (Gioia, 2005) More fundamentally, it is argued that the text fails to recognise that “culture is migratory, it’s dynamic, it transcends national boundaries” - indeed, such a conceptualisation is described as being “fundamental to America’s vision of itself and our vision of how culture operates in a free world.” (ibid) These points were emphasised in the opening remarks of the US delegation’s statement to UNESCO explaining its lonely “no” vote over the Convention:

The United States is the most open country in the world to the diversity of the world’s cultures, people, and products. It is not only a part of our heritage but the essence of our national identity. It is therefore with regret that we stand in opposition today to this Convention because of those who have indicated a clear intent to use this convention to control - not facilitate - the flow of goods, services, and ideas…[The text] lends itself too easily to being used as a tool to undermine UNESCO’s Constitutional obligation to promote ‘the free flow of ideas by word and image.’

(Statement by the US Ambassador to UNESCO; Oliver, 2005)

The suspicions from pro-trade advocates that the Convention represents an instrument of “disguised” protectionism on behalf of its key sponsors are largely backed up by a close analysis of its substantive provisions (as Beat Graber (2008) has shown for example), even if the effective standing of the instrument in relation to existing international trade disciplines, such as those represented by the WTO, has remained unclear. A number of attempts to steer a third way in the debate by analysts working in the field of international trade law have pointed out that the “pro-culture” and “pro-trade” perspectives outlined above need not be mutually exclusive, and have explored the possibility of developing alternative mechanisms or improving existing trade regulations in a way that could have resulted in a more effective regulatory solution (see for example Nenova (2010) for an overview). Nevertheless, with each one of the US’s 27 proposed amendments to the draft text rejected, and with the US effectively finding itself isolated against the 148 states that voted for the adoption of the Convention, it is generally accepted that the debate has been decided at

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4 Moghadam and Elveren (2008:744) refer to the increasingly isolated position of the US on the trade and culture debate at UNESCO, despite a vigorous lobbying campaign by its delegation (“What should be noted is the member-states’ strong adherence to the idea of cultural diversity and preservation, and the inability of the United States to influence the normative debate”). This is how one delegate explained the dynamics of the negotiations and vote on the Convention: “Voting against the Convention were the United States and Israel. Australia abstained because of Article 20 pertaining to the relationship between the convention and other treaties, while Liberia, Nicaragua, and Honduras abstained because of intense lobbying by the US. The delegate explained that in the first half of 2005, Thailand and South Korea appeared uncertain about the draft convention, and Japan seemed to be siding with the US: ‘Before June 2005, you could see the USA and Japan coordinating their position
UNESCO on the side of the “pro-culture” advocates, and in the process taken the “first step to filling the existing lacuna for cultural values and interests in international law.” (Beat Graber, 2008:157)

Before going on to explore in more detail how the debate has played out in relation to the adoption of the Convention it is necessary to briefly draw attention to a number of points. First of all, it should be noted that the emphasis on the uniquely cultural and linguistic aspects of cultural products has been exaggerated by the pro-culture supporters, since what has tended to be at stake in the policy measures that are being defended by those countries asserting the unique nature of cultural products has not in fact been the ability to generate national content as such but rather to implement origin-specific measures and to support national production. According to the regulations that have been under question in France and Canada for example, whether a cultural product is deemed French or Canadian in content depends less on the nature of its symbols or sign systems (stories, images, sounds, and so on) and more on the nationality of those who financed and managed it. Given the increasingly international nature of production, this creates situations where films shot in French, with French directors, actors and technicians, are ineligible for French subsidies because the production company is controlled by a foreign firm (as in the case of Un Long Dimanche for example, which was produced by Warner Brothers); similarly, Hollywood style films shot in English and casting American actors (such as The Fifth Element) have had no trouble in getting state backing as long as they are produced by a French company. (Voon, 2007:58-59) In this sense we might also note here that the pro-culture side of the debate has rarely been a reflection of elitist disdain for certain “vulgar” forms of popular culture, nor has it reflected traditional class concerns with the judgement of taste (in the sense used Bourdieu for example; Bourdieu, 1984), but has tended to reflect more contemporary governmental and class concerns aimed at shoring up domestic capacity in the “new” economy of cultural production.

Secondly, it should also be pointed out that with transatlantic political and commercial rivalries tending to drive the debate, and with diplomats and delegations articulating their cases for and against the Convention within the framework of UNESCO’s constitutional mandate to promote international harmony through the free flow and exchange of ideas and images (while simultaneously mindful of their and giving signals to each other.” (cited in Moghadam and Elveren, 2008:743). Australia, one of the four abstentions, has since altered its position (ratifying the Convention in September 2009).
countries’ obligations to liberalisation as WTO members), the debate has often been waged on both sides through “exceptionalist” narratives and ideological bids for ethical primacy over the management of a “truly” universal process of cultural intercourse and exchange. For all the attempts by the US for example to note its “exceptionalism” on the matter of cultural regulation and diversity (what Yúdice (2003) has referred to as the US’s “we are the world” complex), it has also been pointed out by opponents in the context of trade disputes that the US is in fact highly protectionist - not only because its cultural imports represent no more than 2% of its total consumption (Moghadam and Elveren, 2008: 744, fn 30), but also because historically it has in fact adopted a highly protectionist stance on culture and the key questions of intellectual property and cultural production (and continues to do so) (Tian, 2009:131-137; Forsyth, 2004). As one US commentator put it against the backdrop of US pressures on China to improve intellectual property protection for US exporters in film and music: “Our outrage at China notwithstanding, we should not forget that until 1891, American copyright law did not protect foreign copyrights. We were born a pirate nation.” (Lessig, 2003: 769)

A related point, although one which is often lost in the analysis, is that the debate has not concerned an opposition between “culture” on the one hand and processes of “marketisation”, industrialisation and commercialisation on the other, nor has it concerned a conflict over policies aimed at preserving the sanctity of the traditional domains of “high” culture or the arts (opera, ballet, classical music, the fine arts, and so on) from the encroachment of “low” or popular culture and the influence of the culture industries. The US, like other countries, openly subsidises its national arts institutions and the right of other countries to do so has not been under question (even if such subsidies and their legitimacy have come under general pressure in national contexts of reform and fiscal retrenchment) (Bruner, 2008). It has instead been concerned with the simultaneously cultural and economic status of cultural goods and services as objects of international commercial exchange and the most appropriate market rules for fostering diversity in their production and trade. The key question has been whether and to what extent cultural production - already conceived on both sides of the debate as a sector of economic activity - should receive “special” or “exceptional” treatment in the context of trade negotiation and administration (as the government of Québec, which has been one of the most active sponsors of the Convention, noted for example, “It is not a matter of denying that cultural goods and services are objects of trade, but rather of recognizing that they
cannot be subject to the standard rules of trade”; Gouvernment du Québec, 2006). This has been answered by the Convention’s assertion that cultural products have a uniquely “dual” nature that requires a particular form of regulation. In this sense it is also important to recognise that the Convention not only offers governments scope for protection and prohibition (as the US has generally sought to emphasise for example) but also for promotion and production (aimed, for example, at reinforcing the validity of domestic support measures, and opening new possibilities for international co-production, investment and market access). We will return to some of these points below, and in part II we will look at some of the effects of this new framework of cultural regulation and development as they are starting to become apparent with the Convention’s implementation.

**Upping the stakes: the development of the debate in the WTO era**

The intensification of the trade and culture debate in the 1990s has built on long-running rivalries in the twentieth century over the status of cultural products in the context of international trade. The worldwide dominance of Hollywood that had become apparent by the end of the First World War, coupled with the political sensitivity of film as a medium of mass communication within the industrial states, focused the international debate from an early stage on the film industry, with a number of countries arguing for the necessity of protective measures to nurture their own industries and preserve space for autonomy in national policy. Following the Second World War such claims found their most significant recognition in Article IV (Special Provisions Related to Cinematograph Films) of the General Agreement on Tariffs and Trade (GATT, the forerunner of the WTO), which effectively gave a cultural dimension to what Ruggie (1998) described as the “embedded liberal compromise” characterising postwar international regulation: the preservation of a measure of national policy space for “social” objectives in an overall context of trade liberalisation - in this case, by preserving for states the right to implement screen quotas for films in order to give some form of protection to domestic production. Countries such as France (which played a key role in securing Article IV) and Italy, whose film production capacities had both been effectively destroyed in the war, could also cite infant-industry arguments for protection.

Such concessions to national regulation 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 break down this compromise on
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trade liberalisation have gained in intensity in the neoliberal context, so has the
debate over trade and culture. In the recent rounds of negotiations this has been
evident at least since the Tokyo Round (1973-79), when the US filed complaints
about 21 countries’ subsidies to their cinema and television industries (Footer and
Beat Graber, 2000). By the time of the Uruguay Round (1986-93), which gave birth
to the WTO and raised the prospect of extending liberalisation to cultural services
under the negotiations for the General Agreement on Trade in Services (GATS), such
disagreements had sharpened and become one of the most significant sources of
tension in the negotiations. A range of perspectives over the treatment of culture
were expressed in the negotiations over GATS, with a number of countries making a
variety of proposals for a form of special treatment for the cultural services sector
based on its role in national culture (see Beat Graber et al, 2004; Voon, 2007: 24-25).
The starkest differences of opinion however were between the EU, led in particular
by France, and the US - and, as with many of the other matters being negotiated in the
final stages of the Uruguay Round, progress largely depended on these two giants of
international trade reaching agreement (ibid). The main issue was the EU’s 51%
programming quota for domestic television content that had come out of the
European Council’s Television Without Frontiers (TWF) Directive, just as the
Uruguay negotiations were drawing to an end. According to Singh (2008), the EU
was trying to implement this quota through the evolving GATS and wanted to apply
content restrictions to all the 300-plus channels that were being developed as a result
of satellite and cable technologies. The US however wanted these restrictions to
apply only to 50-70% of the channels, while the Hollywood lobby group Motion
Picture Association of America (MPAA)\(^5\) argued that Europe was seeking to unfairly
subsidise television programs through mechanisms, such as those in France and
several other European nations, which draw on film box office receipts and levies on
blank videotapes. France’s mobilisation of the principle of “l’exception culturelle”
(“cultural exception”) as part of the European negotiating framework during the
Uruguay Round played an important part in the European negotiating team ultimately
refusing to make any commitments in the audiovisual services sector, and reflected
the way in which the transatlantic cultural trade war has taken on an increasingly

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\(^5\) The MPAA represents the interests of the American motion picture, home video and television
industries, with members including the “Big Six” of major Hollywood studios: Walt Disney Motion
Pictures Group; Sony Pictures Entertainment, Inc.; Paramount Pictures; Twentieth Century Fox Film
Corporation; Universal Studios and Warner Bros. Entertainment Inc.
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regional quality as the European Community has begun to articulate coherent positions on cultural policy in its external relations.

The stakes in the contemporary trade and culture debate have been raised considerably, due to a combination of factors: the growing commercial significance of the telecommunication, audiovisual and content industries (film, television, video, music, software, print media such as books, newspapers, and magazines, and so on) rapid technological change (notably the ongoing development of satellite broadcasting, and more recently the emergence of digital media) and the nature of negotiations in the era of the WTO (which have become progressively broader in their scope and deeper in their implications given the authoritative and binding nature of WTO agreements). New and historical political rivalries and sensitivities have also been heightened by growing trade deficits in film and television productions - the EU’s deficit with the US reached $6 billion in 1998 - and a recognition among negotiators on all sides of the strategic importance of holding as strong a position as possible for the areas of expansion in the “new” economy of information and communications, intellectual property, services and content delivery. These developments have therefore triggered a search amongst negotiators faced with the problem of American preponderance in these areas for ways to ensure that key sectors such as audiovisual production, broadcasting and distribution are given some form of protection from WTO disciplines and, although often not stated explicitly, from the stepped-up international ambitions of Hollywood (Forsyth, 2004).

Although I will argue below that such rivalries have tended to result in a restrictive emphasis in analyses of the Convention, it is nevertheless crucial to register the presence of such conflicts in the background of the debates that have surrounded its drafting and adoption, since the most innovative provisions found in the text regarding the “dual” or special nature of culture largely reflect the claims of those that have been so active in generating support for them over the last decade (as we will see in more detail in chapters four and five). That the most persistent and vocal of these (the French, European and Canadian) have long sought to protect their domestic markets from the US is a point that has been readily made by US trade representatives in objecting to the “protectionist” motives behind the Convention. The main motive of the US in opposing the Convention has been widely recognised to lie in the fact that its cultural industries have come to represent what since the 1990s have been referred to as “the jewel in America’s trade crown”: now creating higher international trade surpluses than any other industry apart from commercial
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aircraft, and representing a key sector of growth in the new economy (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 audiovisual sector, with Hollywood’s continued domination of international film production and distribution becoming an increasingly important aspect of its commercial strategy. Its interests in trade negotiations and disputes are also pursued vigorously by lobby groups such as the MPAA, whose former leader Jack Valenti had, by the mid-1990s, earned a reputation as the most formidable trade lobbyist in the United States. (Bruner, 2008:356)

An instrument gathering widespread support in a forum such as UNESCO could therefore potentially circumvent US influence and interests in the WTO and lead to new forms of protectionism and restrictions on the flow of cultural content that come into conflict not only with the US’s claim (ideological or otherwise) to keep the international trading system intact and uphold the free flow of trade and information, but also its sizeable commercial empire. Bonnie J.K. Richardson, who has been both Vice President for Trade and Federal Affairs with the MPAA 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 such international trade issues: thus, in setting out the MPAA’s plea to keep the issue of culture within the context of the WTO, she points out that “Culture and trade are mutually reinforcing…A cultural instrument that removes culture from trade rules does not solve problems - it invites anarchy.” (Richardson, 2004:115-119) Countries such as France and Canada, of course, also have many of their own “national” political and commercial interests at stake - and where necessary have been perfectly happy to

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6 Whereas 1% of films shown in the United States are foreign, Hollywood production represents 85% of ticket sales globally, reportedly 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% (Bruner, 2008). 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 - a key factor in Hollywood’s recent revitalisation (Forsyth, 2004; Inter Press Service, 19th October 2005). For these reasons the debates over the Convention have often taken Hollywood as its presumed target, not only in countries where Hollywood has come to represent a distinctly “foreign” presence but also within the US. 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, 20th October 2005)
invoke the liberalisation imperatives and provisions of the WTO to challenge the US’s own moves to protect its cultural sector.

The campaign behind the Convention has been waged in this context, with Canada and France joined by a number of emerging and developing countries at UNESCO in calling for an instrument that asserts the unique nature of cultural goods and services and that insulate cultural support measures with a reinforced layer of protection from the pressures of international trade negotiations. In recognition of this move, the US responded by rejoining UNESCO just as the first drafts came up for discussion at the organisation in 2003 and immediately sought to stoke opposition to the instrument and water down its provisions during the drafting negotiations (an effort which backfired dramatically; see for example Donders, 2008). Meanwhile, as the slow progress in the Doha Round of multilateral negotiations at the WTO since 2001 has put a brake on the broader liberalisation agenda, the US has turned to a “new generation” of bilateral free trade agreements (FTAs) that can make progress on sensitive areas such as the liberalisation of services trade, investment and government procurement, with US negotiators often prioritising access for strategic areas of the digital and communication economy in which it has come to have a considerable stake (such as audiovisual services and the delivery of online content) (Bernier, 2003; Mukherjee et al, 2007). As Mukherjee et al (2007) point out in their analyses of the recent FTAs between the US and Australia, Morocco, Singapore and Chile:

Unlike the WTO, where the four U.S. FTA partners have expressed reservations in offering commitments in this sector, the United States has been successful in getting liberalization commitments in its bilateral agreements. An analysis of U.S. FTAs show that it is difficult for countries to sign an FTA with the United States without making substantial commitments in the audiovisual sector. Even a country such as Australia, which has expressed significant reservations in opening up the sector multilaterally, has made substantial commitments in its bilateral FTA. The United States agreed to enter into FTA talks with Korea only after the latter agreed to scrap the screen quota system, requiring local cinema to project a minimum number of hours of Korean films.

(Mukherjee, 2007: 34)

Turning to bilateral agreements in this way has allowed the US to deploy its considerable economic weight to gain access in areas that had hitherto been off-limits at the WTO, notably concerning the controversial “Singapore Issues” that have proved to be stumbling blocks in the Doha Round (areas such as government procurement, trade and investment and competition policy). It has also offered a way of countering the attempts at UNESCO to have the cultural sector excluded in totality
or in part from multilateral trade negotiations by using such agreements to lay down markers and precedents concerning the regulation of audiovisual services and the digital network of content delivery in a way which seeks to immunise them from cultural exception arguments in future negotiations (Bernier, 2003).

Such developments have given the recent trade and culture debate a complex tactical character, as sectoral alliances and trade-offs have been sought in bilateral deals as part of the jostling for position and precedent that characterises contemporary international trade negotiation in the era of the WTO. Although from a strictly legal perspective the “principal role of the [Convention] will be to act as a counterpart to the WTO whenever conflicts between trade and culture arise” (Beat Graber, 2006:565) its authority as a source of public international law in such disputes ultimately depends on how widely its principles are recognised and ratified. For this reason, the debate has been and continues to be played out on an increasingly international scale and as a matter of trade diplomacy, as Canada and France have campaigned around the world for the Convention’s adoption and ratification, while seeking as wide a recognition of the principle of the cultural exception, now being couched in the language of cultural diversity, as possible. As we will see in chapter five, this turn to cultural diversity has been accompanied by a reordering of imperial and “civilisational” hierarchies and alliances on the point of culture, such as those traditionally expressed in the postwar period by organisations such as the Organisation International de la Francophonie (OIF).

Adding to this growing international political complexity in the recent trade and culture debate, and providing ready allies for the Franco-Canadian led campaign, has been an increasingly assertive group of emerging and developing countries seeking space in which to further a growing interest in cultural and creative industries (including countries such as China, Brazil, South Africa, Egypt, India and Nigeria; see Singh, 2007). Many of the smaller developing countries with less at stake in these conflicts over the regulation of the trade in cultural industries have also seen in the Convention an opportunity to strike an alliance with the Franco-Canadian campaign through provisions such as Articles 16 and 18: Article 16 holds out the possibility of preferential market access from developed countries to developing countries in the cultural sector, while Article 18 establishes an International Fund for Cultural Diversity which developing countries can draw on in order to develop viable cultural sectors. In chapter five we will look at how these provisions were negotiated between developed and developing countries during the Convention’s drafting, and in
chapter six we will examine how they are beginning to be applied in the recently concluded Economic Partnership Agreement (EPA) between the EU and the Caribbean region - an agreement that has been heralded by the European Commission as setting out a “blueprint” for the future place of culture in international trade negotiations and development cooperation.

Finally, it is also important to note here that since the 1980s a considerable complementarity of interests on the question of trade and culture has emerged between the US entertainment and Japanese electronics industries, while Japan has become a major international player in its own right in content production - now accounting for more than 60% of animation sales worldwide - most notably in Asia, where Japanese rivalries with the US are less salient than rivalries with countries such as South Korea or China (Fiegenbaum, 2007). Following Sony’s acquisitions of Hollywood institutions Colombia Pictures Entertainment, Inc. (in 1989) and Metro-Goldwyn-Mayor (in 2005), Japan has also come to hold a considerable stake and influence in the work of the MPAA. For these reasons, tensions between Japan and the US over the Convention have been much less evident than between the US and the EU/Canada. Japan also worked alongside the US during the drafting negotiations in an attempt to weaken the Convention’s standing in international law (Fiegenbaum, 2007; Moghadam and Elveren, 2008).

2.1.2. Parameters of the debate

Having covered some of the main contours of the trade and culture debate, we can now begin to sketch out some of the conceptual and political limits within which the debate has been conducted. We have seen above that the conflicts regarding the place of culture in the framework of international trade have generally involved two sets of arguments: on one side have been the claims of those who argue that attempts to regulate the flow of cultural goods and services outside of the WTO are part of economically protectionist and potentially authoritarian agendas to restrict the free flow of commerce, information and cultural content. On the other have been the claims of a growing coalition of groups who identify trade liberalisation and contemporary economic, political, legal, and technological pressures with a loss of

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7 “It is no exaggeration to say that Hollywood owes the major portion of its revenues to the popularity of devices engineered, produced and sold by Japanese electronics firms (though these devices were not always invented by these firms)...The story of the video cassette recorder (VCR) was one where Japan saved Hollywood from itself. The DVD story is one of an overt alliance from the start.” (Fiegenbaum, 2007:377-378)
cultural sovereignty and the threats that this poses to the world’s diverse forms of cultural expression. Attempts to find a third way in this debate have remained within its framework of regulatory concerns and problems, attempting to mediate between the competing “pro-culture” and “pro-trade” positions regarding the international regulation of the trade in cultural products, and asking the following kinds of questions: to what extent is the WTO an appropriate forum for addressing questions related to culture? Is an instrument by an alternative organisation such as UNESCO a necessary or effective measure in order to counterbalance the pressures to liberalise the cultural sector? Can some form of compromise solution be found between cultural and trade objectives?, and so on.

In these ways, the contemporary intensification of the trade and culture debate has paralleled the high-stake conflicts centring on the WTO and UNESCO, with analytical attention focused on a set of technical questions regarding the appropriate status of cultural – here largely equated with audiovisual - goods and services in the context of international trade. The deadlock over audiovisual services liberalisation in particular has generated a flurry of legal analysis, with the literature responding to this problem growing considerably over the last decade and largely dominating the academic discussion over the Convention: examples can be found in Bernier (2005), Beat Graber (2006); Hahn (2006), Voon (2006; 2007), Van den Bossche (2007) or Nenova (2008; 2010), or in the major collections of studies Cultural Diversity and International Economic Integration (Guerrieri et al, 2005), Free Trade versus Cultural Diversity (Beat Graber et al, 2004), Trading Culture: Global Traffic and Local Cultures in Film and Television (Harvey et al, 2006). With every one of the contributions to these collections taking the audiovisual sector as its object in addressing regulatory problems of trade and cultural diversity, more awkward questions regarding the nature or status of the cultural have tended to take on a secondary or residual importance. For Beat Graber for example, the analytical agenda should follow what he refers to as the “pragmatic focus” of the Convention’s drafters on questions of audiovisual market regulation:

By characterising culture in relation to its expressions, taking into account the modalities of their production, dissemination, distribution and enjoyment, the Convention permits one to analyse culture in the context of the markets where it is represented. In my view, such a pragmatic approach would make sense in an international environment, where today the diversity of creative expressions is endangered primarily by market failures. Although the [Convention] does not state this explicitly, its primary focus is trade in audiovisual goods and services.

(Beat Graber, 2008:144-145)
Outside of these works of legal analysis, attempts to explore the contemporary problem of culture’s relationship to trade and commerce in more depth have tended to be part of attempts to more effectively integrate culture into the conceptual and practical concerns of economics and economic policy: for example by those seeking to elaborate the characteristics that distinguish cultural goods and services from “normal” goods and services - and thereby establish their unique value or their “curious economics” in order to clear disciplinary and intellectual grounds for making them deserving of a particular form of expertise and regulation. This is clearest in the formation of the discipline of cultural economics for example, which aims to elaborate an economics of goods and services that it identifies as having distinctively “creative or artistic elements” that supposedly go under-acknowledged in the accounts of more orthodox economists (Towse, 2003; Throsby, 2000, 2008, 2010). As with the legal analyses that we considered above however, the effect of such work can be to neglect the ways in which “the cultural” comes to be defined and delimited as a particular domain of intervention and regulation in the first place - or, in the case of the debate over trade and culture, how it is that certain sectors have come to be proposed as legitimate areas for “exceptional” treatment within the context of trade negotiation and regulation.

Taken to a logical conclusion of course, once categories such as creativity or values, identities and meanings are asserted as criteria for such exceptional treatment, every possible economic sector or domain of human activity could potentially be affected. This is why it has been stressed throughout the drafting of the Convention by a host of groups - from legal experts, intergovernmental and developmental organisations such as the WTO, WIPO and UNCTAD, to representatives of states both opposed and in support of the Convention - that there is a need to contain the concept of culture in order to keep a lid on a potentially unlimited number of disputes and to prevent the system of international trade from unravelling completely (Shin-yi, 2009: 661-662). How such a boundary between the cultural and non-cultural is determined however is a deeply contentious one, particularly once it becomes a factor in determining how particular sectors should be treated in international trade regulation and negotiation - where it has the potential to impact significantly on competing claims to material distribution, employment, subsidies and other forms of

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8 Notable examples of such work include the work of Throsby (2000; 2008; 2010) and Klamer (2004), who have also both contributed to the recent debates at UNESCO and the World Bank; also see collections such as Towse (2003) or the work in the Journal of Cultural Economics.
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protection, or to determine entitlements to development assistance and international market access. There is currently a keen debate, involving a range of lawyers, policymakers and stakeholders, regarding whether digital and online games for example should be classified as “cultural”: as Beat Graber (2009:4) points out, in the context of EU law the answer to this question may decide for example whether state aid is legitimate; in the realm of international law and trade negotiations it may determine, among other things, whether digital games must be classified in a subsector of GATS where governments have accepted commitments to liberalise trade.

This is only the thin edge of the wedge however. Although the Convention itself largely shied away from providing narrow and exact definitions, the audiovisual, online and publications sectors have been prioritised to such an extent in the creation of the Convention and the debates over its implementation (based on the assumption, or rather the assertion, that they are the international transmitters par excellence of values, identities and meanings in the contemporary “informational” global economy), that these debates have tended to reflect the concerns and priorities of a relatively small group of countries with particular stakes in these sectors. Contrary to similar disputes over trade liberalisation and concerns over food security, international inequality, the environment or human rights for example, the particular dispute over trade and culture does not run so clearly along the developing-developed country divide, but rather has been a preoccupation within the group of industrialised countries itself (De Witte, 2001). As we will see later, from the early stages of the Franco-Canadian campaign and the start of the drafting process one of the key problems in creating a binding international treaty has been how to generate enough political support amongst the majority of countries at UNESCO that had previously looked upon the disputes over the cultural exception at the WTO as “little more than transatlantic rivalry” and “a war of images among the well-to-do” (Musitelli, 2006:2; UNESCO, 2003b:Appendix 4; UNESCO, 2004b).

In raising this point we should also note that this bias in the way the trade and culture debate has been framed internationally does not necessarily mean that the Convention cannot be used to advance claims in categories and sectors other than those that have been prioritised by the more powerful countries in the debate. In Bolivia for example, where the new constitution of the country’s first indigenous government since the Spanish conquest has sought to enshrine the central place of the coca leaf as a symbol of “cultural heritage, a natural and renewable resource of
biodiversity in Bolivia and a factor of social cohesion”, the President and leader of the indigenous and peasant movement of coca growing unions Evo Morales has supported the Convention and cited its provisions in making a case at the United Nations for recognising the legitimacy of the cultivation and use of the leaf, not only amongst the Indigenous Andean and mestizo populations of Bolivia but also those across Peru, Ecuador, Colombia, and northern Argentina and Chile (Morales, 2009). Despite its ongoing categorisation as a narcotic by international society and the criminalisation of its cultivation and international trade, the Convention has provided some recourse for articulating its legitimacy, both as a source of cultural identity and as a valuable resource for commercial exploitation and export (in what is one of the poorest countries in the region) - with plans underway in Bolivia for its industrialisation and branding into a range of potentially lucrative commodities such as shampoos, creams, altitude sickness pills, tea bags, food flavourings, liqueurs and soft drinks.

However, such uses of the Convention are likely to remain relatively fruitless, since they are ultimately not backed up with the kind of internationally authoritative norms or political support that is needed for them to have a significant impact in international fora. Coombe (2005) has observed for example that while more powerful states and interests in Europe have been able to overcome opposition to the US in a bid to gain recognition at the WTO for legal concepts recognising particular “cultural” qualities that extend to a broader list of products than those implicitly addressed by the Convention (agricultural products such as wine and cheese for example) less internationally powerful states and interests have generally struggled to have similar forms of recognition extended to other agricultural products (such as rice, tea, sugar, coffee, potatoes, as well as pharmaceutical and other products derived from agricultural inputs that have little comparative authoritative recognition as cultural goods or as reflections of a distinctive “way of life”). In this context, and while the liberalisation of agriculture has proceeded on the profoundly asymmetrical conditions set by the North, countries and populations reliant upon agricultural production and exports have increasingly drawn attention to the fact that intellectual property laws protect Europe’s privileged forms of agriculture but few if any of their own particular crops and products: as a result, they are actively seeking the extension of such laws against firm opposition from developed countries such as the US, Canada, Australia, Japan and, of course, the EU - which maintains that such protections should be reserved only for particular products (such as, unsurprisingly,
those that are produced exclusively in particular regions of Europe) (ibid:46). Exceptions such as the Mexican government’s bid to have protection extended to tequila for example were successful only because it fell within the category of alcoholic beverages that have already been recognised, while local distinctions amongst agave plants were relatively easily elaborated in cultural terms (ibid:46). To refer again to the example of the coca growers’ bids in Bolivia to legalise the cultivation and exploitation of the coca leaf, it is reported that diplomats generally view as “extremely remote” the possibility of a global consensus on changing the blacklist of substances, while the response of EU officials to the cocaleros’ cultural arguments has been to note that “[t]he debate over coca has not been very rational.” (cited in Reuters, 15th February 2006) As we will also see in chapter five, other instruments and proposals at UNESCO aimed at providing more effective legal resources for such campaigns (such as the Convention on the Safeguarding of Intangible Cultural Heritage) have received comparatively little of the kind of political investment and support from the more powerful states that is necessary to elevate a set of alternative “cultural” provisions to the stage where, like those of the cultural diversity Convention, they are being discussed and evaluated for their potential impact on proceedings at the WTO.

In this sense the framing of the cultural diversity campaign as an expression of a progressive international alliance by its key proponents should be interpreted with a great deal of scepticism, a point we will return to in detail over the following chapters. Indeed, as we will explore in chapter six, culture as it has been written into the framework of the Convention and its resulting matrix of culture and development has offered a lever for the EU’s stepped up neoliberal and neocolonial drive to open markets through bilateral negotiations with the South in a way which has allowed it to make progress with its broader liberalisation agenda and keep pace with the US’s own imperial bid to circumvent the Doha Round deadlock at the WTO. As the EU has pursued this agreement, it has stressed the special place of the audiovisual sector in negotiations while simultaneously deploying the rationale, against widespread opposition, that a whole range of other sectors be exposed to the logics of international liberalisation and competition: Caribbean agriculture or rum production for example (which not only make up significant sectors of the region’s economies but are also part of what is often considered the region’s “cultural” heritage; see for example Farhat, 2008; Sanders, 2010), as well as areas covered by the Singapore Issues that had previously been forced off the table in multilateral negotiations at the
WTO due to opposition from the South (Heron, 2009; Gallagher, 2008). In these ways the international alliances that have been built around the Convention have been indicative of the broader ways in which particular groups in the North and South have struck deals and been able to determine the pace of liberalisation according to their particular strategies and priorities.

A broader objection to the restrictive foci in the literature and the legal-political proceedings that we have considered so far might be raised by considering the criticisms made by anthropologists such as Albro (2005), who has noted that as the conflicts and debates over trade and culture framed the primary concerns of the Convention, there emerged no stable subject or referent for diversity outside the legislative and policy arenas of market regulation. This has meant that, despite its apparently open-ended language, the Convention has in fact left little opportunity for the articulation of identities that do not fit into a notion of cultural diversity borne from a particular set of regulatory and commercial concerns with the new economy. Thus Albro notes in particular that the long-standing debates at UNESCO over culture’s place in international frameworks of rights and recognition have, with the passage of the Convention, largely become blurred with debates over the appropriate regulatory regime for the cultural marketplace. As Albro puts it:

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\text{[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.} \\
\text{(Albro, 2005:252)}
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In light of this observation, it is perhaps surprising that many of the more critical accounts to be found in the literature on trade and culture have assumed that the Convention’s recognition of the “extra-economic” value of cultural goods, services or activities represents a challenge to contemporary forms of “instrumentality” or “commodification” in cultural policy. Such accounts are misleading not only in their interpretation of the Convention but also in their tendency to fall back on an unproblematised model of culture that seeks to set it apart in its essence from the realm of administration. We can draw this point out by considering accounts of cultural policy in the UK for example, which has been an incubator for the discourses of the “knowledge economy” and the cultural and creative industries that have now become so prominent internationally. A number of
critiques have been directed at the kinds of approaches that have been taken towards culture and the arts since the late 1970s and early 1980s and, more recently, by the Department of Culture, Media and Sport (for recent examples of such critiques see Galloway and Dunlop, 2007; Gray, 2007). In their critique of contemporary British cultural policy Galloway and Dunlop (2007:28-29) argue for example that to place cultural activities within the framework of the knowledge economy and the creative industries is “to lose sight of the distinctive public good contribution of culture” and to “subsume it [culture] within an economic agenda to which it is ill-suited” - they therefore call for alternative frameworks of cultural regulation in order to steer away from what they see as the dystopic scenario of a colonisation of culture by a stifling instrumental and commercial rationality. The Convention is invoked in this scenario as offering a direct challenge to the kind of instrumental discourses of the creative industries promoted by the UK (which, incidentally, is unable to account for the fact that the UK has been an important supporter of the Convention). As Dunlop and Galloway go on to argue for example:

The UK’s ‘knowledge economy’ approach contrasts strongly with the definitions of cultural goods and services and of cultural industries proposed by UNESCO [in the Convention]. These combine the concepts of creativity and intellectual property with a strong emphasis on the importance of symbolic meaning, which means that they (cultural goods) ‘embody or convey cultural expressions, irrespective of the commercial value they may have.’

(Galloway and Dunlop, 2007: 28)

A number of neo-Marxist and left critics have argued in a similar vein that the contemporary worldwide extension of frameworks of private property to the public or common domain of intellectual and immaterial production amounts to a “fetter” on human productivity, self-determination and development - a consequence of the process by which intellectual property today “commodifies and instrumentalises the cultural outputs with which it is concerned” and “facilitates a form of cultural domination by private interests” (see for example Macmillan, 2008:169-173; Hardt, 2009; Albert, 2000). In such accounts, the contemporary scope of the WTO, the momentum of privatisation and commodification, and related agreements such as TRIPS (Trade Related Aspects of Intellectual Property Rights) require that progressive criticism and activism focus on resisting this contemporary enclosure of common life.9 For Macmillan, the Convention has therefore emerged as a similar

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9 For Albert (2000), writing in 2000: “the view of movements against the WTO should be that social, labor, ecology, cultural, and other concerns take precedence over profit-making everywhere…The
point of reference to that used by Galloway and Dunlop above: by asserting the extra-economic value of culture in trade and development and enshrining the importance of “access to power” and “the right to participate in the cultural life of the community”, it has offered an antidote, however weak its standing in international law, to the contemporary extension of intellectual property and the ongoing privatisation of public life under neoliberalism (Macmillan, 2008:173).

The problem with such accounts however is their reliance on unproblematised models of culture’s prior autonomy from administration, ultimately raising the kinds of problems and tautologies that we saw earlier in discussing the definitions proposed in Article 4 of the Convention. This is more than simply an epistemological question but has implications precisely in terms of how critical analysis situates culture in contemporary capitalism. Of course, we might note that to invoke culture’s “distinctive public good contribution” in the way that Galloway and Dunlop do is to make a nonsense of their charge of instrumentality, since such arguments assert, even if only implicitly, that culture has equally instrumental functions (intellectual and democratic contestation and vitality, civic formation and uplift, creative diversity and productivity, and so on). As Bennett (1998) and others have argued, and as we will examine in more detail below, it can be disingenuous of critique to rely on a separation of culture and administration in this way, since a recognition of culture’s imbrication with government and its constitution as a field of regulatory action and reform is precisely the condition for effective analysis and political intervention. More fundamentally, it is a mistake to see the Convention as offering an alternative framework of development to that offered by contemporary neoliberal globalisation and its related prescriptions of marketisation and intellectual property: as we will also examine in more detail over the course of the following chapters, the Convention is set much more squarely within the discursive and ideological parameters of neoliberal development than has generally been asserted by its supporters or has been assumed in analysis.

To summarise, we might argue that the kinds of accounts of the contemporary debates concerning trade and culture that we have considered here have tended to

WTO has no rules to guard those who labor or to protect long-term development or to foster cultural sustainability or diversity” (Albert, 2000). For Hardt (2009), “a central task for reimagining society today is to develop an alternative management of the common wealth we share”, referring to the contemporary displacement of industrial production by the “production of immaterial goods or goods with a significant immaterial component, such as ideas, knowledges, languages, images, code, and affects…the productivity of such goods in future economic development depends on their being common. Keeping ideas and knowledges private hinders the production of new ideas and knowledges, just as private languages and private affects are sterile and useless.”

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foreclose the possibility of a more critical examination of the epistemological underpinnings and normative implications of the framework that has been proposed by the Convention. Indeed we might argue they have tended to cloud the ways in which attempts to elevate the importance of values, identities and meanings are implicated in the strategies of contemporary “cultural” capitalism and its processes of trade regulation and negotiation. To continue this theoretical discussion here however, there are a number of other accounts that are useful to consider which, while not addressing the Convention or the debate over trade and culture directly, can be used to establish some broader theoretical background and to develop in more depth some of the questions that are at stake in approaching the new framework of cultural policy. In the following section we will turn to consider the strengths and weaknesses of some recent contributions: notably Benhabib’s (2002) discussion of what appears to be a “new political imaginary” in which culture has been brought to the forefront of political discourse; accounts of the relationship between culture and governmentality (as in the work of Bennett, 1998; 2003; 2007b); and Yúdice’s account of the contemporary “expediency of culture” and its transformation into a resource (Yúdice, 2003).

2.2. Culture and Administration

It has become a commonplace that recent decades have been characterised by an intensified politicisation of identity and difference: socially and politically oriented theories have made use of terms such as “identity politics” and the “politics of recognition” (Bauman, 2004; Taylor, 1992), or even spoken in terms of a paradigm shift in the terms of political contestation, from “redistribution to recognition.” (Fraser, 1997; Fraser and Honneth, 2003) Formulations of cultural citizenship and cultural recognition have played an important part in this scenario: the work of figures such as Will Kymlicka (Kymlicka, 1995) or Charles Taylor (Taylor, 1992) on reconciling group and cultural rights with liberal political theory have been particularly influential - with parallels in efforts at the United Nations, and UNESCO in particular, to elevate the place of culture in the frameworks of trade liberalisation, development, democratisation and human rights.

The intellectual analyses that have followed in this vein often refer to the legacy of the more “democratic”, tolerant concept of culture bequeathed to European and American intellectual traditions by structuralism and social anthropology - as in the classic examples set by Edward Burnett Tylor or Franz Boas (discussed for
example in Bennett, 1998:87-88). In such ways culture has come to be used as a shorthand to demark distinct systems of beliefs and practices, structures of signification and meaning - in short ways of life - that have a value and autonomous logic or coherence of their own. As we saw in chapter 1, this was also the message of those calling for a New World Information and Communication Order at UNESCO in the 1970s and 1980s, with the Mexico Declaration of MONDIACULT notably proclaiming 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.” (UNESCO, 1982a) Such deployments of culture in theory and practice have undoubtedly had progressive effects - not least in challenging some of the implications of the more explicitly value-laden [eurocentric/bourgeois/elitist/patriarchal] conceptions of culture (as Arnoldian “civilization”, “high art”, and so on), but there are a number of important points that need to be drawn out in making such observations.

The Claims of Culture

Benhabib’s The Claims of Culture (Benhabib, 2002) develops one line of criticism, referring explicitly to the work of Kymlicka and Taylor as part of her identification of the reductionist sociology of culture which she argues underlies much contemporary work in legal and political philosophy and analysis, and which we see in practice today across a wide spectrum of politics and policy, academia, law, civil society and the media.10 Benhabib argues that what tends to characterise this culturalist discourse is a mixture of the anthropological view of the democratic equality of all cultural forms or expression and the Romantic, Herderian emphasis on each form’s irreducible uniqueness or essence. Whether from conservative or progressive agendas, there is a tendency to assume that groups “have” some kind of culture with distinctive qualities, traits or expressions of their genius or identity and which anchor individuals in webs of meaning, ideas and values - with a correlative set of assertions that political communities are to be strengthened and realised by preserving and propagating such cultures and cultural differences. She argues that this is not only an essentialising view - and one which usually rests on the flawed assumption that clear boundaries can be drawn around particular cultures or ways of life - but also one which privileges an external perspective of coherence, more often than not one which

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10 We could also refer here to similar observations and lines of critique that are advanced by Mamdani (2002); Bayart (2005) or Bhatt (2006).
reinforces the perspectives and interests of internal elites, ethnicities, classes or genders that position themselves as guardians or representatives of particular regions, nations or communities. Chetan Bhatt (2006:104) has argued along similar lines, pointing out that the result of this political concern for cultural recognition tends to be a reinforcement of the positions and values of designated leaders of culturally defined groups - invariably the least progressive, undemocratic and stern representatives of whichever group is under the policy gaze.

In such ways, it is argued that the discourses of cultural identity and recognition can have the - often unintended - consequence of legitimating existing forms of subordination by bolstering the positions of dominant national/regional/local bureaucracies, regions, classes, ethnicities or genders (to Benhabib’s critique here we could also add the role that invocations of cultural difference have played in legitimising forms of “ethnodevelopment” and racial segregation - as they did under South African apartheid for example). The target of critiques such as Benhabib’s is therefore more than just the faulty epistemological premises of the contemporary discourses of cultural identity - it is also their “grave normative and political consequences for how we think injustices among groups should be redressed and how we think human diversity and pluralism should be furthered.” (Benhabib, 2002:60).

It may be that Benhabib’s critique here neglects the potential for what Gayatri Spivak termed “strategic essentialism” - in other words, the way that collective identities such as culture or ethnicity may be used as a front behind which subaltern groups are able to temporarily advance more effective strategies of counter politics and claims for recognition, rights, access to resources, and so on. A related point is that, in contexts where colonial and contemporary strategies of indirect rule or governing through designated “communities” have engendered models of citizenship and socio-economic entitlement based on tribal, ethnic, religious or cultural categories, it can be misplaced to put so much emphasis on the kind of critique which Benhabib seeks to advance. As Mamdani (2001) notes for example in his discussion of postcolonial citizenship in East Africa, given the ways in which colonial authority sought to politicise ethnicity as a mode of entitlement it should come as no surprise that a land-poor peasant sees the struggle for land as simultaneously a struggle for

11 Benhabib thus asserts throughout her work that there can be “no single principle of societal culture”: inasmuch as such entities can be identified, they are made up of myriad and conflicting narratives and symbolisations; they are multiple practices with a history or narrative of coherence which are “the sedimented repositories of struggles for power, symbolisation, and signification - in short, for cultural and political hegemony carried out among groups, classes, and genders.” (Benhabib, 2002:60)
ethnic belonging. Without attention to the administrative and legal contexts in which cultural and ethnic identities and categories are deployed - and contested - the effect of the critique of the concept of culture can itself often turn into a depoliticising and decontextualising approach to contemporary struggles and conflicts, in which a fetishised methodological focus on [the deconstruction of] cultural identity merely reproduces an imperial anthropological gaze and too readily dismisses culture’s increasing protagonism as a call to political action (also see for example Chakrabarty (1998); Barsh (1999) or Coombe (2003)). Indeed, Žižek (1997; 2009) has argued that such an analytical focus tends to naturalise and dehistoricise contemporary imperial narratives of cultural superiority, in which a conveniently “decentred”, enlightened and tolerant liberal identity is defined against the “essentialist” and “fundamentalist” identities of those who find themselves on the outsides of neoliberal narratives of global diversity, integration and inclusion.¹²

In light of the above points raised by critics such as Benhabib, Spivak or Žižek there are a series of obvious points that we might raise for one potential line of scrutiny of the recent instruments that have been adopted at UNESCO: to what extent might they in fact give new and renewed sources of legitimacy to exclusionary and neo-imperial forms of culturalist discourse, and to what extent do they give extra force to the kinds of tectonic cultural topologies (real or imagined, or both) that have come to appear so threatening to world security today - whether deployed by, just to refer to the typical high profile examples, prominent foreign policy makers and analysts (as we have experienced in the post-Cold War analyses of Samuel Huntingdon, Francis Fukuyama, Robert Kagan, Robert Cooper, and so on), cultural racisms targeted at the non-liberal Other (as in the contemporary concern amongst number of far-right groups across Europe regarding Islam) or religious or ethnic hatred (the Taliban in Afghanistan and Pakistan, Boko Harem in Nigeria or the Hindutva in India), and so on? For critics such as Eriksen (2001) or Appiah (2006) for example, the recent work of UNESCO has been identified as guilty in this respect, because it enshrines a concept of cultural diversity that fails to recognise culture’s

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¹² Given the extent of such ritualised poststructuralist and postcolonial culturalism in intellectual analysis it has often become necessary to point out that a critique of culture’s implication with contemporary capitalism is not to endorse a crude or reductionist Marxist account of culture, but precisely to avoid the reductionist and ahistorical analytical tendency to efface the implications of neoliberal reform and intervention for long-standing questions of material distribution and historical trauma (such as land reform and access to resources) - which in practice are rarely separable from questions of cultural or ethnic identity, particularly in the post- and neo-colonial Third and Fourth Worlds. See in particular chapter five.
dynamism and fluidity and therefore opens the way for cultural content to be manipulated and controlled by those in positions of power and authority.\textsuperscript{13}

In fact, UNESCO’s recent position in these regards has become more ambiguous than critics such as Eriksen or Appiah would like to make out. Firstly, we should recall that the Convention’s primary concern is how to situate cultural goods and services within market regulation rather than with the protection of particular customs, social practices or ways of life. This is a crucial point to bear in mind when assessing the validity of such criticisms of the Convention, many of which begin with a superficial or face-value reading of the text and the claims of its supporters. In this respect analysts working within the framework of the trade-culture debate that we considered earlier are correct when they point out that, precisely by focusing the instrument on questions of the protection and promotion of tangible cultural expressions within the framework of market regulation, the framers of the text avoided the danger that it could be used to justify particular forms of “social organisation” or “some cultural practices of certain social groups…[that] are gross violations of international human rights standards.” (Beat Graber, 2008:144-145) Of course, we might note again in reply that this is a manoeuvre which naturalises particular processes and forms of social organisation as unquestionable and universal (in particular, those of market regulation or models of liberal democracy and human rights), but this is to raise a critical point which is different to those we considered above in the work of Eriksen or Appiah for example.

Secondly, we should note that the organisation’s work over the last decade has been marked by efforts to reject the kinds of bounded models of culture that have come to sit uneasily with the discourses of contemporary global integration, promoting instead a more fashionable set of principles - hybridity, interculturality, complexity, mestizaje, creolisation, and so on - that often form part of the conceptual armoury of many of the critiques that we considered above.\textsuperscript{14} Since the late 1990s

\textsuperscript{13} Eriksen makes the critique from the perspective of poststructuralist anthropology, identifying in UNESCO’s recent work an emphasis on the “relativist”, “functionalist” and “structuralist” ontology of culture as comprising relatively static and bounded systems of traditions, values and expressions (as “islands in an archipelago”), at the expense of the “deconstructivist” and “poststructuralist” ontology of culture as dynamic processes of hybridisation, communication and contestation. Appiah’s critique stems from a conventional liberal cosmopolitan position - arguing that the Convention, by taking groups rather than individuals as “the proper object of moral concern”, is aiming at the wrong target in its efforts to promote cultural diversity and tolerance.

\textsuperscript{14} As the world’s leading scientific, cultural and educational organisation, it is worth remembering that UNESCO is staffed by and commissions reports from personnel who are often well versed in contemporary social and cultural theory (and often leaders in their field - as was the case with the
the UNESCO Director-General has effectively become an ambassador for such principles as part of the organisation’s attempt to articulate a new global ethics and to disassociate its work from the kind of “static” models of culture that guided its work in the past (also see chapter three). As Koïchiro Matsuura asserted time and again during his time as Director-General between 1999 and 2009: “UNESCO believes that cultures are not monolithic but interdependent, resulting from mutual exchanges and borrowings” (Matsuura, 2009); “each individual must acknowledge not only otherness in all its forms but also the plurality of his or her own identity, within societies that are themselves plural.” (UNESCO, 2001a: President’s Foreword) To illustrate this point very briefly here it is only necessary to consider a few provisions of the Convention: Article 1 for example refers to the text’s 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.” (UNESCO, 2005a) Similarly, there was a keen appreciation running throughout the drafting of the Convention regarding the need to prohibit any invocation of cultural diversity that advances a protective, monolithic or “pure” version of culture in order to justify 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.” (ibid) Neither can UNESCO’s position on questions of geopolitical conflict and imperial order be subjected so readily to the kind of criticisms that have been directed with such effect at the crude models of “clashes of civilisations” or orientalist orderings such as West and East. As an intergovernmental organisation with the mandate to breach such divides, it generally tries to distance itself from them, particularly in the contemporary context of globalisation (however untenable or “ideological” this position of global neutrality may appear in practice). The meeting of the General Conference which immediately preceded the adoption of the Universal Declaration in November 2001 for example was permeated with anxiety about the apparent emergence of a new West-East conflict (coming soon after the attacks of 9/11 and the unleashing of the war on terror), with the Declaration’s adoption
welcomed by UNESCO as an occasion “for States to reaffirm their conviction that intercultural dialogue is the best guarantee of peace and to reject outright the theory of the inevitable clash of civilizations.” (UNESCO, 2001a: President’s Foreword)

Culture and neoliberal government
We will return to this discussion about the normative thrust of the contemporary valorisation of cultural diversity in more detail below, and over the following chapters will look more closely and critically at the way such principles have been reflected (or not) in the recent work that has come out of the new instruments adopted at UNESCO. For now however I want to bring a longer perspective to the discussion and to re-centre on the debates concerning the relationship between culture and the realms of trade, the market and administration - for this is the key contribution of UNESCO’s recent work and the focus of the Convention’s core provisions. It is also of course a question which has long been under scrutiny in critical theory, particularly through the Frankfurt School tradition that was established by Adorno and Horkheimer earlier in the twentieth century. We will briefly revisit this line of criticism as a way of further contextualising the contemporary concern for cultural diversity and situating it within the more nuanced accounts of the relationship between culture and governmentality that have been developed in the field of cultural studies by Bennett and Yúdice.

For Adorno and Horkheimer, the growth of “mass culture” and “the culture industries” raised the spectres of the standardisation, commodification and degradation of cultural forms and content, along with their potential for aesthetic and moral transcendence in the face of industrial society’s ambition of total administration. In his 1960 essay “Culture and Administration”, Adorno (2001) argued that the tension between culture and administration called for a careful balancing act on the part of cultural experts: on one hand, practices such as painting, literature, theatre and music offered the hope of reaching for a level of freedom and human realisation beyond the parameters set by “mere administration” and “the control of the market” (since bureaucracy and democracy tend to institutionalise, popularise, or even “serve barbarism”), while the market and dominance of the cultural industries “today unhesitatingly mutilate culture.” (ibid:129) On the other hand however, and despite the prevalence of conceptions which locate the essence of culture in its pure, heroic autonomy from administration (as “the manifestation of pure humanity without regard for its functional relationships within society”;

Chapter 2
ibid:108), Adorno reflected on the fact that the very concept of culture cannot be disentangled from social management - and, for him, neither should it be: it is precisely the duty of “men of insight”, “aesthetic personalities” and experts in cultural criticism, to “uphold the interest of the public against the public itself”, to “open perspectives for the protection of cultural matters from the control of the market”, and so on (ibid:129-130).

What is most pertinent to the discussion here is how such an understanding of culture has come to be associated with a particular, privileged modern episteme over the second half of the twentieth century. In cultural theory this is a development that has been analysed particularly effectively by Bennett (1998), who notes in reference to Adorno that such positions have largely become untenable and uninhabitable in a context where culture has since been relativised in policy procedures, as well as in academic debate: we have seen a widespread extension of the ambit of cultural policy in “authorising a democratic expansion of the fields of activity that can be brought within its compass.” (Bennett, 1998: 91) This point is most clearly demonstrated in his discussion of the development of cultural policy in Britain: from nineteenth century equations of culture with the high arts and carrying certain values of civilisation (colonial, masculine and bourgeois) juxtaposed to anarchy (as in the paradigmatic work of Matthew Arnold, for whom culture entailed “a conscious striving towards progress or perfection”), to more contemporary attempts to detach the administration of culture from the elitist-universalist biases of such positions and towards the more anthropological and relativist conception of culture that has been expanded to recognise the legitimate value of a wider range of social practices and ways of life. Bennett also draws parallels in the field of cultural studies, noting Raymond Williams’s attempt to draw out the concept of culture from the “monopolistic clutch of the likes of Arnold…and so redefining it that it could serve as the basis for a new intellectual and political project.” (ibid: 87-106; Bennett, 2003)

To develop this point it also worth considering that governmental strategy in the neoliberal era has taken aim precisely at the ambitions of a standardised, mass society that provided the grist of critical theory for much of the twentieth century: as Foucault sought to emphasise in his analyses of neoliberalism that make up the

15 “Whoever speaks of culture speaks of administration as well, whether this is his intention or not. The combination of so many things lacking a common denominator - such as philosophy and religion, science and art, forms of conduct and mores - and finally the inclusion of the objective spirit of an age in the single word ‘culture’ betrays from the outset the administrative view, the task of which, looking down from on high, is to assemble, distribute, evaluate and organise.” (Adorno, 2001:108)
lecture series *The Birth of Biopolitics*, neoliberalism is driven less by the objective of a society of standardisation (one which is orientated towards the commodity and the uniformity of the commodity, as criticised by theorists such as Adorno or Werner Sombart) but, more fundamentally, by the objective of a society that is oriented towards the *multiplication and differentiation of the enterprise form*, seeking to universalise the enterprise, private property and the market as models of social relations and of existence itself (Foucault, 2008: 145-149). Indeed, it is this multiplicity of diverse enterprises (*enterprise* understood in a broad sense not only as a company, but also as a model for the conduct of individuals, households, communities, institutions) which for neoliberal government provides the opportunity for the reconstruction of a set of “warm” moral and cultural values which are presented precisely as antithetical the “cold” economic mechanisms of the market and the totalising ambitions of the modern state - and which, for all neoliberalism’s talk of “rolling back the state”, are of course to be achieved through a proliferation of juridical mechanisms and policy interventions throughout the social body (ibid:240-243).

The point here is not to recapitulate debates about Adorno’s elitism, nor to revise accounts of the culture industry for the global or post-Fordist era (see for example Lash and Lury, 2007), but rather to demonstrate a broader point regarding the ways in which the more democratic and decentralised principles and criteria of access, distribution and entitlement that Adorno among others feared have largely replaced the kinds of privileged frameworks of cultural reform that characterised much of the modern period (Bennett, 1998:199; also see Bennett, 2003). In this scenario Adorno’s fears over the culture industry appear not only as an anachronism but as standing in the way of a progressive and politically engaged cultural studies:

> It is precisely because we can now, without regret, treat culture as an industry and, in so doing, recognise that the aesthetic disposition forms merely a particular market segment within that industry, that it is a particular form of life like any other, that it is

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16 In Lash and Lury’s account of *Global Culture Industry*, the products and subjects of Adorno and Horkheimer’s culture industry were “determinate” - in the double sense that they were determined by massifying, Fordist processes of production and that they determined their social subjects (“slotting subjects into the reproductive cycle of capitalism” - the nuclear family, the proper place of the home, and so on (Lash and Lury, 2007:5). By contrast, they argue, the products and subjects of global culture industry are “indeterminate”: production and consumption are processes of the post-Fordist and design intensive construction and marketing of *difference*, in an encounter with the “characteristically reflexive individuals of today’s informational capitalism” (ibid:5). Accounts such as these however tend to remain within a restrictive focus of investigation (uncovering the “logic” of postmodern, global capitalism in the commodity form and modes of production) and for this reason I have generally found other accounts (Bennett, Yúdice) to be more useful in developing the discussion here.
possible for questions of cultural policy to be posed, and pursued, in ways which allow competing patterns of expenditure, forms of administration and support to be debated and assessed in terms of their consequences for different publics, their relation to competing political values, and their implication for particular policy objectives - and all without lacerating ourselves as lonely subjects caught in the grip of the contradictory pincer of culture and administration.

(Bennett, 1998:199-200)

The arguments that have been advanced by Bennett have at least two major advantages here. First, they demonstrate that the “anthropological” expansion in the way that culture has been conceptualised in frameworks of policy such as those we have seen at UNESCO is not without its own normative implications and effects - precisely because it has also enlarged the range of activities which are brought into the field of governmental concern and which, as such, can become subjects of politicisation and programmes of reform (Bennett, 1998:101-106). Indeed, Bennett argues that over recent decades we have seen an increasingly blurred division between the 2nd and 3rd senses of culture that we saw outlined earlier by Raymond Williams (as a way of demarking a “particular way of life, whether of a people, a period, a group, or humanity in general”, and as “the independent and abstract noun which describes the works and practices of intellectual and especially artistic activity”; see chapter one) as the relations between commercially produced forms of mass culture and the field of everyday conduct and ways of life have, from a governmental perspective, displaced the significance of the kind of aesthetically-grounded, elitist programmes of cultural reform that have been the legacy of late nineteenth and early twentieth century cultural policies (Bennett, 2003).

A second important implication of Bennett’s argument here is to note the ways in which mutations in the meanings and roles ascribed to culture can be understood alongside shifts in the ways that varied governmental aims and programmes seek to define and operationalise the cultural field and bring it into a productive relationship with social objectives. From an analytical perspective it therefore makes sense to investigate culture’s formation as:

[A] distinctive set of knowledges, expertise, techniques, and apparatuses which - through the roles they play as technologies of sign systems connected to technologies of power and working through the mechanisms of technologies of the self - act on, and are aligned in relation to, the social in distinctive ways.

(Bennett, 2003: 59-60)

It is in this concern for the ways in which the governmental or administrative realm of culture comes to be organised and functions as a distinctive body of
reforming rationalities and technologies that Bennett distances himself from the kinds of analyses found in the work of the governmentality literature (as in the work of Nikolas Rose or Mitchell Dean for example) or the neo-Gramscian body of cultural studies (for example Stuart Hall) which have tended to theorise culture as an “amorphous domain” of norms, beliefs, attitudes and values (see for example the discussion in Bennett, 2003: 55-56). Rather, the focus of analysis is trained within culture’s particular discursive and institutional domains - the civic “contact zones” of museums, galleries, media, and so on - and on seeking to make explicit their particular normative dispositions and effects within historically mutable tasks of social reformation. Moreover, Bennett argues that it is precisely such attempts to recognise the precise boundaries of this “distinctive set” and acknowledge its strategic imbrication with the realms of policy and administration which is a necessary condition for effective intervention on the part of cultural theory (Bennett, 1998; 2007b).

It is this broad approach which informs Bennett’s account of the contemporary concern for cultural diversity which, agreeing with a range of theorists, he sees as “the primary cultural challenge of our time” (Bennett, 1998:102). It is often asserted or assumed that the contemporary political elevation of cultural diversity is characterised by a normative relativism or neutrality: for Zygmunt Bauman for example it is one which does not involve the kind of legislative and reforming impulses that characterised the universalising projects of modernity, in which cultural difference was conceived less as something to be achieved or reconciled than as something to be reformed or legislated out of existence (reflected in the tendency to single out those ways of life which placed obstacles in the paths of modernity as immature, backward, deviant, primitive, vulgar, and so on) (Bennett, 1998:102-103). However Bennett demonstrates more clearly than most that the contemporary concern to promote forms of mutual understanding and tolerance between cultures cannot be a simply “interpretative” or neutral matter: it requires a particular reforming and legislative orientation to culture that can secure the institutional spaces and organisational frameworks within which the mutual interpretation of cultures can take place, while providing a normative framework or gradient in which certain ways of life are to be assigned a reforming role and which are to be targeted as objects of reform (Bennett, 1998: 103-105; also see Bennett, 2007a). It is in this vein that Bennett (1998:105-106) refers in particular to the UN/UNESCO established World Commission on Culture and Development’s 1995
report *Our Creative Diversity* which, as we will see in chapters three and four, was an important early landmark in the campaign for the Convention. Among its recommendations, this report reiterated the call for an expansion of cultural policy from a narrow focus on the high arts to the promotion of a more inclusive concern for cultural diversity and exchange, while urging the condemnation and prohibition of “intolerant, exclusive, exploitative, cruel and repressive” ways of life that stand in the way of the projects of global integration and development, according to what the report referred to as a “new global ethics” and a set of “absolute standards of judging what is right, good and true.” (ibid; UNESCO, 1995)

Bennett presents an insightful analysis on the connections between contemporary governmentality, the expansion of the concept of culture and the contemporary concern for cultural diversity, but it is an account which pays only limited attention to developments happening at the international level and in particular to the kinds of controversies over globalisation, trade and culture that caught fire in the 1990s and in which the recent instruments at UNESCO were forged. We should also note here that independent reports commissioned by UNESCO such as *Our Creative Diversity* are rarely indicative of internationally authoritative norms regarding culture or cultural policy: not only did governments and policy practitioners around the world generally find its conclusions and recommendations too radical and far-reaching for it to have much practical impact (UNESCO Member States rejected most of the report’s findings and its recommendations were not adopted; see Donders, 2008:10-11), but an examination of the ways in which particular aspects of the report were discarded, altered or emphasised by the subsequent campaign for cultural diversity at UNESCO is useful in developing a more grounded analysis of the contemporary discourses of cultural diversity that are circulating internationally today. We will examine these points in more detail in chapters three and four.

To continue the theoretical discussion here, we might briefly turn to consider a critique of the approach that has been taken within the Foucauldian influenced cultural-policy studies literature more broadly:

The implicit privilege accorded to disciplinary understandings of power in the cultural-policy studies literature needs to be displaced, because it provides a far too coherent image of governmental practices seemingly constructing subjects. In turn, it supports an over-optimistic image of the extent to which ‘policy’ can serve as a practicable entry-point for the transformation of conduct.

(Barnett, 1999:389)
Barnett refers in particular to two broad “contemporary transformations” in making this claim. First of all, and with reference to the Deleuzian claim about the shift from disciplinary to control societies, it is argued that it is becoming fruitless to analyse cultural regulation as if it is something that occurs within discreet disciplinary spaces of enclosure: the governmental rationalities and technologies of contemporary capitalism and the reach of contemporary networks of public mediation and communication (referring in particular to electronic media and communications) tend to work with a more diverse and dispersed assemblage of culture that recognises fewer clear boundaries between the roles performed in particular localities and institutions or by distinct ordering categories (cultural, economic, political, social, private, public). Secondly, Barnett argues that the historical role of culture in mediating the relationships between individual citizens and the state is now “in crisis” in the context of globalisation, as culture can no longer nor is asked to perform its traditional role for the nation state: “processes of global economic and political rescaling are literally relocating the sites of institutionalised decision-making over cultural practices to which transformative political projects need to be addressed.” (Barnett, 1999:390) In this way, it is argued, the assumption of a readily identifiable and coherent body of cultural institutions cultivating or reforming citizens and subjects, which underwrites the “claims made on behalf of the embrace of policy as a vocation at the cost of criticism…is open to considerable question not only on normative political grounds but also empirically.” (ibid:390)

In light of the kind of measures that we have seen taking shape in the UNESCO Convention, it would appear reasonable to posit that cultural policy in the present conjuncture is developing in engagement with the kind of developments identified by Barnett, and that analysis should be attentive to some of the implications and dynamics that are flowing from this. However, in basing his arguments on such sweeping claims about historical transformation, Barnett perhaps misses a crucial methodological point: the critical strength and thrust of the method developed by Foucault lies precisely in tracing the way that political responses to shifting social phenomena are framed and formed, elaborating how such responses are the outcome of sets of historically contingent and contested political questions and problematisations: by drawing attention to these contingencies, analysis can denaturalise and re-politicise the apparently natural or non-political (Foucault, 1984). We might therefore suggest, contra Barnett, that rather than reproducing the authoritative account that policy and its domains are being melted down and reshaped
as part of the “inevitable” or “irresistible” processes of contemporary globalisation, analysis should begin from the recognition that there are fewer processes under greater political contestation today than those that go under this term globalisation - despite the attempts that have been made in the neoliberal era to turn it into a historical imperative that is outside of all political and ethical contestation. In this sense contemporary globalisation is less a description of an empirical process against which we should measure the veracity of critical commentary or policy intervention, but rather a site in the contemporary problematisation of the state and its domains of authority, expertise and regulation. As du Gay (1999) or Larner and Walters (2004) have argued in this vein for example, globalisation is most critically approached in this sense as part of the strategic framework of neoliberal governmentality, deployed differently in different contexts and with varying implications as a dispositif that ontologises or, in other words, a body of rationalities and technologies that seek to conduct the conduct of states, enterprises and populations through the call to adapt and perform in the global marketplace: “be global!”, think globally!” Taking such an approach allows us to examine the ways in which cultural policy and its traditional discursive domains (museums, education, galleries, media, and so on) are becoming caught up with globalisation not so much as a symptom of the “erosion” of the state but rather as part of the particular ways in which contemporary governmentality seeks reform in order for the state, enterprises and individuals to become more competitive, more entrepreneurial, to embrace the “challenges” of market imperatives and opportunities, and so on. Indeed, in part II we will see that the new international framework of cultural regulation and development at UNESCO is one which, for all the posturing of its supporters over the effects of American-driven globalisation, seeks to intensify this process of reform and competitive insertion into the global market. In the process, culture is also losing many of its traditional distinctions as a set of knowledges, techniques and apparatuses, particularly as it becomes a central concern of trade negotiators and lawyers, copyright professionals and collection agencies, political economists and international development agencies, and others who seek to break the monopolistic clutch of cultural policy and its experts in order to more effectively mobilise and manage culture as a resource in international trade, investment and development.

To elaborate on this last point, I would like finally to turn to Yúdice’s (2003) *The Expediency of Culture*. On one hand, Yúdice understands the extension of the concept of culture to its anthropological sense in similar terms to Bennett, noting the
ways in which this extension has been paralleled in culture’s changing relation to government, and pointing out its imbrication with contemporary programmes of social management and administration. For Yúdice (2003:24) this “anthropological turn” is consistent with what he refers to as “cultural power”, or “the extension of biopower in the age of globalization”:

While governmentalisation continues to operate at the level of biopower…it is increasingly the case that cultural power is at work. Perhaps the prime instance of this is the permeation of society by a conventional anthropological definition of groups as defined by cultures, with the political corollary that democracy is to be understood as the recognition of these cultures.

(Yúdice, 2003: 49)

For our purposes here however there are at least two aspects of this account that can be brought out in more detail in order to develop some of the insights to be found in the work of Bennett: first, the ways that contemporary changes in the discourses of culture (including the concern for cultural diversity) have been related to the governmental projects of neoliberal globalisation, development and related transformations in “cultural” capitalism; and second, how thoroughly intertwined with the economic and the political - understood not as prior existing realities but in their shifting, governmental senses as technically distinct sectors or domains - the cultural has become as part of these processes. Yúdice is not alone in addressing these developments, but he has perhaps gone furthest in elaborating them with theoretical form and, despite the weaknesses of his thesis (which we will consider below), certainly offers greater critical purchase than the kind of analyses from within the legal trade-culture debate or cultural economics that we considered in the first half of this chapter.

The essence of Yúdice’s argument is that the neoliberal period has ushered in a new epistemic conjuncture in which culture has increasingly become redefined and redeployed in policy, in an expedient way, as a resource. This is illustrated in reference to a number of developments: it has become a tool for resolving political conflicts or empowering communities in the context of contemporary liberal democracy and international intervention and development; it is increasingly conceptualised as something to be tapped into and managed as a key source of value in a capitalism which is increasingly characterised by the immaterial, affective, creative and symbolic as motors of accumulation (expressed in particular by the contemporary importance attached to the enforcement of intellectual property law, or
the rise of the content industries and service sectors); and - complementing the roles of human and social capital that have been added to the repertoire of political economy in the last decades - as something to be known, studied, managed and invested in as part of projects of economic competitiveness and development, socio-political and economic amelioration, urban regeneration, and so on. The museum offers a useful brief point of reference here. According to Ole Scheeren, the architect at the centre of some of the most totemic cultural exhibitions and constructions of recent years (The Independent, 2006), the museum’s primary role and operations in the context of neoliberal globalisation are being transformed along the lines suggested by Yúdice: its function as a “contact-zone” of national civic or public reform has become blurred with its ability to attract international arrivals, income and publicity; to generate local investment, regeneration and employment; and to safeguard (and, where possible, inflate) the value of its assets; it also involves a reorientation of the spatial organisation of the museum and the way subjects pass through and experience its objects (symbolised for Scheeren in the replacement of the ticket counter by the souvenir shop at the museum entrance) (Scheeren, 2004:252-255). In Scheeren’s words:

Amid rising economic pressures and shrinking government subsidies, the museum - like the entire public - has been subjected to market-driven privatization. The models range from ‘straight forward’ sponsorship to new hybrids of corporate promotion - franchising, branding, and bartering the museum’s name and knowledge for fees and donations...The nineties introduced increasing need to ‘perform’, to compete on the basis of economic growth and an associated idea of size and ‘presence’, concerns that had theretofore existed only on the periphery of the cultural sphere. (Scheeren, 2004: 252)

One of the broader implications of such developments for Yúdice is that culture’s utility for power is being transformed: from being a medium for shaping ethical subjects of the nation culture is being “‘freed’, so to speak, to become a generator of value in its own right.” (Yúdice, 2003:336) It is argued that the corollary of this “transformation in what we understand by the notion of culture and what we do in its name” has been the declining relevance and credibility of arguments invoking notions of culture for culture’s sake, culture as transcendence or, to take the example of Adorno again, as the medium and process through which “the individual gains freedom by externalising himself” (in contrast to Adorno’s philistine, who craves culture for what he can get out of it) (Yúdice, 2003:10).
As we have seen, alignments between culture and administration are in themselves nothing new. However, Yúdice notes that the nature of this relation in the neoliberal context and in light of the proliferation of governmental and commercial rationalities and technologies that seek to mobilise culture in this way have combined to place a greater instrumental demand upon culture than at any other moment in the history of modernity: indeed, it has effectively left “the notion of culture as resource [as] the only surviving definition in contemporary practice” (ibid:279), and in the process has “absorbed and cancelled out hitherto prevailing distinctions among high culture, anthropological, and mass cultural definitions” (ibid:4). In this sense, it is claimed that the reciprocal permeation of the cultural with economic and political management that we see today goes beyond the kind of commodification or instrumentality that has typically been the target of critiques in the Frankfurt tradition of theory: it represents a more pervasive mode of cognition and political action in which there is little recognition or relevance for political projects that are pitched outside the authoritative episteme of culture as resource. As such it creates performative fields of force in which alternative claims to cultural identity, diversity, heritage, community, and so on, are becoming irrelevant to the contemporary strategies of neoliberal political and economic management: amounting, as Yúdice puts it, to little more than Kafkaesque “performance skits” or quickly becoming “turned, Antaeus-like, back into the system they resist or oppose.” (ibid:16; 28)

This last point is developed by Yúdice in particular by noting how the elevation of cultural identity has been simultaneous with neoliberal strategies of withdrawal from forms of social provision, reinforcing the shift to the values of market citizenship and the tendency towards greater material inequalities (ibid:160-191). In this context the discourse of cultural diversity has been an integral part of managing the social effects of trade liberalisation and economic restructuring, as it has emerged to offer forms of economic revival and political recognition to “people who are losing their jobs to ‘developing’ countries and to workers earning survival wages in those countries whose value is measured in terms of their cultural identity.” (ibid:251, emphasis in original) In this way the turn to cultural diversity as a mode of economic entitlement and political recognition has been subject to the criteria and prerogatives of national and international strategies of neoliberal reform: Yúdice invokes the Foucauldian theme here in arguing that acceptance of the identitarian

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17 This is also a point which has been well developed by a number of authors and is given special treatment in the debate between Fraser and Honneth (2003).
ticket to negotiate for respect and resources is caught in the processes of
governmentalisation, where claims to difference become articulated within differently
arranged relations among the institutions of the state and civil society, the judiciary,
the police, schools and universities, the media, consumer markets and so on (ibid:43-
49). This scenario is further complicated by the increasing imbrication of areas of
state policy with international and transnational apparatuses (trade agreements,
financial institutions, corporations, private foundations, tourism, development banks
and agencies, international NGOs, and so on) that seek to operationalise the
epistemology of culture as resource as part of contemporary strategies of investment,
accumulation, management and control - although, precisely because established state
channels are altered in this context, new possibilities are also opened for progressive
political action beyond those previously contained within the nation-state (ibid: 82-
108). A useful distillation of the critical thrust of this argument is contained in the
following passage:

Most of their [NGOs, development foundations, international institutions] cultural
policies have been concentrated in the recognition of cultural differences, on the
premise that such recognition will provide access to citizen participation. In other
words, the work of these organisations has been limited to opening access to fora of
interlocution…without noticing that these fora have already been structured
according to corporate arrangements and protocols, often with their collaboration.
(Yúdice, 2003: 362)

In registering this point we might ask again what role a “strategic”
deployment of cultural identity as a resource might play in this scenario. Young
(2000: 82-91) for example has observed that claims to cultural recognition or
citizenship are usually “means to the end of undermining domination or wrongful
depivation”, and that much of the ground for conflict between groups invoking
cultural identity and particularity is often “not cultural” (in the sense that is aimed
principally at defending or seeking affirmation for the particular values, identities and
meanings that make up a distinctive way of life) but rather part of structurally
relational competitions over territory, resources, or jobs; as such, she argues that
politics should embrace and recognise claims to cultural difference as “a
resource…for a strong communicative democracy”. Without wanting to dispute such
an argument, the more significant point to note here is the way in which it reinforces
the basis of Yúdice’s claims regarding the nature of culture as resource, in which the
content of culture recedes in importance as “the usefulness of the claim to difference
as a warrant gains legitimacy. The result is that politics triumphs the content of
culture…culture has no ‘in itself’: it is a resource for politics.” (Yúdice, 2003:23-24, emphases in original) Whether the identitarian ticket is presented strategically or not, the problem as Yúdice formulates it still remains: how to negotiate the terms of entry into a neoliberal mechanism, with its techniques of managed difference as a primary resource, which establishes simultaneously idealised and exclusive versions of deliberative democracy, civil society, or public sphere. In this sense Yúdice (2003:284) appears vindicated when he argues that more critical work needs to be done to disentangle the “hitherto difficult to understand imbrications of projects for social justice with a neoliberalized focus on diversity. Even the antiglobalisation movement has not given this less visible conundrum its due.”

However, there are two limitations in Yúdice’s account that I would like to draw out here in addressing some of the issues raised earlier in discussing the Convention and the debates over trade and culture. First, although he compiles some compelling case studies, they remain fragmented and without the kind of historical contextualisation that might substantiate the core of his thesis; they do not, as Lobo (2004) has argued, count as convincing illustrations of how culture as a resource gained legitimacy and displaced or absorbed other understandings of culture. This thesis remains in need of a more careful exploration - particularly at the kind of international level that Yúdice makes claims for. A related point is that if UNESCO is, as Yúdice (2003:25, 251) argues, the institution that has done most to bring about this transformation in internationally authoritative definitions and roles of culture, its recent work would appear to offer an obvious site for beginning such an investigation - and yet Yúdice barely scratched its surface in his analysis. Any analysis of UNESCO should also approach it in a way which pays much greater critical attention to its nature as an intergovernmental organisation: one that has not only been struggling for relevance in recent decades but is also one in which some are more able than others to define the legitimate parameters of the organisation’s programmes and discursive frameworks. Given some of the political differences and commercial conflicts that have emerged in the debates over the Convention regarding the appropriate role of UNESCO in relation to trade regulatory bodies such as the WTO, analysis should clearly not accord too much coherence or organisation to the international discourses of contemporary capitalism.

A second and related limitation lies in the fact that, in making a claim to such sweeping transformations, Yúdice is drawn too far into epochal fallacy and over-generalisation. His thesis perhaps follows the hyperbolic discourses of what Thrift
Trade and Culture (2005) has referred to as the “cultural circuit of capitalism” too closely - riding on the waves of the kind of accounts of globalisation, cultural capitalism and the “new economy” that, in retrospect, appear to have peaked in their political and analytical force at the turn of the 21st century.18 Hardt and Negri’s Empire (2000) had arguably suffered a similar fate in its interpretation of the post-Cold War assertions of the new world order and the end of history, which they related to a number of unproblematised narratives about the nature of contemporary globalised capitalism that echoed Yúdice’s in several respects (albeit within their own particular tales of Empire and immaterial labour).19 As Yúdice himself acknowledged in his conclusion (which he had put on hold in light of 9/11 and the subsequent bursting of the new economy bubble of the 1990s) the kind of claims he had made were premised upon “a reasonably stable world” which now seemed to be in flux, and he could only speculate as to what extent they would remain valid in the coming years (see Yúdice, 2003: 338-362). Nevertheless we might argue that, in light of the adoption of the Convention and the heightened political conflicts and debates that we have considered in this chapter, the kind of commercial and governmental investments in culture and cultural diversity that form the more modest observations in studies such as Yúdice’s clearly remain something to be reckoned with today.

Summary
In conclusion, we might raise a number of issues which have so far been absent in approaching the recent work of UNESCO, and the cultural diversity Convention in particular. What normative implications and effects are generated by this discourse of cultural regulation and development that is taking shape internationally today? To what extent does UNESCO’s recent work represent a challenge to the primacy of “market culture” in the way it has been claimed - or, to turn this question around, can UNESCO really be accused of being the institution most responsible for normalising a set of principles that are so central to the strategies of contemporary “cultural” capitalism and neoliberal governmentality? How do the difficulties and controversies

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18 “To analyse contemporary capitalism requires an ability to follow only a little way behind change: too far behind and what is written becomes merely academic; too close and the academic starts to take on the hyperbolic view of the future, which is a part of how contemporary capitalism reproduces itself.” (Thrift, 2005: preface)

19 Hardt and Negri’s account of Empire was notably for arguing that: “in the postmodernisation of the global economy, the creation of wealth tends ever more toward what we call biopolitical production, the production of social life itself, in which the economic, the political, and the cultural increasingly overlap and invest one another.” (Hardt and Negri, 2000:13)
over defining and operationalising culture in the Convention and fixing its place in international regulation reflect on Yúdice’s claims regarding the emergence of *culture as resource* as “the only surviving definition in contemporary practice”? The developments of the last two decades, crystallised around the international conflicts over trade liberalisation and the Convention’s adoption and implementation, present a rich seam of material through which we can begin to subject such questions to closer scrutiny.
Has anyone bothered to study the modes of work of primitive peoples, the importance of play and creativity, the incredible yield obtained by methods which the application of modern technology would make a hundred times more efficient?


**Chapter 3**

**3 The Last Frontier of Development**

Exploration and conflict during the World Decade for Cultural Development, 1988-1997

Has anyone bothered to study the modes of work of primitive peoples, the importance of play and creativity, the incredible yield obtained by methods which the application of modern technology would make a hundred times more efficient?


**Introduction**

*The World Decade for Cultural Development, 1988-1997*

If the debate at UNESCO from the late 1990s came to revolve around the appropriate relationship between trade and culture in international administration, the debate over the previous decade had been concerned with the relationship between culture and development. In December 1986 the UN General Assembly passed a resolution proclaiming 1988-1997 as the *World Decade for Cultural Development*, setting out four main objectives: “acknowledging the cultural dimension of development,” “affirming and enriching cultural identities,” “broadening participation in culture,” and “promoting international cultural co-operation.” (United Nations, 1986) To these ends a panoply of initiatives involving a range of bodies and expertise were drawn up, with UNESCO the agency placed at the centre - although it was hoped that the work of the Decade would be carried out in a spirit which would try to bridge gaps between UNESCO and its sister institutions in the UN system through joint projects in a range of development areas. At the launch of the decade in 1988 the new Director-General of UNESCO (Federico Mayor, elected in 1987, serving until 1999) was joined by the UN Secretary-General in noting that development programmes 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) The task of integrating these aspects into an enlarged framework of development economics represented what came to be referred to over the Decade at UNESCO as “the ‘last frontier’ of development,” and reaching it would be no small feat. In being invited by UNESCO half way through the Decade to prepare a synopsis of the work that had been generated so far, Cole (1995: 474) reflected that “practically every
conceivable issue in which culture and development might figure was invoked”, and referred to the scale and complexity of the task that had been set out in an address by Mayor in 1993, in which he had urged an examination of the roles that the hitherto underexplored and undervalued domains of culture could play in:

Education, information, communication, maintenance and promotion of cultural forms, choice and development of technology and the economy, exploitation and care of the environment, demographic growth and complexity, political realities, inter-group relations and international relations, and local notions of human rights.

(UNESCO Director-General Federico Mayor, cited in Cole, 1995:474)

The huge body of theoretical and applied work that was done in this vein between 1988 and 1997 - 1200 projects had been counted by the conclusion of the Decade in 1997 (UNESCO, 1997) - added momentum to an ongoing shift in development theory and practice, so that by the turn of the century it was being remarked that the “cultural turn” that had been unfolding in its various ways in the social sciences had “finally come to economics and the bundle of practices called development.” (Nederveen Pieterse, 2001: 60) The Decade’s most significant outcome was the convening of an Intergovernmental Conference on Cultural Policies for Development in Stockholm in 1998, which provided a starting point for the campaign that gave shape to the new framework of cultural regulation and development at UNESCO over the coming years.

The ways in which these developments unfolded however need to be traced carefully. The Decade between 1988 and 1997 was a long one for UNESCO, and witnessed a seismic shift in the international political context of development. It is worth pointing out that the resolution proclaiming the Decade in 1986 had opened by referring to the call that had been made for such a Decade at MONDIACULT in 1982, and it was hoped that its work would build on the progress that had been made in the previous decade at UNESCO through the 1976 Recommendation on the Participation by the People at Large in Cultural Life and Their Contribution to it (“the Nairobi Declaration”) and the 1982 Mexico City Declaration on Cultural Policies (“the Mexico Declaration”). As we saw in chapter one, these were important landmarks in articulating the international claim for a more holistic, “anthropological” concept of culture, reflecting in particular the way that the new members of UNESCO sought to address imperial biases and legacies as part of post-independence nation-building projects and wider efforts to bring about a New World Information and Communication Order (NWICO) and New
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International Economic Order (NIEO). However, faced with hostility from the Western bloc no significant or authoritative measures had come out of these campaigns and by the time the work of the Decade got underway in 1988, NWICO and NIEO were rapidly fading into history. With the international debt crisis and the reorientation of projects of national development towards the project of neoliberal globalisation and the prescriptions of the Washington Consensus, commentators were now speaking of the “end of the Third World” as a coherent actor and ideology in world politics (Harris, 1987; Hoogvelt, 1987), a development that was given added momentum over the following years with the disintegration of the Soviet Union. UNESCO as an organisation was also in a process of transition, under intense pressure to reform its structure, “depoliticise” its programmes and fill the gaping holes in its budget that had been left by the withdrawal of the US and UK in 1984 and 1985 respectively.

In tracing the contemporary entanglement of the politics of cultural diversity with the neoliberal regime of cultural power that we earlier saw elaborated by Yúdice, we might therefore begin by revisiting two broad developments at UNESCO over the 1980s and 1990s: on one hand, through the work of the World Decade for Cultural Development, there was a continuation of the attempts made in the 1960s and 1970s to expand culture’s place in frameworks of international regulation and development; on the other, there was a process of reform of these frameworks so that they would fit within the discursive and ideological order of neoliberal globalisation. In these ways, the inclusion of the “expanded” and “anthropological” role of culture in trade and development that has been articulated over this period in fact became part of a narrowing of the concept of development itself and a delimitation of the legitimate scope in which culture featured in the work of UNESCO. Whereas the expansion of the concept of culture in the 1960s and 1970s functioned to articulate nationalist claims to difference and autonomy outside of the authoritative (imperial) international frameworks of trade and development, by the end of the 1990s it had come to stand for a means of more effective integration into the new world order of neoliberal globalisation.

In examining these developments over the 1980s and 1990s this chapter is split into three sections. The first section begins by looking in detail at some of the specific contributions that were made by the World Decade for Cultural Development, focusing on its standard-setting report Our Creative Diversity. The second section then turns to survey some of the ways in which the Decade’s work was initially taken up, lost in
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translation or simply ignored within frameworks of international development, looking in particular at the work of the World Bank and the development of the post-Washington Consenses. Finally, the third section retraces the path of reform and depoliticisation that was taken at UNESCO between MONDIACULT in 1982 and the Stockholm Conference of 1998. These analyses prepare the following chapters to examine the particular ways in which the relationship between culture and development that had been set out by the work of the Decade, and in particular its models of cultural diversity and the “dual role of culture”, came to take their particular shape over the following years in the instruments on cultural diversity.

3.1. Our Creative Diversity

The flagship of the fleet of initiatives launched between 1988 and 1997 was the World Commission on Culture and Development (WCCD), assembled as an independent, international and interdisciplinary group in 1992 by the UN and UNESCO to prepare and publicise a report which would consolidate and develop the kinds of links that were now being made between culture and development. The resulting Our Creative Diversity: Report of the World Commission on Culture and Development (UNESCO, 1995) was the centrepiece work of the Decade and presented the most authoritative policy-oriented report to date on these questions. It contained ten substantive chapters of in-depth contributions on a range of topics (the relationship between the state and pluralism; gender and development; media regulation; culture and the environment; tourism and heritage; among others), was translated and circulated widely, and acknowledged even by critics such as Eriksen (2001) as marking a “genuine intellectual contribution to the field…with real-world consequences of a magnitude most academics can only dream of on behalf of their scholarly work.” Its ultimate goal was to bring about a shift in international and national practices in development policy, and to this end it concluded with an 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 this Agenda were 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.” As we will see in the following chapters, Stockholm also served as a key event in the
formation of the campaign for the instruments on cultural diversity that would be adopted at UNESCO over the following years.

*Our Creative Diversity* was placed by the WCCD alongside the ongoing elaborations of the notion of “human development” at the UN (the first of the annual UN Development Program’s *Human Development Reports* was published in 1990)¹ and related evocations of “the cultural dimensions of development” that had been made in other recent forums such as the *Brundtland Commission*, the *South Commission*, *The World Commission of Environment and Development*, and the *Commission on Global Governance* (UNESCO, 1995: 7-13). If each of these had broken new grounds on issues such as sustainable development, North-South relationships, and world governance and security, the work of the WCCD was heralded by UNESCO as opening up “the ‘last frontier’ of development”, working to mainstream cultural considerations in international and national policy frameworks. In this respect the work of the Brundtland Commission and its 1987 report *Our Common Future* were especially influential on the work of the WCCD, for they had demonstrated the possibility of generating greater authority and consensus at an international level regarding the present urgency of integrative thinking towards economic development (the need for a greater fusion of environmental and development concerns, for greater political weight behind the principle of sustainable development, for the necessity of international collaboration and reform in designing policy, and so on).² The inspiration of the policy impact that had been created by Brundtland was made explicit by the president of the WCCD in his foreword to *Our Creative Diversity*, which stressed that the need to create a practical agenda for cultural development must become the “next step in rethinking development”:

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¹ The UNDP’s *(United Nations Development Programme)* notion of human development is referred in the report *Our Creative Diversity* as “a process of enlarging people’s choices - that measures development in a broad array of capabilities, ranging from political, economic and social freedom to individual opportunities for being healthy, educated, productive, creative, and enjoying self-respect and human-rights.” (UNESCO, 1995: 8) A good summary of the elaboration of the “human development” approach in development economics from the 1970s is given by Qizilbash (2006); critics have referred to the way that this conception of human development serves to de-politicise questions of international inequality and poverty (see in particular Duffield, 2007).

² The Brundtland Commission *(or World Commission on Environment and Development)* was convened by the U.N. in 1983 with the principal aim of investigating and raising the profile of the relationships between environmental concerns and economic development; its 1987 report *Our Common Future*, along with summits such as the Rio de Janeiro “Earth summit” of 1992, were significant in adding a decisive international political momentum to the principles of sustainable development. For a critical overview of the background and principles making up “sustainable development”, see Pearce (2006).
The time had come to do for ‘culture and development’ what had been achieved for ‘environment and development’. This conviction was widely shared. Just as the Brundtland Commission had so successfully served notice to the international community that a marriage of economy and ecology was overdue and had set in motion a new world agenda for that purpose, so, it was felt, the relationship between culture and development should be clarified and deepened, in practical and constructive ways. …We want [the report] to inform the world’s opinion leaders and to guide its policymakers. 

(UNESCO, 1995: 8-10)

In aiming to set this agenda in motion, most of the links between culture and development that were elaborated in the report were less reflective of any groundbreaking insights than an attempt to crystallise and build on existing work in order to give a state of the art account of cultural development thinking that would strengthen a greater appreciation among governments and the international development community - strategically addressing a range of policymakers and stakeholders and working to publicise the report and its principles as widely as possible. This was reflected in a number of reviews of the report - with one, Margolin (1996), for example pointing out that although it contained little that anyone following the changing discourses on gender, heritage and cultural diversity would find entirely new, their inclusion as part of a strategic document such as this “marked a significant advance in the definition of global development requirements.” How far and in what directions this advance would actually go in practice of course remained to be seen. Nevertheless, to the extent that Our Creative Diversity marked a landmark event of the Decade and sought to provide a guide for subsequent development policies to follow, there are a number of key contributions that it made which are worth considering in some detail here.

As we saw in the previous chapter, Bennett’s (1998) brief analysis of Our Creative Diversity 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) In a marked rejection of previous models of culture at UNESCO, 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 international cultural diversity of mutual exchange and influence is described in the report as having “benefits comparable to those of bio-diversity.” (ibid: 54) These recognitions also go beyond the long-standing principle at UNESCO of promoting inter-cultural dialogue and exchange but are at the core of an attempt to elaborate what is referred to in the report as a new global 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) In this way international regulation has a crucial role to play in “setting 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 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) We might extend this observation by noting that its assertion of a global ethics also marks an attempt to outline a cause and principle of international regulation that transcends some of the Westphalian limitations set by national sovereignty, in keeping with the emerging post-Cold War regime of international intervention being elaborated at the United Nations in the 1990s: one in which national sovereignty is contingent upon its ability to maintain certain global requirements of security, and subject to an expanding multi-agency apparatus of international humanitarian intervention and development (Elden, 2006; Duffield, 2007). However, we should also note that this elaboration of the roles that culture can play in a more comprehensive development framework is also a critique of the Washington
Consensus models of development that had come to dominate the work of governments, donors, NGOs and the key international development institutions since the 1980s - in particular the World Bank, along with the other Bretton Woods institutions the IMF and GATT (which was incorporated into the newly created WTO in 1995). In the report’s call for the preparation of “new, culturally sensitive development strategies”, the lack of cultural considerations in the international development programmes of the last decade is declared an intellectual, ethical and practical failure that has resulted in not just “distorted models of development” but “development without a soul” (UNESCO, 1995: 273-4).

In setting out this critique, and in its various explorations of how to build cultural insights into the broader development strategies, it is significant that much of the substance of the report is concerned to alter the priority that continues to be accorded in development policy to “economic” over “cultural” considerations. This reflects in particular on the contributions made by a number of anthropologists, notably Lourdes Arizpe (who supervised the work of the secretariat of the WCCD, and who acted as UNESCO Assistant Director-General for Culture between 1994 and 1998) and Marshall Sahlins, who - along with Claude Levi-Strauss, an honourary member of the Commission with long-standing connections to UNESCO - wrote papers on which much of the key arguments of Our Creative Diversity were based. We might call the result an “anthropological critique” of development, and this is evident in two central lines of concern that run through the report.

First is the matter of more effectively incorporating a wider set of cultural variables into development programmes, since it had become “well known that projects that do not take into account sufficiently the ‘human factor’ have a greater chance of failing.” (UNESCO, 1995: 262) Similarly, the spread of sustainable and human development paradigms meant that “the notion of development itself had broadened, as people realised that economic criteria alone cannot provide the criteria for human dignity and well-being” (ibid: 8). Breaching the last frontier of development therefore meant opening the practices of development up to an expanded repertoire of concerns and expertise: the kinds of one-dimensional economistic and quantitative frameworks that continued to reign among governments and the institutions of international development is identified as increasingly untenable and requiring a new set of cultural, qualitative sensibilities and variables to become more effective. Despite some recent advances and
refinements in the development of social cost-benefit analyses,\(^3\) these are regretted for being too limited in depth and in application, and besides had had great difficulty taking into account “such cultural variables as attitudes to work, work ethic, group solidarity, interpersonal relationships and people’s valuations…Though it is generally acknowledged that neglect of these variables frequently leads to unforeseen problems in the implementation of a project, no method has been evolved as to how these parameters can be built into models.” (ibid: 260) Thus we see a series of attempts in the report to show how a greater appreciation and engagement with cultural differences can foster more participatory and sustainable forms of economic growth, build stronger and more stable civil institutions and democracies, help to sustain the physical environment, improve the take-up of technology and agricultural techniques, preserve family values, improve the provision of education and health care, contribute to the alleviation and prevention of conflict, and so on. We might summarise these aspects of the report as its “development anthropology”, to borrow a term used by Arturo Escobar (1997) - in other words, the application of anthropological knowledge and methods in development projects to focus on the project cycle, to tailor projects to the particularities of beneficiaries’ cultures and situations, to assess the possibility of contributing to the needs of the poor, and so on.

The second reason for the report’s concern to reorder the priorities between economics and culture in development lies deeper in what we might refer to as its “anthropology of development” - that is, the historicisation and relativisation of development itself so as to lay bare its roots in particular conceptions of progress and rationality - since it is recognised that “all forms of development, including human development, ultimately are determined by cultural factors.” (UNESCO, 1995: 24) This recognition is an attempt to provincialise mainstream development, at least insofar as it is an attempt to reconceptualise orthodox development policy by de-emphasising its emphasis on economic growth and subordinating it instead to an emphasis on what is referred to in the report as 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.”

\(^3\) It notes for example that: “Income distribution, poverty, employment and environmental objectives have been incorporated, externalities are sometimes accounted for, intertemporal choices and social rates of time discount have been explored in greater depth, and the prejudicial notion that what cannot be counted does not count (or even exist) has been, to some extent, abandoned.” (UNESCO, 1995: 259)
This assertion of the centrality of culture’s constructive, constitutive and creative role in development processes is most clear in the contribution of Sahlins, who had long been associated with work aimed at demonstrating the historical and cultural contingency of many of the assumptions and practices underlying more orthodox and economistic forms of modernisation and development (notably through works such as *The Original Affluent Society*, 1972; and *Culture and Practical Reason*, 1976). It is Sahlins’s opening words of the first chapter that sets the tone of *Our Creative Diversity*, foregrounding what he refers to as “the great ideological issue” that had been confronted by the Commission: “is ‘culture’ an aspect or a means of ‘development’, the latter understood as material progress; or is ‘culture’ the end and aim of ‘development’: the latter understood as the flourishing of human existence in its several forms and as a whole?” (UNESCO, 1995: 21) The answer, we soon find, is that it must be both: this is described as the “dual role of culture”, which is used here to denote its simultaneously “far-reaching instrumental function” and its intrinsic value as “the end and aim of development itself.” (ibid: 23-4) We can consider a couple of the examples that are given to illustrate in a little more detail how exactly this works:

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…adaptating 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.⁴

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)

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⁴ The *entrepreneurial conglomerate* is used in this passage to refer specifically to the “new breed” of technological and organisational innovators in production: as examples it refers 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 US. (UNESCO, 1995: 78)
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In other words we can see that development here is conceptualised 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 familiar logic at play in this formula which largely goes unproblematised: fostering productivity and development in this scenario 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 in the process to bring together the dual (“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 becomes clear 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 area 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; furthermore, this requires that culture be conceptualised in its broad, “anthropological” sense in order to acknowledge the contributions of as wide a range of creative human activities as possible. Such points are laid out for example in the following passage:

There is no such thing as the creative spirit divorced from a particular human group, from specific social institutions and values, even from certain political constraints. Hence creativity is an intangible whose nurture can and indeed must be managed and not squandered...An over-emphasis on rationality alone, technocratic reasoning, restrictive organizational or community structures and an over-reliance on traditional approaches can restrict or destroy this potential. This is why it is important that the prestige attached
to the arts should not lead to the neglect of countless, modest imaginative undertakings that inject a vital substance into the social fabric.

(UNESCO, 1995: 78-79)

Aside from the measures necessary to ensure the above aims - that is, the proper development of creative and cultural potential and the productive circulation of this vital substance in the social fabric - there may also be occasions where a different set of measures are required. We might return at this point to the report’s assertion of the need for a new global ethics and principle of international intervention. Just as cultural diversity can have benefits to humanity comparable to those of bio-diversity, 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) The vital substance in the social fabric, in other words, can also turn poisonous if not administered correctly and carefully. The anthropological critique makes clear that this is as much a problem stemming from flawed Washington Consensus models of development (which it argues 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.\(^5\) These flaws in development models had combined with the manipulation and essentialisation of identity to raise the problem of a post-Cold War world “that has become familiar with ‘ethnic cleansing’, religious fanaticism and social and racial prejudice” (ibid: 25). By the mid-1990s this had become a matter of urgency in the context of the proliferation conflicts 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

\(^5\) 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)
context, the failure to properly integrate cultural considerations into international and national development frameworks has not only resulted in the kinds of economic and political failures noted above; it also has given rise to a state of global insecurity which necessitates a changed role for the UN in managing a proliferation of crises: one more attuned, in particular, to the fact that “the nature of conflicts is changing”: 

Of the 82 conflicts over the last three years, 79 were within nations… Increasingly, conflicts are between people, not between nations - whether in Afghanistan, Burundi, Liberia, Rwanda, Somalia, Sri Lanka and many other places in the world… In some countries, it is the wrong models of development that favour some income groups, or some geographical regions, or some ethnic groups at the expense of others. Development divorced from its human or cultural context is development without a soul. (UNESCO, 1995: 273)

In summary, we have seen that Our Creative Diversity was primarily intended to bring culture in from the margins to give it a more central place in development policies – reforming the Washington Consensus and opening the field of international development up to the “last frontier” of cultural concerns. With UNESCO the agency of the UN that takes the human or cultural dimension of global integration - the soul referred to in the passage above - as its specialisation, the report is an attempt to set out a case for the roles that the organisation can play not only in animating the work being done by other agencies in the economic and political spheres, but also in the new regime of intervention based on universal notions of human security being articulated at the UN. The above passage is thus followed by the message given by the UN Director-General Boutros Boutros-Ghali in 1994: “It is time to balance the old commitment to territorial security with a new commitment to human security.” (ibid:273)

The case for greater involvement for UNESCO in this regime however contrasted markedly with the organisation’s continued position on the sidelines of international administration in the 1990s. It is important to bear in mind here that as the World Decade for Cultural Development came to a close in 1997 and preparations were being made for the Intergovernmental Conference on Cultural Policies for Development in Stockholm in 1998 it remained to be seen how the WCCD’s contributions would be taken up, if at all - particularly given UNESCO’s ongoing marginalisation by the US superpower, ongoing controversies over reform (the budget, inefficiency and allegations of corruption) and the resilience of orthodox development models at national and
international levels. Critics such as Eriksen (2001) therefore perhaps miss the point here by concentrating on picking flaws in the way that culture is conceptualised in the report;\(^6\) indeed, Lourdes Arizpe (1998) had attempted to shield the work of the commission from such attacks from the anthropological academy by pointing out that it had after all been written to reach a wider policy audience. With this in mind, it is perhaps more revealing to examine the ways in which the report’s particular contributions that we have considered here had an impact on the wider practices of international development over the following years.

### 3.2 The revolution in and around economics and the [still]birth of cultural development

The session of the intergovernmental committee held at UNESCO headquarters for the conclusion of the Decade in 1997 had begun by celebrating *Our Creative Diversity’s* impact on the “evolution in international thinking on development”, but the actual evidence that it could refer to in making this claim was, in reality, thin: a recent Declaration on culture and health, co-initiated by UNESCO and the World Health Organisation, and the UN Environment Program’s publication of UNESCO’s views on the cultural approach to environmental issues (see the Final Report of the committee: UNESCO, 1997). In relation to the key development institutions the World Bank and IMF it could only refer to “discussion in progress” regarding “the importance of developing human resources and participatory methods” (ibid). Similarly, while *Our Creative Diversity* had undoubtedly sparked discussion in the international development community, governments generally found its implications too radical and far-reaching and rejected most of its findings, with the result that its recommendations were not adopted (Donders, 2008).

The Stockholm intergovernmental conference of 1998 was therefore an opportunity for UNESCO to bring together as many policymakers and stakeholders from the development community together as possible in order to give the work of the Decade

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\(^6\) For the record: Eriksen argues that the most serious flaw in the report lies in the way that it leans too far to one side in the contemporary debates between structuralist and poststructuralist anthropology: “The WCCD has laudably tried to incorporate both dimensions, but it remains a fact that the ‘post-structuralist’ perspective so typical of contemporary anthropological theorising becomes a garnish…to accompany the main course of cultures seen as bounded entities comprising ‘groups’ that share basic values and customs.” (Eriksen, 2001: 132) Also see Nederveen Pieterse (2001:67-72)
more significant political awareness and momentum, working with the participants to generate practical, policy-oriented responses. The background document UNESCO circulated to participants prior to the conference was less sanguine than the assessments that had been made a year earlier about the impact of the Decade, pointing out that although “culture may appear to be on the ascendant in public awareness everywhere, it remains in the sphere of low priority politics in most countries, as is often reflected both in the level of resources it is accorded and in the status of the ministries and civil servants who oversee it.” (UNESCO, 1998a) It also noted that this had been compounded by a general lack of progress in the international arena, where the inclusion of culture in development programmes had, “despite the efforts undertaken during the World Decade…not yet been attained”; furthermore, where culture had started to filter into national and international policy, this was lamented as being due to its utility as “a mere instrument” of economic growth rather than to respect for it as “constitutive of human development” itself in the way that had been set out by the WCCD.

The outcome of the discussions that took place at Stockholm was the formulation of an Action Plan on Cultural Policies for Development (UNESCO, 1998c), which contained a declaration of unbinding commitment on behalf of participating governments to some of the principles that had been outlined in Our Creative Diversity. This at least marked something of a starting point for a more formal international mobilisation around the principles of cultural development, and was received in this spirit by the UNESCO Director-General as the first concrete step in “bridging culture and development”, insofar as it meant that governments from all participating countries had, for the first time, recognised that “human beings, hitherto considered as human resources, are at long last recognised as women and men: unique with diverse cultural identities.” (UNESCO, 1998b) He added that all that remained to be seen after this was how many states would actually begin to take steps to translate their stated commitment into concrete measures and legislation.

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7 The Action Plan contained a recognition on the part of Member States of the need for five broad objectives in policy (themselves subdivided into a total of 51 objectives): 1 - To make cultural policy one of the key components of development strategy; 2 - Promote creativity and participation in cultural life; 3 - Reinforce policy and practice to safeguard and enhance the cultural heritage, tangible and intangible, moveable and immoveable, and to promote cultural industries; 4 - Promote cultural and linguistic diversity in and for the information society; 5 - Make more human and financial resources available for cultural development. (UNESCO, 1998c)
The efforts of the Decade also continued to be reflected in proliferating references to culture in development at national, regional and international levels. This was most remarkable in the work of the World Bank, which had been one of the main targets of the WCCD’s anthropological critique. The need to factor a greater number of social and cultural variables into its work had been recognised to some extent by the Bank since the 1970s, with the employment of a growing corps of non-economic social scientists after Michael Cernea was appointed as the Bank’s first anthropologist in 1974: by the mid-1990s the Bank had the largest concentration of anthropologists and sociologists working in the field of development of any institution in the world, while also drawing on the work of hundreds of anthropologist and sociologist consultants in designing and implementing particular development projects. In 1995 Cernea, now as Senior Advisor for Social Policy and Sociology of the World Bank, remarked in a lecture to the Annual Meeting of the Society for Applied Anthropologists that as World Bank sociologists and anthropologists had gained critical mass in-house, the institution had been forced to move from its “initial pristine ethnocentricity” to “an expanding hospitality toward social variables and the contemporary variations among existing cultures” (Cernea, 1995: 342).

Their task in bringing about this institutional change however remained an uphill one, and Cernea invited his audience to join him in this battle against a largely unreconstructed set of “econocentric” and “technocentric” orthodoxies - likening his work to that of a “Secretary to the Non-Believers” and a crusade to “introduce anthropological knowledge within an economic fortress” (ibid). He also referred to the fact that his cause was now being aided by a number of high-profile development anthropologists, NGOs and public interest groups who presented a range of external criticisms of Bank programmes, emphasising in particular the importance of cultural and social issues and the mounting failures and injustices of World Bank/IMF structural adjustment programmes since the 1980s.

It is only later in the 1990s that there is a formal acknowledgement within the Bank of the role of culture in development, and the work of the Decade undoubtedly played a part in this. Under the leadership of Federico Mayor in 1989 UNESCO had sought to renew the vows with the Bank that had been broken by the fallouts of the late
1970s and early 1980s, and an internal Bank report on *Culture and the Corporate Priorities of the World Bank* identified the efforts of UNESCO that had culminated in Stockholm in 1998 as an important turning point in the greater cultural awareness at the Bank: “Management assumed a more active stance in an initiative begun in 1998, by announcing a commitment to acknowledge the cultural dimension of development.” (World Bank, 2003: 2) The shift in the work of the Bank in the late 1990s was evidenced over the following years in gestures (some more serious than others) towards greater cultural concerns in the design and delivery of its structural adjustment programmes, increased appreciation by the Bank of the value of cultural assets and cultural resources in development (most notably in the recognition of the importance of heritage and its role in attracting investment and tourism, forging a link with one of UNESCO’s key competencies), and through a growing recognition of the ways that economic models could be improved by taking cultural factors into account. A major part of the groundwork for these developments in the work of the Bank had been done in October 1999, when UNESCO worked with the World Bank to arrange an international meeting of cultural ministers and experts together with representatives from finance ministries,

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8 Mayor’s report of UNESCO activities between 1988-1989 recalled euphemistically that relations between UNESCO and the Bank had “reached the peak of their effectiveness in the late 1970s”, going on to detail some of the joint work with the Bank that would be undertaken as part of the new relationship struck in 1989:

At the beginning of 1989, a new framework of co-operation was negotiated with the Bank, which resulted in the extension of collaboration beyond education to other sectors such as the sciences and technology, the environment, statistics and the development of human resources. Activities undertaken jointly will focus on sectoral analyses, structural adjustment policies and strategies, and the formulation of comparative data and training aimed at strengthening national capabilities in political analysis and management of sectoral development.

(UNESCO, 1991:21)

9 The Bank’s recent work along these lines was summarised in the internal report as follows:

Some of the Bank’s strategy formulation and analytic procedures, including the *Comprehensive Development Framework* (CDF) process, *Country Assistance Strategies* (CAS), *Poverty Reduction Strategy Papers* (PRSP), *Economic and Sector Work* (ESW), *Social Assessment* (SA) and *Analysis and Environmental Assessment* (EA) are beginning to reflect an awareness of culture and an appreciation of cultural assets. These procedures could be strengthened by explicit attention to culture. Economic models could integrate cultural factors in an effort to increase accuracy in forecasting. The Bank’s clients value their cultural assets and this fact is reflected in the policy for protecting physical cultural resources in Bank-financed projects as well as in a modest investment in cultural assets. Experience with policy implementation and investment indicates that protection and enhancement of cultural resources require both improved management capacity in client countries and collaboration among diverse governmental and non-governmental stakeholders, at national and local levels.

(World Bank, 2003: 3)
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development agencies, private commercial banks, major multinational companies, foundations, and NGOs under the theme *Culture Counts: Financing, Resources, and the Economics of Culture in Sustainable Development* (World Bank, 2000). Referring to the work done by UNESCO over the Decade, the Bank set out its aim here to respond to its findings by: (1) promoting the expansion of economic analysis in, and resources available for, culture in sustainable development programmes; (2) expanding the range of institutions and actors involved in culture with a development perspective; and (3) increasing the instruments to be used for these programmes. It sought in particular to impress upon participants the value of investing in culture:

An effort to preserve and enhance cultural assets and expressions can also provide important economic returns and opportunities for greater social cohesion. Investments in culture - besides generating tourist flows - can help poor communities grow out of poverty and encourage local development by strengthening social capital and expanding opportunities for education.

(World Bank, 2000: viii)

The rationality behind this was set out more explicitly in the opening address by its President James D. Wolfensohn, who set out “a twofold interest” by the Bank in the role of culture in development (World Bank, 2000: 9-13). First, the Bank now recognised that factoring in local cultural considerations in development plans makes them more sustainable and effective: there was mounting evidence that without doing so, development “either fails or does not reach its full potential” - “development effectiveness and sustainability demand that development assistance be integral with the social strengths and traditions, and the local institutions, that are most crucial for the poor.” Second, Wolfensohn noted the ways in which the Bank had come to view culture as “a resource to generate incomes and around which poor communities can organise and establish enterprises”, highlighting in particular the importance of working with UNESCO to encourage investment in the heritage and tourism sectors - noting that this was now the biggest industry worldwide - and to build cultural enterprises: “Heritage gives value. Part of our joint challenge is to analyze the local and national returns on investments which restore and draw value from cultural heritage - whether it is built or living cultural expression, such as indigenous music, theater, crafts.” Both aspects of this twofold interest in culture are important in that “one can make actions more effective and
meaningful at no extra cost; the other can generate income which is desperately needed in many countries, energize poor communities, and build their self-esteem.” (ibid: 11)

In these ways, the World Bank’s particular take on the dual role of culture found its way into the framework of the post-Washington Consensus that was being built under Wolfensohn, in a way which complemented the Bank’s newfound interest in developing the concepts of social capital, good governance, participation and so on.10 The Bank utilised these concepts over the coming years not only to rationalise continuities in Washington Consensus policy but also to try to address some of its practical failures and blind spots as it sought solutions to a growing number of developmental problems, market failures and imperfections (and as it also sought to respond to the growing dissatisfaction and protest against its work and the wider effects of neoliberal development policy as they became manifest through the prescriptions of the IMF over the 1980s and 1990s and through the Uruguay Round of negotiations that resulted in the birth of the WTO in 1995).

To situate this cultural evolution in the Bank’s policy in the late 1990s and early 2000s it is useful to refer to what Ben Fine (2001) has identified as the “revolution in and around economics” that unfolded in the social sciences over the 1990s. In essence this involved an attempt across the disciplines to transcend one of the defining features of neoclassical economics since the marginalist revolution of the 1870s - namely the particular analytical distinction set up between the economy and the “rest” of society (and that led to the analytical preoccupation with the former as market relations). The result of the attempts to transcend the marginalist revolution in the 1990s was an intensified attention within the discipline of economics to a growing set of “non-economic” activities and concerns that could expand its explanatory and reformatory repertoire: extending the application of market-based schema and grids of intelligibility to the “non-market” arena in new ways and igniting an interest in social, institutional and customary variables and forms of behaviour that had hitherto largely been neglected as too complex, irrational or non-optimising (embeddedness, trust, social networks, cooperation, and so on). Alongside this has been a search for methods for their measurement and analysis (for which the work of Robert Putnam on social capital for

10 There is a good coverage of the ways in which these particular concepts were taken up and developed in the field of development in this period, and in particular by the World Bank: see for example Harriss (2001); Fine (2001); Cooke and Kothari (2001); Kwame Sundaram and Fine (2006).
example proved particularly influential - see Harriss, 2001) and explorations into the possibility of developing a “generalised morality” that can support market mechanisms (see for example the work of Platteau (1994) and Moore (1994) in the *Journal of Development Studies*). With mixed results and reception, such developments nevertheless began to filter down into the policy of the World Bank that was adopted under the Wolfensohn presidency (between 1995 and 2005). Its effects were also evidenced in the emergence of a whole new range of sub-disciplines and technologies that were animated by the spirit of “the new economy” (such as the new institutional economics, the new political economy, the new development economics, the new household economics, and so on) (Fine, 2001). We should be clear here when invoking the “newness” of these developments that *economics* has long had a concern for the *non-economic* - and in particular that one of the defining objectives of neoliberal governmentality has precisely been this deployment of a certain form of economic analysis to the social domain: the generalisation of the economic form of the market throughout the social body and to phenomena which since the nineteenth century had been defined in opposition, or complementary, to the economy (see in particular Foucault’s analyses of the neoliberalism of the Chicago School in his lecture series on *The Birth of Biopolitics*; Foucault, 2008). Fine (2001:11) is also clear on this point, adding that: “Only, however, with recent developments within the discipline [of economics] has it been able to offer an analysis of the social, institutional and customary.”

In these ways, while echoing *Our Creative Diversity’s* model of a dual role for culture, the cultural awareness in the practices of the Bank largely emerged in a way which did not so much bring the UNESCO report’s anthropological critique to bear on a godless, one-dimensional economics - as Cernea or the members of the WCCD might have hoped - but rather signalled the expansion of a set of economic models and techniques into the traditional territories of the “other” social sciences. At the same time, although the number of “non-economists” joining figures such as Cernea on the Bank staff continued to grow, and slowly move up the chain of command, the voting structures within the Bank have remained under the guardians of development orthodoxy, while the top leadership remains bankers whose orientations are legal and economic - and, of course, whose commitment to maintaining the Bank’s credibility with its major investors on Wall Street generally comes first (Leaf, 2006).
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We might conclude here that at the major generator of international development policy the World Bank, economics had effectively beaten anthropology in the race to the last frontier of development as it has been envisaged by the WCCD: to put this in the terms that had been set out in Our Creative Diversity, the primacy of the “instrumental” over the “constitutive” role of culture had been reasserted through the reconstructed neoliberal developmentalism of the post-Washington Consensus. There was room here for “development anthropology” but not for the “anthropology of development”, as the constitutive, constructive and creative role of culture that had been elaborated by the WCCD effectively became collapsed by the Bank and the architects of the revolution in and around economics into the elaboration of a particular model of culture as resource - one in which culture is conceptualised not so much as a resource for political recognition or a basis for the articulation of claims to cultural growth that could redeem a “soul” for neoliberal development (along with all the problems contained in such a notion), but as something to be taken into account in order to improve the effectiveness of economic models and that could provide readily identifiable assets for poverty alleviation by adding value and attracting investment in the increasingly lucrative heritage and tourism sectors. Yúdice’s observations on culture as a resource are at least partly correct here: in his analysis of the work of the Inter-American Development Bank (IADB), he had already suggested for example that such a model is a predictable outcome in such a context given the requirement for hard data and a reliable set of methodological indicators for culture that can offer some form of calculus for the approval and appraisal of development programmes and investment (Yúdice, 2003:15-16).

However this observation is also to gloss over the particular ways in which the nature of culture as a resource has been contested between UNESCO and the more orthodox development institutions. The kind of lament that had been circulated by UNESCO prior to the Stockholm conference in 1998 concerning the state of existing measures and priorities for culture in international development was still being echoed several years later by those who remained unconvinced by the advances claimed by the recent revolution in economics and who pointed to problems in the way that it had attempted to bridge the gap between culture and development. Explanations largely centred on the problems with operationalising a properly anthropological and holistic concept of culture, alongside the “imperialism” of economic models and the lack of meaningful reform in national and international development projects. Lourdes Arizpe
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for example, writing for a workshop organised by the World Bank in 2002 on the theme of culture and development - which drew contributions from a panel including anthropologists such as Mary Douglas, Arjun Appadurai and Michael Cernea\(^\text{11}\) - reflected on this lack of action 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) Cernea identified the source of the problem in a widespread inability and reluctance to fuse cultural and economic disciplinary frameworks in a way that retained the anthropological richness and vitality of the former, and put much of the blame on the dichotomy created at the end of the Second World War between the work of the World Bank and UNESCO which had “put culture in one pot and development in a totally different pot and that wrecked culture and development for five decades and continues to do so.”\(^\text{12}\)

Despite such laments over the results of the work of the Decade however, UNESCO was by now finding a more receptive audience for its work, with its embrace of new partnerships among the Bretton Woods institutions and the broader development community of donors, investors and NGOs, as well as its emergence as the platform for the cultural diversity agenda, symptomatic of a return to relevance in international society and debate. Most symbolic of all was the announcement in 2002 by the US of its decision to return to the organisation after an absence of almost 20 years - a decision made all the more remarkable since it was made under the Presidency of G.W.Bush (a Presidency that matched Reagan’s in its level of hostility towards international institutions), who endorsed the organisation and the reforms that it had carried out since the 1980s (Bush, 2002). As we will examine in the next chapter, the US re-entry had a double significance: it signalled on one hand the return of UNESCO as a “universal” point of reference on questions of international cultural regulation and development, but on the other it created a new faultline within this consensus on the question of the trade

\(^{11}\) The World Bank has made video recordings of the contributions to the 2002 workshop available to view online at: [http://www.cultureandpublicaction.org/conference/conference.htm](http://www.cultureandpublicaction.org/conference/conference.htm). Many of the written contributions were also collected in the World Bank publication *Culture and Public Action* (Rao and Walton, 2004); Arizpe’s contribution was published in this collection as Arizpe (2004).

\(^{12}\) Cernea’s contribution to the World Bank workshop is available to view at: [http://www.cultureandpublicaction.org/conference/conference.htm](http://www.cultureandpublicaction.org/conference/conference.htm)
in cultural products. Tracing the rehabilitation of the organisation over the neoliberal era is crucial in situating the emergence of the more recent faultline over the framework of cultural development that was adopted at UNESCO in the decade after Stockholm, and so before going on to examine this in more detail it is necessary to dig a little further down by examining the reforms that were carried out at UNESCO over the 1980s and 1990s.

### 3.3. Overcoming cultural “misunderstandings” at UNESCO: The road from Mexico City to Stockholm

The most significant effect of the Intergovernmental Conference on Cultural Policies for Development in Stockholm in 1998 lay less in the content of the Action Plan that was adopted than in the nature of the gathering itself, since this initiated the kind of political dynamic that was necessary to begin to breathe life into the agenda for cultural development as it had been conceived by the WCCD. 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. UNESCO’s 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)

An intergovernmental gathering on this scale and with such a wide range of participants all marked something of an event for UNESCO, which over the 1980s and 1990s had found itself at risk of floating away on a cloud of irrelevance since the high that had been reached at the MONDIACULT conference in Mexico City 1982. In seeking a greater political impact for the work of the Decade, and indeed for the credibility of the organisation itself, UNESCO was particularly keen to make clear prior to the conference that Stockholm would be a gathering of a different nature to those that had characterised the past, referring in particular to the period bracketed by Nairobi in 1976 and Mexico City in 1982 (UNESCO, 1998a). Stockholm presented an opportunity for the organisation not only to revive the kind of political scale and ambition of such events, but also to reinvent cultural policy in the neoliberal era and to present a new face to delegates:
The success of future cultural policies will greatly depend on whether the relationship between culture and development can be effectively integrated and on the capacity of policy-makers to achieve results cross-sectorally...In reviving its own tradition of intergovernmental conferences on cultural policies, UNESCO itself must radically renew that tradition as well. The Stockholm Conference has been designed, therefore, to enable governmental delegates to interact more directly with representatives of civil society. By the same token, instead of seeking to adopt solemn declarations and resolutions it will seek practical outcomes.

(UNESCO, 1998a)

This change was partly a sign of the times, reflecting a concern to work more closely with, and through, the new agents of development, namely the “dynamic forces” of international civil society and the private sector. The conference had therefore been deliberately designed to allow government ministers and cultural leaders, artists, intellectuals, scholars, and media personalities, to interact and debate (see UNESCO, 1998a), and in celebrating the adoption of the Plan following the conference Mayor had made a particular point to “highlight the importance of the Conference in establishing a link with the private sector.” (UNESCO, 1998b) These were all key themes at Stockholm, and after the work of the Decade UNESCO was at pains to put them centre stage. 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, and this was now being repeatedly stressed as an imperative if the conference was to inaugurate more than just another decade of hot air.

This shift by UNESCO evident at Stockholm - building links with civil society and the private sector, alongside a greater pragmatism in its goals - was also borne out of a more pressing set of concerns, stemming from the ongoing fiscal problems facing the organisation and persistent pressure regarding the need to reform and recover international political credibility. These pressures had been mounting since the last major intergovernmental gathering in Mexico City in 1982 had effectively split the organisation in two, and so Stockholm offered an opportunity to open a new phase in the organisation’s work - particularly concerning the relationship between culture and development, which had been at the heart of the disagreements of the 1970s and 1980s. The withdrawal of the US (1984) and UK (1985) following the controversies of Nairobi, the MacBríde Report, MONDIACULT and NWICO under the tenure of M’Bow (see chapter one) had resulted in a 30% cut in its annual operating funds and put it under a
number of pressures to reform at the same time as it found itself increasingly left out in the cold with the rise of international neoliberalism under US leadership (symbolised by the emergence of the Washington Consensus as a response to the international debt crisis).

The marginalisation of UNESCO from the mid-1980s was consistent with the intensification of US policy in this period of denying funding and cooperation to UN agencies and related organisations that operate according to some minimal standard of majority decision making and full participation of their members. The *United Nations Conference on Trade and Development* (UNCTAD) for example, which had been the Third World platform for the *New International Economic Order* (NIEO) alongside the calls for NWICO at UNESCO, experienced a similar marginalisation to UNESCO, while institutions which could be more easily influenced, notably the World Bank and IMF, were given greater priority - along with the shift to administering a greater proportion of economic and developmental assistance through bilateral channels (which allow for greater political influence, particularly over countries with less bargaining power). In these ways, the US sought to prepare the international environment for forms of deregulation and privatisation that would maintain “open doors” for transnational corporate enterprise (and in the particular case of UNESCO, for the West’s, and Japan’s, increasingly significant information, communications, electronic and entertainment sectors). As Thomas Gulick, analyst for the Reaganite think-tank *The Heritage Foundation* had put it on the eve of the announcement that the US would withdraw from UNESCO:

The US must provide a powerful free enterprise alternative to the NIEO - a kind of Freedom in Free Enterprise strategy for free market development in the developing world…The West must begin to use its economic weapon to stop the NIEO plan. Funds should be cut to UNESCO programs advocating NIEO concepts, the New World Information and Communication Order, or the New World Culture Order. If these ideologies persist and the UNESCO effort to curtail Western cultural industries and mass communications businesses continues, all US funds to UNESCO, assessed and unassessed funds as well as US funding of UNESCO through United Nations Development Program, international lending institutions, and regional banks, should be discontinued.

(Gulick, 1982)

Following the US’s withdrawal, the establishment by the Reagan administration in 1985 of the *U.S. Reform Observation Panel for UNESCO* ("To assess the reform
process in UNESCO and to encourage reform efforts that advance U.S. interests”, as a memorandum by William Harley from the US Department of State put it; Harley, 1985) is symptomatic of the hostile atmosphere in which UNESCO came to find itself in this period. By 1989 it was being observed among members of the US scientific community that unless UNESCO was to win the US and UK back soon, “its present state of temporary weakness may degenerate into permanent impotence.” (The Scientist, 1989: 364) Mayor had been elected in 1987 on a platform intended to address some of these crises gathering at UNESCO, and steps were quickly taken to address many of the key concerns of the organisation’s critics, notably in the preparation by Mayor between 1987 and 1989 of the **Medium-Term Plan** for 1990-1995 (see UNESCO (1990) for the finally approved version). A range of issues were highlighted, including management structures and efficiency and the holes in the organisation’s budget, but at the top of the list was the issue of “politicisation”: the term that had come to be used to refer to the organisation’s unfortunate departure from the “universality” of its original mandate - or, in other words, what the US and UK in particular accused of being the “anti-Western”, communist and anti-freedom-of-press agendas of its management, appointment and decision-making procedures, and programmes such as NWICO. The reform measures proposed by Mayor detailed a readiness to take on such issues and prompted calls from a number of groups within the US (such as the National Academy of Sciences, the American Association for the Advancement of Science, the American Bar Association, the American Chemical Society, and the National Education Association) that UNESCO had already shown “enough progress under Mayor’s leadership to deserve renewed membership.” (The Scientist, 1989: 364) Suggestions also came from the State Department that the US would consider rejoining if Mayor’s plan was adopted by enough member states (Washington Post, 25th February 1989), while endorsements even came from the United Nations Association in New York (a foreign policy research group co-chaired by Henry Kissinger and Cyrus Vance), whose panel looking at UNESCO announced in 1989 that the organisation had “made clear and undeniable progress in correcting all three problems [poor management, runaway spending, and highly politicized programs]” and recommended that the US rejoin if the general conference approved Mayor’s strategic plan. (cited in The Scientist, 1989: 364)

These conditional offers of renewed support were moves which shifted the pressure to reform in UNESCO onto the supporters of “ politicisation”, since a key
sticking point of the offers was a stubborn persistence among some within UNESCO for making references to the more radical implications and concepts of the MacBride Report, NWICO and NIEO. The removal of such references within the organisation’s work had been proposed in Mayor’s drafts for the 1990-1995 Medium-Term Plan, and was a key theme of the General Conference of 1989. Mayor’s proposal had initially met some opposition from a number of members on UNESCO’s Executive Board, who expressed concerns over the lack of consultation that had been made, particularly among developing country member states, and sought to have the references reinstated. Given the internal and external pressures for reform however, references to the objectives of NWICO in the Medium-Term Plan were ultimately only included on the basis that they had resulted in a series of “misunderstandings” - and that it was now time for the organisation to dispel such misunderstandings by moving on and recovering its properly “universal” mandate in a forward-looking spirit of consensus, pragmatism and reform. In a section dealing with how the NWICO agenda had tarnished the organisation’s image, the adopted Medium-Term Plan noted for example that now that UNESCO: “is setting out on a path of innovation, it is perhaps the time to take the lessons of past experience to heart and to explore the possibilities of a new strategy whereby the Organization’s global objective may be attained in such a manner as to dispel the misunderstandings.” (UNESCO, 1990: 117) In other words, NWICO was now officially on the wrong side of history, as were any stragglers who were preventing UNESCO from catching up with it.

The path out of NWICO was also opened by a change of course by many of the developing country members in this period, as “the ‘triumph’ of liberal economics in the developing world” (Biersteker, 1995) over a decade of debt crises and economic collapse was expressed in the decline of national developmentalism and dependency theory and their eclipse by the project of neoliberal globalisation and the development discourses of global integration through competitiveness and structural adjustment (Hoogvelt, 1987; Harriss, 1987). This was combined with the change in the geopolitical stance of the Eastern Bloc over the 1980s, which had in practice often served to reinforce some the Non-Aligned demands at UNESCO against Western dominance in information and communications. This move away from the oppositional politics of the previous decades

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13 See the guidelines for redrafting Mayor’s Medium-Term Plan that were suggested by the Executive Board in Item 4 of UNESCO (1988a); and the warnings such as those made in The Scientist (1989:365) regarding the Executive Board’s jeopardising of US support for UNESCO - and therefore the future of the organisation itself - by seeking to reinstate references in the plan to NWICO.
The Last Frontier of Development

at UNESCO was most clearly expressed in the form of the “new strategy” settled upon at UNESCO in 1989 and heralded in the 1990-1995 Medium Term Plan as pointing the way forward for the organisation in the 1990s: the International Program for the Development of Communication (IPDC). This provides a useful point of reference in tracing the way in which cultural development emerged from the reforms of the 1980s.

The IPDC was an initiative which had come out of one of the recommendations of the MacBride Commission in 1980 for increased cooperation and development assistance in building communications capacity and infrastructure in developing countries (concerning the provision of training, technology transfer, aid, and so on). To the extent that any formal international consensus over the recommendations of the MacBride Commission had been reached - as can be gauged for example by the resolution on the report that was adopted, after difficult and protracted negotiations, at the General Conference in 1980 (UNESCO, 1980b) - this concerned an acknowledgement of the need for such development assistance for communications alongside the recognition of countries’ rights to express their cultural identity: all within the unquestionable context, of course, of Western dominance over the administration of aid, development assistance and the free flow of information. No substantive acknowledgements in the resolution for the other key recommendations in the MacBride Report regarding the trickier questions of international order were possible to achieve: while the calls for “development”, “strengthening of independence and self-reliance”, “cultural identity”, “democratisation (access-participation)” and the “right to communicate” were highlighted as five key points for consideration in the report and had featured prominently in the demands of the Non-Aligned countries, the negotiations over the content of the resolution responding to them led only to the adoption of substantive commitments to the concepts of “development” and “cultural identity” (Carlsson, 2003:20-22). Unlike many of the other recommendations presented to the General Conference in 1980, these were causes which were uncontentious enough to maintain the kind of consensus necessary in order for them remain on the agenda at UNESCO. Most importantly they had the support of the Western countries, who hoped that focusing the debate on the provision of cooperation, aid and assistance for the development of communications capacity and infrastructure might appease the Non-Aligned countries by meeting one of their demands, bringing them to soften their overall stance and reducing the intensity of ideological confrontations over questions of international order and
regulation. The Western bloc of countries led by the US had referred to themselves as the “authors” of the IPDC (see Carlsson, 2003:23-26) and, as The Heritage Foundation had put it, settling on the IPDC as a way out of NWICO not only offered Western nations a “means to buy peace” but a commitment to keep the door open for Western-led investment and modernisation:

The West and the U.S looked on the IPDC as a means to buy peace. The Western nations agreed to increase foreign aid and the transfer of communications technology and training to the Third World through the IPDC. The G77, in turn, indicated that the Third World would cease its NWICO attacks on the West via UNESCO if the IPDC, backed by Western capital, would start to help the Third World develop modern communications networks.

(The Heritage Foundation, 1983)

Unsurprisingly, interest in the IPDC quickly waned over the following years as it became evident that it was proving to be ineffective, not least because of the lack of funds being made available to it (after the first two years in operation, Norway contributed roughly half of its small budget, with two-thirds of the other half being made up by the developing countries themselves) (Carlsson, 2003: 25). The US was most vocal in expressing concern over majority control by the G77 over the use of parts of the funds (the “Special Account”) and withheld contributions until withdrawing from UNESCO altogether in 1984. This combined with the mandate of IPDC chairman Gunnar Garbo - praised for seeing out his responsibility of defusing any “ideological” debate during his term of office (see UNESCO, 1988b) - to effectively leave the IPDC a redundant talking shop, administering the few minor programmes that were able to get off the ground with an increasingly restricted remit, ineffective bureaucracy and small budget. Even the little work that had initially come out of the IPDC provoked the familiar criticisms that had been made of NWICO: instead of delivering on its promise to bring peace and respect for Western capital and development assistance, by 1983 it was claimed that the IPDC had become a mechanism “to tap the West for billions in communications development void of any bilateral conditions”, “a stalking horse for Third World press interests”, “actively supporting liberation movements” and “terrorist groups” (with the proposal of funding for a printing press for the anti-apartheid SWAPO and ANC organisations given as an example), “proposing to correct the inequalities between the living standards of the Western industrialized nations and the developing
countries”, and ultimately for continuing “the long-range attack on the ability of the Western press and media to move freely in the Third World” (*The Heritage Foundation*, 1983). Particularly worrying in this scenario was an attempt by some to use the IPDC to gain legitimacy for a redefinition of information, to be “understood as a social good and a cultural product, not as a material commodity or merchandise”, and ultimately to have this definition accepted in international law (if that were to happen, it was warned, Western news agencies could “be accused of having no ‘right’ to sell their international wire services. The information they contain would be regarded as a ‘social good’ and the property of all. This is an overt denial of private property and, by association, of a free enterprise economy”; ibid).

In such ways, by the end of the 1980s the debate over NWICO at UNESCO had effectively been turned into a “depoliticised” and largely ineffectual concern with projects of development assistance. UNESCO’s “new path” in fact picked up the route from which it had strayed in the 1960s: after a brief detour in which it became involved in the agenda of cultural “decolonisation”, it had once again resumed the role of donor and the imperial burdens of “modernisation”; furthermore, this was now a demoted and severely restricted role, as UNESCO could no longer be entrusted to deliver any significant programmes of investment or development assistance that did not challenge the supremacy of Western capital and expertise or their regulatory and conceptual underpinnings. Along the way a commitment to the recognition of “cultural identity” had been maintained, and although what this meant exactly was yet to be given any substance, it was nevertheless now clear that it could not stand for anything that would present a fundamental challenge to the new liberal consensus: it was either commensurable with the emergent (neoliberal) rules of the global marketplace or it was fit to sit in the dustbin of history.

Despite its continued marginalisation over the 1990s, UNESCO’s own internal task of modernisation and reform continued apace, and this theme dominates the organisation’s internal records after 1989. Measures focused on management practices and structures, staff policy (a process of far-reaching staff and department cuts was soon underway as well as a review of appointment procedures and criteria, which the critics of politicisation accused of becoming biased to Third World representatives under M’Bow), addressing the shortfall in its budget (and its accumulating debt) and - most importantly and overarching these themes - continuing to work towards the depoliticisation of its
programmes (or, in other words, aligning UNESCO more closely with the emerging spirit of universalism, under the post-Cold War banner of the new world order). In the 1990-1991 Report of the Director-General (UNESCO, 1992) Mayor was already stressing that the eventual adoption of the Medium-Term Plan in 1989, and its immediate implementation in the first phase of programmes executed in 1990-1991, had finally “put an end to the controversies that had all too often given a distorted image of the Organization as a battle ground rather than a centre for co-operation” - noting in particular that “the misunderstandings connected with the concept of the New World Information and Communication Order have now been sorted out” and that UNESCO had resumed its role as “an international point of reference in the field of human rights and fundamental freedoms.” (UNESCO, 1992: XXXV)

Having drawn a line in the past in this way, the next phase in the reform of the organisation was to continue to address its financial difficulties and political limitations through ongoing reform and by seeking to work not just with its member states but also partners in civil society and business, streamlining the organisation and adapting it to a new era. This was the message that was made to resonate in the closing points made by Mayor in his 1990-1991 report:

103. The General Conference firmly reasserted the ethical mission and intellectual role of UNESCO at its twenty-sixth session [held between October-November 1991]. Today, with the constantly accelerating pace of life and events, this intellectual responsibility ties in with a time-related ethic: how, in particular, can we mobilise the world’s potential of knowledge and know-how to obtain an expert diagnosis when action must be taken urgently? ...How can we create new partnerships, not just with governments, which are our natural partners, but with the dynamic forces in civil society: non-governmental organisations, associations, universities, research institutes, private firms?

104. These questions, which are now concerned with how things are to be done rather than with the nature of the objectives, lie at the heart of the process of reflection which all of us, Member States and Secretariat alike, must continue to pursue if UNESCO is to have the multiplier effect needed to effect the transformations which the present world situation demands.

(UNESCO, 1992:XXXVI)

It is on the basis of such reforms and the path that was taken up under Mayor in the 1990s that much of the groundwork for Stockholm was prepared, and in this sense the reinvention of the organisation at the intergovernmental conference of 1998 that we considered earlier was as much a follow-up to the work of the World Decade for Cultural...
Development as it was a reflection of UNESCO’s efforts to reform the organisation and rebuild relations with those organisations (such as the World Bank), governments (the major donors among the Western bloc) and stakeholders (above all the private sector) that had been broken by the confrontational politics of the previous decades. The UK rejoined in 1997, and signals of approval for the organisation’s efforts at reform also came from the US - notably including calls from Congress over the 1990s for the President to authorise renewed membership (see *New York Times*, 19th February 1994; *Washington Post*, 20th April 2000). Continued external criticism also continued to keep UNESCO under political pressure over this time, backed up by a reliable supply of stories by hostile press agencies and groups keen to tell of the organisation’s bureaucracy, inefficiency, corruption and cronyism.\(^{14}\) Following on and off proposals to rejoin over the 1990s from the Presidencies of Bush (senior) and Clinton, G.W.Bush finally announced to the UN General Assembly in 2002 that UNESCO’s rehabilitation was complete and that the US was now ready to renew membership, taking effect from 2003 (Bush, 2002). The Bush administration’s subsequent attempts at UNESCO to water down and sink the instrument on cultural diversity before it could be adopted was widely seen as a return to the politics of the 1970s and 1980s. However, as we will see in the following chapters this analysis is quite far from the mark and underestimates the extent to which a productive consensus has come to be forged between the North and South on the question of cultural development, even without the blessing of the US.

**Summary**

In summary, we might pick out a number of key points. Although the ambitions of the World Decade for Cultural Development to gain wider authoritative recognition for culture as the “last frontier of development” had largely been eclipsed by the revolution in and around economics and the designs of the post-Washington Consensus, UNESCO’s parallel efforts over this period to emerge from the crises and international wilderness of the 1980s and 1990s did help to restore some of the organisation’s international standing. The Stockholm intergovernmental conference of 1998 was a culmination of both of these developments: it presented the opportunity for an expression of the first international political commitment to the need to take cultural diversity into account in development

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\(^{14}\) For example see *The Guardian* (18th October 1999) or *The Heritage Foundation* (2001).
Chapter 3

(however unbinding and largely empty of content this commitment remained at this stage) and, perhaps more importantly, it served to clear what was left of the poisonous atmosphere left over from the meetings of the 1970s and 1980s, announcing UNESCO’s new openness to the spirit of neoliberal development. The path to “depoliticisation” that was laid from Mexico City to Stockholm buried beneath it some of the international fissures that had given rise to NWICO and in the process demonstrated the limits within which culture as concept and political claim could have any place in the new world order of neoliberal globalisation. The ultimate outcome of the struggles over NWICO was a consensus around a set of principles that development in the cultural sphere be achieved solely through participation in international processes of trade and investment under the international hegemony of neoliberalism. Nevertheless, over the following years this consensus provided the basis for a broad North-South alliance that would eventually attempt to turn the tables on Washington at UNESCO. Over the following three chapters we will look in more detail at the nature of this consensus and examine the particular ways in which the themes of the Stockholm conference came to be developed into the framework for cultural regulation and development that took shape in 2005.
The Last Frontier of Development
Part II
The Search for Consensus
Introduction
A new consensus and a new fault line emerge at UNESCO

In the previous chapter we examined the ways in which the World Commission on Culture and Development (WCCD) had set out an ambitious “anthropological” critique of the Washington Consensus model that dominated international development in the 1980s and 1990s, calling for a new international framework of regulation and intervention based on a particular model of the dual role of culture, and calling for a concern for cultural diversity to be placed at the centre of a new global ethics. In this way the WCCD offered a proposal for what the “last frontier” of development might look like beyond the end of the World Decade for Cultural Development in 1997, with the centrepiece work of the Decade, Our Creative Diversity, opening by stating that: “We are providing the groundwork. Our hope is that others will move forward and build on it.” (UNESCO, 1995: 11) Although we also saw how this hope had initially been frustrated by the particular ways in which culture came to feature in the revolution in and around economics and the reconstructed neoliberalism of the post-Washington Consensus, the dual role of culture and cultural diversity were nevertheless picked up again as defining causes at UNESCO following the Stockholm intergovernmental conference of 1998, and put at the centre of a burgeoning campaign that ultimately secured the adoption of a binding international instrument in the form of the cultural diversity Convention in 2005. The fact that its adoption was secured through the vote of an overwhelming majority against the wishes of the US, and against the general momentum of trade liberalisation at the WTO, has been seen as finally marking an international political consensus behind an alternative framework of cultural regulation and development to that offered by the orthodoxies of neoliberal globalisation. In this way, despite its many weaknesses as an international instrument, it has taken “a first step to filling the existing lacuna for cultural values and interests in international law.” (Beat Graber, 2008:157)

The process of reform at UNESCO initiated under Director General Federico Mayor has also continued apace following Stockholm, with the tenure of his successor - the Japanese diplomat Kōichirō Matsuura (which ran from 1999 to 2009) - characterised by an intensification of Mayor’s efforts to bring the organisation into line with the new
The Rules of the Cultural Marketplace

spirit of the times: policing its ideology, streamlining bureaucracy, cutting staff and costs, adapting its programmes to ongoing scientific and technological developments (notably in biotechnology and the information society), restoring the organisation’s international political credibility and courting the approval of its major donors. As we also saw in the previous chapter, the reforms initiated under Mayor have been necessary conditions for restoring the organisation’s viability and credibility in the neoliberal era. Although Matsuura’s tenure met familiar resistance from the beginning (provoking protests and even hunger strikes from staff at the prospects of deep cuts and reform, and drawing accusations from a number of delegates at UNESCO that Japan had been “buying and bullying” developing country members in a bid to secure leverage at the organisation) it has nevertheless been successful in meeting the central objectives of the platform on which he was elected by the majority of UNESCO’s members: to woo back Washington and restore “the indisputable status of UNESCO as a unique universal organisation.” (Ministry of Foreign Affairs of Japan, 1999; UN Wire, 1999)

The two broad developments since Stockholm that we have outlined above - the emergence of the campaign for cultural diversity centred on UNESCO, and the organisation’s recovery of international political credibility and standing (as well as almost a third of its budget) - have brought UNESCO a level of attention and a relevance to questions of international regulation that it has not seen since the days of NWICO. However, these developments have also served to highlight the emergence of a new fault line of controversy as the organisation has become a platform for the long-standing transatlantic and North American debate over what kind of regulatory framework is most appropriate to govern the trade in cultural products.\(^1\) As this debate began to take on an increasingly international character and intensity in the years following Stockholm, principally through the diplomatic initiatives of Canada and France but also reflecting the concerns of a range of countries that had previously had little stake in the debate (and notably including the new trade heavyweights China, India and Brasil) a critical mass began to emerge asserting the need for an alternative source of international cultural regulation to that offered by the WTO and calling upon UNESCO to intervene, on the grounds of cultural diversity, in what had previously been a matter for dispute in international trade fora. These developments were serious enough to provoke the

\(^1\) See chapter two for more detailed coverage of the trade and culture debate.
Chapter 4

anxieties of the US International Trade Administration which, in response to concerns over the future of the American film and television sector, quickly moved to express its objections to what it described in 2001 (when it was still boycotting UNESCO) 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) For observers in France and Canada, the American decision to rejoin UNESCO was interpreted not only as a reflection of the country’s official approval of the organisation’s reforms, but also as signalling its realisation of the need to be within the organisation to fight the treaty as the drafting process for the Convention formally got underway in 2003 (Le Devoir, 2005; Byers, 2005). In these ways, UNESCO’s new role in providing a “universal” point of reference for cultural administration in the neoliberal era has come to be fractured internally over the question of the rules governing the trade in cultural products.

This chapter seeks to draw out the main features of this new politics that we see emerging at UNESCO today. In doing so it is split into three sections. In the first section it is argued that the political and analytical attention accorded to the adoption of the Convention has over-emphasised the significance of the new fracture at UNESCO over trade and culture while missing what is arguably the more significant development over the previous quarter of a century: the shift in the terrain of controversy concerning questions of international cultural regulation and development. It is argued that the significance of the recent fallout at UNESCO lies less in reflecting the contemporary salience of conflicts between culture and global capitalism, as is often assumed, but rather in demonstrating the extent of political concern for the stakes that have come to be attached to the management of culture as a resource for industrialisation, trade and development through the medium of the global market. This theme is developed in the second section by examining in more detail how the principle of the dual nature of culture that had been elaborated by the WCCD has been given political and legal content following the Stockholm conference of 1998 as it became articulated in the intensified debates over trade and culture. It notes in particular how France, the European Union and Canada have led this campaign as they have sought to “soften” the application of WTO rules in the cultural sector, but also notes that they have been unable to monopolise the drafting process at UNESCO - not only due to US opposition but also due to the presence of a number of other claims regarding the purpose of the Convention. Finally,
the third section turns to explore these developments at UNESCO in more concrete terms by considering the particular example of cultural policy reform in China, which became the first major test case for the new rules of the cultural marketplace in 2009 as part of a high-profile dispute with the US at the WTO. This case can be used to draw out a number of aspects of the new politics of cultural development as they are becoming manifest both within China and internationally, introducing themes that we will revisit over the following two chapters.

4.1. “The causal link uniting two complementary attitudes”: the rapprochement of culture and the market at UNESCO

4.1.1. A new balance between trade and culture

The Canadian trade lawyer Ivan Bernier, who has been one of the foremost experts working on the Convention since his involvement in the first drafts of an international instrument on cultural diversity that began to circulate in Canada in 2002, has noted that the main task of the groups that worked on finalising the text at UNESCO between 2003 and 2005 was one of “legal rapprochement”: to meet the demands of the coalition gathered at UNESCO that were calling for a new balance between trade and culture (Bernier, 2009). This was also a process of political rapprochement, and its completion signalled what was widely heralded as a new progressive consensus on principles of international cultural regulation: the near-unanimous adoption of the Convention had served not only to expose the US’s isolation on the question of trade and culture, but also to finally bury some of the divisions of the past in the form of a binding international treaty with significant political support. Through its “dual” economic and cultural provisions, and its attempt to recognise the concerns of a large number of both developed and developing countries, as well as civil society and the private sector, the Convention has been celebrated for accommodating a variety of claims in a way that had seemed impossible only twenty years previously: “The elephants and eagles could converse with mice” was how the Jamaican representative to UNESCO referred to the passage of the Convention following its adoption at the 2005 General Conference; “without cultural pluralism, we choke,” added Brazil culture minister Gilberto Gil; “it guarantees the survival of minority cultures,” noted his Guyanese counterpart; “a real antidote to globalization,” in Mauritania’s view (cited in Le Monde, 2005). The European
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Commission, which had been delegated to negotiate the Convention on behalf of the European Member States, referred to the emergence of “a consensus that the international community has never before reached on a variety of guiding principles and concepts related to cultural diversity.” (European Commission, 2005). Reflecting on his experience as president of the inter-governmental committee that was responsible for the final stages of completing the draft of the Convention between 2004 and 2005, Kader Asmal noted that its adoption had finally marked not only the first formal step taken to address global inequalities in flows of cultural goods and services, but also a transcendence of previous North-South divisions on cultural matters - resulting in “the most innovative platform for international cultural co-operation that the world has ever known.” (Asmal, 2006:355-6)

Underpinning such statements about the new consensus at UNESCO, and at the heart of the provisions making up the new framework of cultural regulation and development, has been the principle of the dual characteristics of cultural products. This was given particular emphasis by Director-General Matsuura in commenting on the significance of the Universal Declaration on Cultural Diversity, which contained among its provisions the first formal international recognition of “the specificity of cultural goods and services which, as vectors of identity, values and meaning, must not be treated as mere commodities or consumer goods.” (UNESCO, 2001a: Article 8) Matsuura sought to emphasise in particular that with the adoption of the Universal Declaration, campaigns for cultural recognition and rights could now be squared with campaigns for the special treatment of cultural goods and services in the context of trade liberalisation, thus finding common ground for an agenda for cultural development and finally paving the way for a binding international treaty in a way that would cement the efforts of the WCCD and UNESCO over the previous decade:

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, 2001a: Foreword by the Director General)

This confluence of agendas has indeed marked an important development in the international debate, with the formulation of the dual nature of cultural goods and
services presented as the basis of a set of measures that transcend past divisions over the international regulation of culture. However, it is important at the outset to address a number of claims that have been made about the nature of this new consensus in order to assess its implications in the provisions of the Convention and the new agenda for culture and development more broadly. The way that the Convention has been framed at UNESCO has tended to present a one-dimensional picture of the consensus and this has been reflected in commentary and analysis. Observers from the field of international relations and communications that have examined the new consensus have generally assumed that the US’s opposition to the tide of support behind the Convention is a sign of its isolation in the face of a progressive, anti-neoliberal coalition to “defend” culture from the logics of capitalism and imperialism - or even as a sign that the spirit of NWICO had been reborn at UNESCO (see for example Mattelart, 2005; Inter Press Service, 2005; Moghadam and Elveren, 2008). Moghadam and Elveren (2008) have interpreted the Convention in this way for example as an expression of a conflict between the forces of cultural diversity and alterity on the one hand, and those of capitalism and globalisation - which they largely conflate with American power - on the other. As this conflict reached its climax during the intergovernmental drafting committee, with vigorous lobbying by the US delegation and coordinated efforts by US and Japanese delegates to weaken the Convention’s standing in international law, they argue that the resulting text is an instrument that sets out a body of provisions on behalf of cultural diversity that have been compromised by a series of “concessions” to “the power of capital” - and thereby giving “economics” the final say over “culture”:

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 intergovernmental debates within the UN.

(Moghadam and Elveren, 2008: 751-2)

Such accounts present a profoundly misleading analysis of the Convention, and can be used here to draw attention to two important points. First of all, by situating the Convention this way, Moghadam and Elveren reproduce the kinds of analytical
frameworks that characterise the technical-legal and cultural-economy approaches to the trade and culture debate that we considered in chapter 2, while operating with a problematic, foundational concept of culture - as if it is at one end of a spectrum with “economics” and “the power of [American] capital” at the other (see chapter two for more detailed critiques of these analytical and conceptual frameworks). One of the implications of such approaches for understanding the new consensus here is that it cannot account for the role that has been played by the constellation of interests that have brought the cultural diversity agenda to UNESCO - whose concern has not been to “shield” cultural from commercial concerns but precisely to raise the problem of cultural diversity as *simultaneously* a matter of commercial and cultural administration. To illustrate this point here it is only necessary to reiterate that the US position, rather than attempting to water down the instrument in a way which sought to “trump” culture with economics, has been to object to the Convention precisely on the grounds that it establishes a framework of regulation for the trade in cultural products in a way that encroaches into the regulatory domain of commerce and therefore exceeds UNESCO’s remit as a cultural organisation. These objections were clearly raised on several occasions by the US State Department (US State Department, 2005), the US ambassador to UNESCO Louise Oliver (US Mission to UNESCO, 2005) and by Robert Martin of the US delegation to UNESCO, who wrote the delegation’s final statement of opposition to the draft text by asserting that:

> This convention is not about culture…In fact, the trade agenda was so compelling that we even had to bend UNESCO’s long-established rules to accommodate the participation of the European Commission, which has competency for trade, not culture. Because it is about trade, this convention clearly exceeds the mandate of UNESCO.

(Martin, 2005)

In other words, and in contrast to the kinds of accounts of the consensus behind the Convention that we have seen above or in the earlier discussions of the trade and culture debate (see chapter two), it is important to be clear that it has been the attempt by the Convention’s supporters to create some form of authoritative recognition of the link between the commercial and the cultural at UNESCO as a principle within international administration - while the US has maintained that they should be kept apart, asserting the need for a division of competencies between UNESCO and the WTO - that has given UNESCO its recent significance as an arena of international norm creation. An
instrument dealing only with culture and identity in a way that made no such reference to the rules of international commerce (and that therefore posed no substantive threat to the internationally dominant market positions of major exporters) would barely have sent out a political ripple, and would have kept UNESCO safely in the role of issuing harmless pronouncements of a declarative stature. Indeed, in a press conference following the adoption of the text, the US Ambassador to UNESCO was forced to acknowledge with regret that the US’s return to the organisation in 2003, and its subsequent efforts in opposing the Convention, had had the effect of focusing international attention back on an institution which normally produced instruments about which “nobody cares, neither before, neither after.” (US State Department, 2005)

The second point that we should emphasise in clearing up some of the misconceptions about the new consensus over the Convention is to note the way that this latest controversy at UNESCO between the US and the Franco-Canadian led coalition has come to revolve around the rules governing the international production and trade of cultural products. In this sense the significance of the recent fallout at UNESCO lies not so much in demonstrating the contemporary salience of conflicts between culture and commerce, but rather in demonstrating the extent of political concern for the stakes that have come to be attached to the management of culture as a resource for investment, industrialisation, trade and development through the medium of the global market. This has marked a notable change in the terrain of controversy at UNESCO and signalled a shift in the organisation’s stance towards the long-standing problem of how to define culture and its relationship to international administration: whereas it previously had approached culture and commerce as separate domains, and indeed had come to stand as an institutional buffer between them by the 1970s and early 1980s, through landmark standard-setting instruments such as the Convention it has today become an agency promoting their engagement. In doing so it has offered a solution to the problem of how to give some form of substantial recognition to the developmental potential of the anthropological and sociological components of culture - what the WCCD referred to as its constructive, constitutive and creative role - by emphasising the particular nature of cultural goods and services as carriers of “identities, values and meanings” in the new global economy of cultural production and intellectual property.

4.1.2. The multiplication of the enterprise form
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To illustrate this recent shift in UNESCO’s approach to cultural regulation and development in greater depth here, it is useful to briefly set it against the pre-reform period of the Nairobi General Conference, MONDIACULT and the MacBrìde Commission. Consider for example the following, from two of the landmark events at UNESCO in the 1970s and 1980s: 1) from the 1976 Nairobi Recommendation on the Participation by the People at Large in Cultural Life and Their Contribution to it 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 might compare the above examples with examples of the work now being carried out at UNESCO in response to the adoption of the instruments on cultural diversity in the 2000s: 3) UNESCO’s overview of the contemporary role of cultural industries in development; 4) the organisation’s recent attempts to measure levels of global diversity in film and video production and 5) the work of the UNESCO initiative Global Alliance for Cultural Diversity (GACD), which has been established in order to assist attempts to build cultural industries in developing countries by generating international public-private partnerships and programmes of international investment and assistance:

3. The cultural industries, which include publishing, music, cinema, crafts and design, continue to grow steadily apace and have a determinate role to play in the future of culture. …The world map of these industries reveals a yawning gap between North and South. This can only be counteracted by strengthening local capacities and facilitating access to global markets at national level by way of new partnerships, know-how, control of piracy and increased international solidarity of every kind.

   (UNESCO, 2009a)
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4. 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.

(UNESCO Institute for Statistics, 2009)

5. 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 recognize 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, 2009a)

In examples 1 and 2 we can see some of the ways in which the aims of “humanising” and “democratising” culture that characterised the NWICO and NIEO campaigns at UNESCO were opposed to the designs of international trade and commerce and their attendant models of the cultural industries. The attempt to broaden the meaning of culture and the scope of cultural policy in this period to encompass a broader array of ways of life was part of a search for forms of national political independence and economic development outside of such “imperialist” designs, categories and prescriptions (also see chapter one). In the more recent examples 3, 4 and 5 this uneasy relationship between culture and the market is less evident: the aim is not so much to insulate culture from processes of industrialisation and marketisation but rather to improve the conditions necessary for the growth of cultural industries and their integration into international circuits of production, investment and exchange. With the traditional national cultural policy projects of civic formation increasingly seen to be losing their effectiveness in the context of globalisation, and with cheaper and faster production and distribution systems making it possible in theory for producers to market products to overseas diasporas and ever larger audiences, it is recognised that the most effective means of realising the expression of different ways of life today is through the medium of international production, trade and consumption (hence the motto of the GACD: “Sustaining Cultural Diversity Through Cultural Goods and Services”). As such, it is stressed by the GACD that effective cultural policies for development should place their emphasis upon remaining open to international flows of cultural content and information while developing the competitiveness of local cultural enterprises and their
place in the international market, through measures such as improving their access to finance and providing appropriate forms of market policy and infrastructure (with a particular emphasis on providing appropriate frameworks of copyright and neighbouring rights). This puts the emphasis of cultural policy onto implementing favourable legislative and fiscal reforms for cultural enterprises, building capacity in the cultural sector and reforming the work of cultural institutions and creators so that they are more able to take advantages of the contemporary opportunities that are available to market their work domestically and internationally. The GACD programme Capacity-Building in the Senegalese Music Sector between 2008 and 2009 for example worked with Senegalese policy makers, musicians and others involved in the development of Senegal’s music industry in order to improve knowledge of “how to design and manage websites at lower costs, cultural business administration dealing with legal issues, events driven communication, and management and accounting.” (UNESCO-Global Alliance for Cultural Diversity, 2009b)

Measures such as this address real concerns of the cultural sector in developing countries, but have generally been slow to be taken up by governments and cultural ministries in much of the South, where the interests of the cultural industries have tended to be a low priority in cultural policy. This has been a key issue in the Caribbean for example, where an attempt is currently underway by local stakeholders and international development agencies to bring the region’s cultural policy into line with the requirements and possibilities created by the new global economy:

The Caribbean enjoys a competitive capability in cultural production however the problem is that the creativity of our artists has not been backed up by an entrepreneurial, managerial and marketing capability from within our business sector nor has there been strong state support, facilitation or leadership. This is the essence of the problem that plagues several sectors of the cultural industries in the region.

(Nurse, 2008:2)

It has been in recognition of this problem across much of the developing world that complementary strategies have been drawn up by UNESCO’s sister institutions,

2 The GACD’s emphasis is on promoting greater awareness and improved regulation of intellectual property, which is stressed as the most important factor in developing the conducive business environments necessary to allow cultural industries to grow: “Copyright protection encourages and rewards creative work, ensuring that creators get paid for their production, a key ingredient for the successful development of cultural industries.” (UNESCO-Global Alliance for Cultural Diversity, 2009a).
notably the World Intellectual Property Organization (WIPO)\(^3\) and the principal organ of the United Nations addressing trade and development, the UN Conference on Trade and Development (UNCTAD),\(^4\) as well as through the creation of parallel initiatives such as the “Mauritius Strategy” for small developing states (United Nations, 2005) and the *Strengthening the Creative Industries* programme for developing countries being implemented between the European Commission, the ILO, UNCTAD and UNESCO (UNESCO, 2010b).\(^5\) Again, the key advice for cultural development is the need to implement careful market reforms that can nurture creativity and empower cultural entrepreneurs:

Creativity is not a given resource. However, unlike labour or capital, or even traditional technologies, it is a resource that is deeply embedded in a country’s social and historical context. As such, it is a ubiquitous asset. This provides new opportunities for developing countries to develop new areas of wealth and employment creation consistent with wider trends in the global economy. However, the nurturing and effective harnessing of this asset may be just as challenging, if not more so, for policy makers.

To strengthen entrepreneurship, a framework must be established to improve the investment climate through appropriate market mechanisms, as well as public-private arrangements. This implies a wider development strategy where the central focus is on the creation of local enterprises with a high propensity to invest as a necessary prelude to closer integration into the global economy. Building cultural entrepreneurship has the advantage of captured local markets, but it must also be outward-looking, both regionally and globally. Because experimentation is a key to successful entrepreneurship in creative industries, rigidities coming from heavy-handed state action as well as conformity linked to market forces must be avoided. (UNCTAD, 2004:8)

As part of these initiatives of capacity building it also stressed that policy makers and cultural enterprises should seek out assistance and synergies through international capital, technology and expertise, particularly by striking public-private partnerships and forging areas of mutual commercial interest. In contrast to the spirit of NWICO, where

\(^3\) A *Creative Industries Division* was established in WIPO in 2005 to address the economic developmental impact of intellectual property policies and practices on the creative industries in order to “engage with creative industry stakeholders and carry out studies on the creative potential of nations, quantify the economic contribution of creative activities, develop practical tools for creative enterprises and entrepreneurs, and assist creators in benefiting from their intellectual property assets.” (WIPO, 2010).

\(^4\) See in particular UNCTAD’s *Creative Economy and Industries Programme*, underway since 2008 (UNCTAD, 2010).

\(^5\) We will consider these programmes in more detail in chapter six.
nationalist claims for cultural autonomy and development resulted in international antagonism and confrontation, this therefore presents new possibilities for international cultural cooperation, investment and liberalisation. As developing and emerging countries seek to expand their cultural and creative economies through media and information and communication technologies (ICT) for example, it has been recognised by the European Commission that opportunities are opened for the European media and ICT sectors in a way which sits comfortably with its priorities for the Information Society in Europe, as set out in the competitive neoliberal framework of the Lisbon Strategy or the i2010 Initiative (“a more ambitious, targeted international EU strategy for ICT that explores new markets for EU industries, improves the competitiveness of Europe’s ICT industry in global markets and promotes EU interests worldwide”; European Commission, cited in _Nordicom_, 2007). Similarly, as cultural and commercial concerns increasingly overlap in the new economy, the commercial significance of international markets reflecting diasporic and linguistic ties has also been heightened: the European Commission’s _European Agenda for Culture in a Globalizing World_ for example advises member states to take advantage of Europe’s historic language links with partner countries and regions in order to create opportunities for the cultural and creative sectors (European Commission, 2007). This can cut both ways, with many developing countries able to overcome the limits of small domestic markets and purchasing power by developing strategies for export based on considerable overseas diasporas and language links, particularly in the lucrative North.

The Convention has aimed to provide the political and economic resources for the above measures in a number of ways, in particular by promoting international development cooperation and assistance through Articles 14, 15 and 16, which are aimed at encouraging developed countries to provide preferential market access to cultural exports from developing countries while also building capacity in developing countries’ cultural industries through mechanisms such as development assistance, technology transfer, investment and the fostering of co-productions in the cultural sector (UNESCO, 2005a). The framework set out by the Convention and the parallel projects noted above also emphasise the key role of intellectual property and the private sector (the Convention highlights for example “the importance of intellectual property rights in sustaining those involved in cultural creativity”; UNESCO, 2005a:2), in a way that has responded to the action plan set out at the end of the _Universal Declaration_, which
concluded with a call for: “Recognizing and encouraging the contribution that the private sector can make to enhancing cultural diversity and facilitating to that end the establishment of forums for dialogue between the public sector and the private sector.” (UNESCO, 2001a) In chapter six we will look in detail at some of the practical effects and implications of these provisions as they have become apparent in the first attempt to implement them through the recently concluded Economic Partnership Agreement between the EU and the Caribbean regional grouping CARIFORUM. We will also see below in a study of recent measures in China how the Convention become a reference point in efforts of cultural policy reform that seek precisely to extend a domestic market revolution through which cultural enterprises can grow and compete internationally. The common theme in these two programmes of reform is an attempt to reorient the emphasis of cultural policy towards implementing a series of market reforms (decentralisation and privatisation, improving access to finance and to intellectual property protection, and so on) while also taking advantage of the new international right to national policy space that has been granted through the Convention in order to implement the protective measures that are necessary to cultivate domestic enterprises at the local level and to develop a strategy of competitive integration into the global marketplace.

For the moment however we will limit ourselves to developing a broad overview of the new consensus on culture and development at UNESCO. This consensus is set within the discursive framework that we have become familiar with under neoliberal globalisation: competitive insertion into the global market accompanied by the creation of appropriate mechanisms of good governance for the work of entrepreneurs and international development assistance, capital and expertise. The WCCD’s concern for cultural growth that we considered in the previous chapter has been translated in the form of the Convention into an assertion of the role that international agencies and national cultural policymakers have to play in reforming local deficiencies in enterprise and production as a way of addressing global imbalances in the production and consumption of cultural goods and services. After the conflicts of the 1970s and 1980s this has offered a welcome coincidence of interests in which projects of national cultural development and claims for cultural recognition and growth can be realised within the project of global integration through trade while opening new avenues for international capital and opportunities for market reform. The key normative contribution of the Convention as an international reference point for cultural regulation and intervention
lies in this concern to establish a framework in which a multiplication and differentiation of the enterprise form can take place in the cultural sector: diversity is to be achieved here primarily through building the capacity of local enterprises and production and in pursuing increased opportunities for international investment and market access.

Finally, we should note that the observation that the Convention has exposed some of the “limits” to the marketisation, industrialisation or commodification of culture - and in the process exposed the pioneering role of American capitalism as driving these processes forward - is an extremely misleading one. Rather than seeing the Convention as a symptom of a clash between culture and economics in a way which has been reminiscent of the NWICO period (as in the analyses we considered earlier for example), we might note instead that the extent to which its adoption has been celebrated as a triumph of universalism regarding cultural regulation in fact reflects the extent to which the market and the enterprise form have been established as universal points of reference for cultural regulation and development. However, in noting this point it would be equally misleading to understand the recent developments at UNESCO by reverting to the kind of critiques of cultural administration, commodification and instrumentality that were developed in response to the development of capitalism over the twentieth century. We should be wary of interpreting the new consensus around the role of the cultural industries in contemporary cultural development as signalling another step towards the degradation of culture under capitalism (as Adorno and Horkehimer might have formulated it), or as the formation of a set of rules for furthering an imperialistic corporate agenda (as Herbert Schiller and the theorists of cultural imperialism might have understood it). Not only are international political dynamics much transformed today but, as we saw earlier in discussing the arguments of Foucault, Bennett and Yúdice (chapter two), it can also be disingenuous of critique to rely on such binary models of culture and administration, particularly where this obstructs a critical evaluation of the effects that flow from contemporary programmes of cultural reform and their consequences for different groups and competing claims to political recognition within and beyond the nation-state. These are both themes that we will return to below in examining the case of China, and again over the following chapters.

Having outlined the broad features of the new consensus at UNESCO we can now turn to examine in more detail the nature of the new fault line that has emerged over culture’s status in the market order. In the following section we will look in particular at
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the way in which the key principle of the dual nature of culture that had been elaborated as part of the work of the WCCD came to be animated by France and Canada and given broader formal recognition as it was eventually drafted into the Convention against the opposition of the US.

4.2. The dual nature of culture after Stockholm and the conflict over Article 20

In the Stockholm Action Plan that was drawn up in 1998 as a follow-up to Our Creative Diversity, governments had expressed a commitment to “Promote the idea that cultural goods and services should be fully recognized and treated as being not like other forms of merchandise” but this formed only one among 51 other broad and unbinding policy objectives (UNESCO, 1998c: Policy Objective 3.12), only becoming a priority and given detailed elaboration as it was adopted as the central cause in the international campaign for cultural diversity at UNESCO over the following years. Support for this cause gathered momentum as it was emphasised and given haste through a concerted diplomatic effort from Canada and France, who had one eye on the timeframe of the WTO and the efforts being made meanwhile by the US to advance the international liberalisation agenda in the cultural sector. These pressures made them determined, as the former French Ambassador and Permanent Delegate to UNESCO Jean Musitelli (2006) documented, to work together to wrap up the Convention before the finalising of any further negotiations on the audiovisual and cultural sector at the WTO (the latest round of negotiations, finally initiated in Doha in 2001 after the debacle in Seattle in 1999, were originally scheduled to be completed in 2005). A schedule for how this could be achieved at UNESCO was suggested by the calendar of the organisation’s activities and biennial General Conferences over the coming years, with the General Conference of 2005 pencilled in by the early campaigners as a possible window for its adoption (ibid:6; INCP, 2003; for a detailed outline of the stages that led up to the adoption of the Declaration and the Convention at UNESCO see UNESCO, 2001b; 2005b).

The first significant response to the Action Plan at UNESCO was the hosting of a symposium on the theme Culture, the Market and Globalisation in June 1999, supported

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6 Jean Musitelli had long been involved in the campaign for the cultural exception as a former member of the French Ministry of Foreign Affairs, and Ambassador and Permanent Delegate of France to UNESCO, before working on the group of experts that prepared the first draft texts of the Convention at UNESCO between December 2003 and May 2004.
and organised at the initiative of France and Canada to be both a response to this particular point on the Stockholm plan and to a number of other, more recent “international factors concerning cultural goods.” (UNESCO, 1999a:7) These factors referred, on one hand, to the growing pressures for trade liberalisation and the worldwide trade in cultural products and, on the other, to the “increasingly major implications of the cultural industries” - which were now noted to be simultaneously “economic, political and cultural” in a way that had not been the case only a decade ago: “after all, the industries of the imagination, content, knowledge, innovation and creation clearly are the industries of the future as we move into the 21st century. They are also important contributory factors to employment and economic growth.” (ibid:7) Emphasising the gravity of such points the symposium arrived at a consensus view, acknowledging in particular the work of Ivan Bernier (see above) and expressed in language that would be echoed in the text of the Convention, that cultural products were distinguished by an “‘essential duality’…at one and the same time commercial objects and assets which convey values, ideas and a meaning.” (ibid:8) With the reiteration of this principle in closing addresses by the Minister of Canadian Heritage, Sheila Copps, and the French Minister of Culture and Communication, Catherine Trautmann, these became the themes that France and Canada urged should be at the centre of a UNESCO working group on cultural diversity, which was established following the 1999 General Conference later that year. The work of this group, reinforced by a coordinated effort by the French and Canadian ambassadors at UNESCO, directly resulted in the drafting of the Universal Declaration on Cultural Diversity for adoption at the 2001 General Conference (Musitelli, 2006), marking the first formal political step towards the creation of a binding international treaty.

This response to Stockholm - prioritising the question of how to situate cultural goods and services in the context of international trade, and noting the increasing economic, political and cultural importance of the cultural industries - was carried forward to the first meeting of experts delegated with the task of preparing a draft text between 2003-2004, where it was established that the Universal Declaration was too broad in scope to make for an effective instrument and that the specific purpose of the Convention should therefore be clear from the beginning: to provide for what was identified as “the need for a balance between culture and trade, and thereby the dual nature - cultural and economic - of cultural goods and services.” (UNESCO, 2004b:3)
This focus of the text’s objectives from the outset provided what Jean Musitelli, who along with Ivan Bernier played the key role in the round of expert meetings between 2003-2004, described as the “creation of a pre-project conforming to the original Franco-Canadian objectives” (Musitelli, 2006:7-8) and formed the basic parameters of the text that went into the second, intergovernmental drafting stage between 2004-2005. Although, as we will see below and in the following chapter, the drafting work completed between 2003 and 2005 was by no means free of disagreements over details, nor over the ways in which the trade issue had been foregrounded in the drafting process, the text that was ultimately approved and adopted was announced by its supporters in Canada and France as a 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 global pillar of cultural governance.” (Musitelli, 2006:9) The US Ambassador to UNESCO reacted to the same process of drafting and adoption by complaining of the aggressive way that it had been pursued by France, the European Commission and Canada both inside and outside UNESCO, and how US proposals to amend the text had proven helpless during the final drafting stage because they had worked together to ensure “that nothing in the document could be changed.” (US State Department, 2005)

Since, as we have seen, the major problem in the Convention for the US delegation lay in the way in which it blurs the regulatory domains of culture and commerce, and therefore potentially leaves unlimited scope for interference in the workings of international trade law centred on the WTO, US objections during the drafting negotiations centred on Article 20, which concerns the relationship of the Convention to other international agreements. This issue repeatedly provided the major cause of friction during the intergovernmental drafting phase, also raising the concerns of Japan, which joined the US in leading a diplomatic effort to amend Article 20 so as to weaken the Convention’s standing in relation to international trade rules. Elaborating on this discomfort with Article 20, the US Mission to UNESCO stressed that:
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Under the provisions of the convention as drafted, any State, in the name of cultural diversity, might invoke the ambiguous provisions of this convention to try to assert a right to erect trade barriers to goods or services that are deemed to be cultural expressions. That term, ‘cultural expressions,’ has never been clearly defined and therefore is open to wide misinterpretation. Such protectionism would be detrimental to the free exchange of ideas and images. It could also impair the world trading system and hurt exporters of all countries.

(US Mission to UNESCO, 2005)

In these ways, the campaign for the recognition of the dual role of culture and for its wide international adoption and ratification became implicated in the increasingly complex geopolitical games that characterise contemporary international treaty making. Analysts observed that as Article 20 became the major bone of contention in the negotiations over the drafting, the key disagreement over the Convention was “not about finding the most effective policy for different cultures to flourish…It was rather about how the new treaty - explicitly permitting the protection of cultural industries - would relate to existing free trade rules at the WTO.” (Pauwelyn, 2005) The controversy and attention that has been focused on Article 20 has continued after the Convention’s adoption, since it has left an open question regarding the relationship of the Convention to WTO rules. Article 20 states on the one hand that the Convention does not modify the rights and obligations of the signatories under any other treaties to which they are party, but also states on the other that the Convention should not be subordinated to any other treaty and that Parties shall “foster mutual supportiveness” with other treaties and “take into account the relevant provisions” of the Convention when interpreting and applying other treaties and when entering into other international obligations (UNESCO, 2005a).

Shaffer and Pollack (2008) have observed that this “strategic ambiguity” in Article 20, secured in particular by European and Canadian negotiators, is symptomatic of the broader way in which negotiators are seeking to blur treaty regimes by developing international instruments and customary principles in fora outside of the WTO that can be used to strengthen their positions in the conflicts that are now being played out in international trade - particularly given the ever-broadening scope of WTO disciplines and the implications that stem from its significant, hard law dispute settlement mechanisms. As they note in their analysis of the Convention:

The UNESCO convention could thus have an impact on future WTO negotiations and on future WTO cases involving cultural products, even where they involve a WTO member that is not a party to it. The UNESCO convention can be used, in particular, to attempt to
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constraint WTO jurisprudence so that WTO panels interpret WTO rules in a manner that treads lightly in this area, with the result that the application of WTO agreements to cultural products will be softened.

(Shaffer and Pollack, 2008: 49)

This “softening effect” on WTO jurisprudence has indeed proven to be one of the Convention’s first significant effects, as we will consider below in an examination of the recent dispute between the US and China over Chinese restrictions on the import and distribution of films, DVDs, music and other forms of published audiovisual and entertainment material. However, while such simmering trade conflicts between some of the old and new heavyweights in international trade have undoubtedly provided the main subtext of the Convention and the key political dynamic that has driven it forward, they have also tended to draw attention away from the ways in which the trade-culture problem mutated and broadened to accommodate a number of other concerns and claims as it migrated to UNESCO. The creation of the kind of effective regulatory counterparts to WTO rules discussed by analysts such as Shaffer and Pollack above is dependent on successful campaigns of diplomacy and coalition building among a range of stakeholders and in reference to an increasingly complex web of international legal and institutional frameworks. As we will see in the next chapter, although France and Canada’s willingness to broaden the terms of their campaign so as to garner wider international support and legitimacy was indeed part of their strategy to secure the adoption of the Convention, UNESCO’s established corpus of work on culture and the presence within the organisation of a large number of countries with little at stake in a contest that had hitherto largely been confined to North American and transatlantic rivalries also ensured that the campaign at UNESCO could not be based around a straightforward displacement of the concerns of a handful of states.

At the same time, it should be noted again that cultural diversity is also far too empty a signifier for its meaning to be fixed quite so easily. A reminder of this came at the first of the expert drafting meetings between 2003 and 2004 for example, at which the agreement that the text should focus on giving recognition to the dual nature of cultural products was complicated by controversy over what exactly that should mean in practice (UNESCO, 2004b; INCD, 2004). As a result, it was decided that the principles of cultural “exemption” and “exception” were too narrowly focused as a basis for such an international treaty and should be broadened in this context to “cultural recognition” in
an effort to follow a more consensual, positive approach that recognised the concerns of a broader number of countries and groups (UNESCO, 2004b:3). Such disagreements, which are not reducible to the heavyweight rivalries over trade, arose throughout the drafting process between 2003 and 2005, and it is important to bear this in mind as we turn in the next chapter to discuss the particular ways in which the international campaign for the Convention was built and how it managed to bring other countries and groups on board.

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In light of the analyses in the two sections above, we might note two main points. First, we have seen how a new consensus has emerged at UNESCO around a set of measures that are aimed at intensifying and proliferating the production and exchange of cultural goods and services in the global marketplace. This has buried some of the North-South divisions of the past over questions of international cultural regulation and development in a way which has not so much revealed the “limits” to the marketisation of culture (along with many of the analytical confusions that are contained in such a notion) as it has demonstrated the universal political and economic significance of the stakes that have come to be attached to the definition, management and exploitation of culture as a resource for commercial development in the context of neoliberal globalisation. At the same time, the provisions in the Convention that extend the right of protection to states for the development of their cultural sectors should not be misunderstood as a rejection of the basic principles of neoliberal regulation and market-led development; rather, they are a reflection of the way that a growing number of governments have come to assert the need for certain protective mechanisms in order to establish their own places in the world market in the face of American hegemony, which is itself identified as a threat to the order of commercial freedom and expression. There are some parallels here for example with the ways in which liberal political economy was invoked in the early nineteenth century by the US and European states as they rationalised protectionist systems of tariffs and legislation as part of their attempt to establish their own places in the world market in the face of Britain’s commercial
predominance and its empire of free trade (see for example Foucault, 2008:64-65). Although the situation today is obviously very different, the US has found itself confronted by a similar set of claims as old rivals and emerging and developing countries seek the policy space in which to develop their own strategies of reform in the cultural sector and to position themselves competitively within the global market.

Secondly, we have seen how the key point underpinning the new consensus - the dual nature of cultural goods and services - has been prioritised as part of the strategic webs of international political and legal norm creation that are characteristic of contemporary rivalries over international trade liberalisation and negotiation: in this case in an attempt to “soften” WTO rules regarding the treatment of cultural products and to provide backup when conflicts between trade and culture arise. In the following section we will turn to explore in more detail how these two broad developments have been playing out by turning to China, which has become one of the key test cases in the rules of the cultural marketplace - and where the stakes for the new century are at their highest.

4.3. China, globalisation and the new cultural revolution

4.3.1. The first test-case for the new rules: The WTO ruling of 2009

Since 2004 Chinese cultural policy has undergone something of a revolution paralleling the country’s wider efforts at market-led reform in the new era of global competition, encapsulated in the mission set out by the Minister of Culture, Cai Wu: “to build competitive international cultural brands and promote the influence of Chinese culture.” (Government of the People’s Republic of China [hereinafter “GPRC”], 2009) At the same time this attempt to develop and launch its own vehicles of identity, values and meaning onto the global market confronts a number of difficulties - not least the legacies of the old cultural policy which have left a weak base of domestic production unable to compete with the growing presence of Hollywood since the 1980s (and particularly...
following Chinese accession to the WTO in 2001). As the government has sought to develop capacity in cultural production China became a significant ally of the campaign at UNESCO, ratifying the Convention in January 2007 following a concerted diplomatic effort by Canada and a jet-setting mission by the Canadian Coalition for Cultural Diversity (see CCD 2006; 2007). In August 2009 China demonstrated its strategic significance in the trade and culture debate by becoming the first country to cite the new UNESCO instruments on cultural diversity in a dispute at the WTO, following a high-profile case which had been brought by the US in April 2007. This case resulted in a ruling calling upon the Chinese government to lift a number of restrictions on the import of films, DVDs, music and publications (aimed in particular at ending the government’s effective monopoly over the distribution of imported films) that were found to be in breach of the commitments that China had made in its accession to the WTO (WTO, 2009). When the main points of China’s subsequent appeal against the ruling were rejected by the WTO later that year (December 2009), this case was generally received as confirmation that “Hollywood had upstaged Beijing” (Wall Street Journal, 2009) and hailed as a landmark victory on the part of the US Trade Representative and the MPAA (Wall Street Journal, 2009; US Trade Representative, 2009; MPAA, 2009). Within weeks of the ruling the US Trade Representative was being petitioned to keep the momentum rolling at the WTO by raising the issue of China’s “Great Firewall” (which China also defends on grounds of cultural sovereignty) on behalf of Google, eBay, Yahoo! and the myriad of companies that trade and advertise through the Internet (San Francisco Chronicle, 2010). This call was quickly echoed across the Atlantic by the European Commission, which called for “a level playing field” in China for European

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8 On the Canadian Coalition for Cultural Diversity, see chapter five.

9 The MPAA had taken the initiative in urging the US Trade Representative to file the complaint in 2007, and on the rejection of China’s appeal it immediately issued a press release welcoming the ruling as a landmark in the ongoing struggle “to find creative ways to open up the Chinese movie market”, with Chairman and CEO Dan Glickman noting that: “With today’s rejection of China’s appeal, the WTO has taken a major step forward in leveling the playing field for America’s creative industries seeking to do business in China... This ruling represents a positive step in promoting the growth of legitimate U.S. movies in a market that is growing rapidly, and with great potential.” (MPAA, 2009) The US Trade Representative welcomed the ruling by noting that: “Today America got a big win. We are very pleased that the [WTO] has found against China’s import and distribution restrictions on U.S. movies, music, DVDs and publications.” (US Trade Representative, 2009)
enterprises (Economic Times, 2010) - and in the process exposed some of the limits to its alliance with China regarding the rules of the cultural marketplace. 

However, the 2009 decision has also left a number of other issues unresolved, particularly regarding the ongoing dispute over the recognition of the dual nature of culture in international trade and the right of China to reserve a number of other controls over the import of cultural products (such as caps on the number of films that can be imported into China and a system of content-review) which the Chinese government argued was necessary in order for it to be able to assess the impact of imported cultural material on national “public morals.” Working with the following definition of public morals - “the standards of right and wrong conduct maintained by or on behalf of a community or nation… that can vary in time and space, depending upon a range of factors, including prevailing social, cultural, ethical and religious values” (WTO, 2009:280) - the WTO panel went on to acknowledge the right of Members to apply “this and other similar societal concepts…in their respective territories, according to their own systems and scales of values.” (ibid:281) The Panel referred to the authority that this right had now been given at UNESCO and accepted China’s general proposition, which it had made through reference to the new instruments on cultural diversity, “that the importation of products of the type at issue in this case could, depending on their content, have a negative impact on public morals in China.” (ibid:279, fn 538) The Panel also noted in this respect that China had not invoked the UNESCO instruments as a defence to its breaches of trading rights commitments under the Accession Protocol, highlighting the extent to which China had been careful not to undermine the general principle of free trade and WTO membership (ibid:279, fn 538). 

This acknowledgement by the Panel of China’s references to the principles contained in the new cultural diversity instruments represents a new development at the WTO, with the partial “softening” of its position on culture leaving the outcome of the decision uncertain for future negotiations and disputes. An analysis of the decision by China Media Monitor Intelligence (an authoritative Beijing-based consultancy for cultural industry exporters to China) was quick to point out for example that the Chinese strategy of invoking arguments based on the particularity of cultural products had rendered the WTO decision a “half-victory at best” for exporters to China and in fact presented them with a new set of problems: “If experience offers any indication of what we can expect, it is that these sorts of non-tariff, extra-WTO tools will rise in importance
Indeed in December 2009, in a statement responding to the ruling, the Chinese Ministry of Commerce reiterated its position by referring to the principle of the dual role of culture: “China insists that cultural products have both commercial and cultural values which decide that the management of trade on such products should be different from that of general goods.” (Liaoning Provincial Online Foreign Trade Information Center, 2009) The following month the government then issued a guideline of ten initiatives to promote the development of its domestic film industry and to increase its international competitiveness between now and 2015, along with a reminder to domestic theatres that they were required to screen a quota of at least two-thirds of domestically produced films - further straining relations with Hollywood in the process (Xinhuanet, 2010; Wall Street Journal, 2010).

Reiterating the themes that were developed earlier in this chapter, the main point that we should draw attention to in this dispute is that it has not revolved around a straightforward opposition between culture and the market. As we will see in the following section, it has centred rather on the Chinese government’s attempt to articulate a new strategy of integration into the global market, precisely by asserting its right to develop a market policy for culture and to nurture the formation of competitive, export-oriented enterprises in the cultural sector: to recall once more the account of Yúdice (2003), the dispute has been an occasion for the articulation of the increasing protagonism of culture as a resource in the context of neoliberal globalisation, as it becomes a simultaneous problem of economic, social and political management. This occasion has come around dramatically in China and is already beginning to have significant international repercussions.

### 4.3.2. The new cultural revolution

By contrast with the years before the reforms initiated under Deng Xiaoping in 1979, when cultural undertakings were neither considered nor operated in such terms, they are now identified as one of the fastest growing and most profitable sectors of the economy, with 2004 figures announcing that the total added value of the cultural industries stood at $42 billion, or 2% of China’s GDP, and employed approximately 10 million people (Inter Press Service, 2006). This sector also has a powerful symbolic significance in making the transition from developing country to world power. The Global Times, the English language newspaper established in 2009 by the GPRC to compete with
international media, recently summarised this role of the cultural sector: “History tells us that as a nation becomes economically stronger, it opens up and begins to promote its culture. China was often known only for cheap or fake goods. Now, it has a chance to change such outdated opinions.” (Global Times, 2010) Reconceptualising and managing culture in this way as a resource for export-led development not only offers a vehicle for the projection of China’s “soft power” in international relations but also a way to take the country’s rapid growth and integration into the global economy to a new phase by diversifying from an emphasis on primary products and manufacturing to high-value added forms of cultural and creative production, expanding along with a disciplined workforce and a middle class consumer market whose potential for growth has become one of the holy grails of 21st century global capitalism. In the film industry for example, while average costs of production have been estimated to be 0.5% of the average cost of production in the US (and remain low despite spiralling costs elsewhere), box office revenues reached 4.3 billion yuan (US$635 million) in 2008, a 30% rise over the previous year and rising by more than 20% every year for the previous five years - making it the fastest growing film market in the world (Keane, 2006; China Daily, 2009).10 This potential is recognised as much by exporters to China as by the nascent domestic sector and those developing the new Chinese cultural policy, who are of course always keen to remind everyone that: “A cultural consumption market has developed nationwide and a golden age is around the corner.” (GPRC, 2009)

The recognition of this contemporary need to develop the strategic political, economic and social role of culture in China’s development led the government and Beijing’s Tsinghua University to establish the first national Research Centre for Cultural Industry (RCCI) in 2004. Its remit is to look into issues relating to reforms in cultural policy and the parallel elaboration of market rules for the development of a new batch of cultural enterprises and as a way of reforming the “old ways” across the cultural institutions that had been inherited from the planned economy - guided by the principle that culture has become one of the “rising industries” of the 21st century, generating

10 As the industry executives explain: “For me, from Hollywood, where there are unions and 5-to-6-day work weeks, it is impressive that the Chinese crews are able to work such long hours and for so many days...They had one day off for every 10 days of work, and that was already considered a light schedule given that many productions work straight through until the shoot is complete”; “China is the most populous market and is growing very fast...Although the box office gross is small compared to the US$9.8 billion of the United States, China is a market with continuous and strong growth.” (China Daily, 2009)
employment, income and opportunities for the expression of China’s distinctive culture and heritage: “Culture and Industry are from two completely different fields. Today the two fields are merging together and bringing out new energy.” (RCCI, 2006) In this spirit a number of high-profile projects have been carried out through the work of the RCCI across the provinces and have come to stand as paradigms for the new cultural policy:

Set up in Aug. 2004, Beijing Song and Dance Theater Co. Ltd. saw its revenue double in the second half of last year to 3.64 million yuan (US$455,000) from the first half before its restructuring. …Its major shareholder, Capital Tourism Co., has cashed in on its advantage of Beijing’s tourist market and the advertising campaign of Beijing TV Station to bring a slew of visitors to the theater by having it sign performance contracts with over a dozen Beijing hotels. …In Shanghai, a grand art center was established by incorporating six institutions including the Shanghai Theater, Concert Hall and Shanghai Symphony Orchestra, an epitome of cultural resources merging in the country. (Xinhua, 2006)

The intensification of reform in cultural policy that has followed the work of the RCCI was set out in a set of Guidelines on Deepening Reform of the Cultural System that were issued jointly by the Central Committee and the State Council in January 2006: these “require general art troupes, publishing houses, newspapers and magazines on culture, art, life and popular science, bookstores, movie studios, theaters, TV play producers, cultural intermediary organizations to gradually restructure into market businesses.” (GPRC, 2006a; China.org.cn, 2007) These guidelines were given form in September 2006 through a Five-Year Program for Cultural Development, China’s first middle- and long-term programme focusing on cultural development, which have been implemented in a tone set by Li Changchun, a senior figure in the Political Bureau of the Central Committee, who “urged society to break away from all the ideologies, practices, regulations and drawbacks of the system that hinders cultural development” and referred to the importance of such reform in order to “cultivate a batch of competitive cultural businesses to greatly enhance the overall strength of Chinese culture and its competitive power in the world.” (GPRC, 2006a) The key theme is that cultural policy and its subjects must radically adapt to the imperatives of market reform and competitive insertion into the global economy: “boosting comprehensive prosperity of cultural

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11 For more information on the work of the RCCI see: www.rcci.org.cn/en/intro.htm. In a historical twist of the kind that has become so familiar in the contemporary era, Tsinghua University is also where the first organisation of Red Guards was formed in 1966 (Chesnaux, 1979).
undertakings and rapid growth of cultural businesses” (GPRC, 2006a), while generating “cultural companies with capacities for independent innovation, famous brands and proprietary intellectual property rights.” (GPRC, 2006b) Cultural policy in this context must therefore widen its concerns by implementing reform that recognises the importance of setting the right regulatory environment for the formation and work of cultural enterprises - decentralisation and privatisation, improved access to finance and technology, the extension of copyright protection and enforcement, and so on - in short, to transform the work of cultural institutions and companies through the competitive pressures and opportunities offered by market reforms and international flows of trade, investment and tourism.

These objectives have been pursued through a number of measures and have been matched by continuous growth of the cultural industries (15% per year since 2004 according to one estimate - which, unlike other sectors, has largely been unaffected by the financial crisis, even though cultural industries still only make up 1% of Chinese listed companies; *International Network for Arts and Business*, 2010). As decentralisation and privatisation have been pursued, the key issue has been improving the access of reformed cultural enterprises to finance and designing financial products and information specifically tailored to the cultural sector. To this end the Ministry of Culture has established strategic partnerships with financial institutions to provide capital for projects to a value of more than 6 billion yuan/US$879 million so far (including the dance show *Tea*, the cultural theme park *Song City* in Hangzhou, the ice and snow theme park in Harbin) as well as developing financial consulting services on loans, trust funds, securities and insurance for the cultural sector (*International Network for Arts and Business*, 2010). Between 2009 and 2014 *China Export-Import* (one of three banks affiliated to the State Council to support import and export projects) has earmarked loans of 20 billion yuan/US$2.94 billion to help a number of flagship cultural enterprises mount productions overseas (GPRC, 2009). A series of expos in China (notably the *International Cultural Industries Fair*, held annually since 2004) and overseas have also been held for the showcasing of production, the exchange of expertise and the fostering of international partnerships and investment in the cultural sector. Such events are envisaged not only as opportunities giving greater international exposure for Chinese cultural industries and for expressing China’s growing “soft power” on the international stage (*China Daily*, 2010; Bell, 2010) but simultaneously as sites in which the Chinese
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population can benefit from contact with the global village of enterprise and production. As the spokesperson for the lavish 2010 World Expo in Shanghai (which became not the first ever World’s Fair to be hosted by a developing country since the tradition was initiated with Great Britain’s Great Exhibition of 1851, but also the largest and most expensive) explained: “It is a big platform, a big event for cultural exchanges. We are bringing the whole world - different countries, different peoples - to this area, so it’s a good opportunity for Chinese people to have ‘face to face’ contact with international society.” (cited in Hogg, 2010)

The emphasis on the creation of recognisably Chinese brands for insertion in the global marketplace and communicating the country’s growing international presence has also extended the remit of cultural policy to fostering innovations in technology, design and marketing beyond the conventional contact points of cultural reform (media, theatres, galleries, museums and so on) to a more generalised concern for culture’s role in economic development in areas such as intellectual property creation and industrial design: in this way brands such as Lenovo (PCs), Li Ning (sportswear) and BYD Auto (automobiles, producer of the world’s first mass-produced plug-in hybrid vehicle) have also been developed over the last decade to become recognised internationally as distinctively Chinese brands and seek to present China as a culturally advanced - and competitive - participant in the world market (Global Times, 2010). In this context, cultural policy extends to impressing upon citizens the value of innovation, creativity and intellectual property - such as through history and television programming (see for example Bell, 2010:19) or through exhibitions and events such as the World Expo, showcasing the latest innovations from around the world against the backdrop of tight security aimed at rooting out intellectual property thieves and removing those undesirables that gather to sell illegal and fake merchandise (Hogg, 2010).

China’s efforts to nurture and develop its film industry as part of the reforms since 2004, which have been at the centre of the 2009 dispute at the WTO and the country’s stake in the provisions offered by the UNESCO Convention, present a key example that can be used to draw out a number of points regarding this contemporary reinvention of the cultural field as a problem of government. First of all, in comparison with countries such as Canada or a number of the European states, or with China’s emerging country peers in Asia (notably India and South Korea), China is working with a relatively weak domestic base that has been further eroded during the process of
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liberalisation. Hollywood, dominant in China before 1949 but expelled by the revolutionary government, has worked particularly hard to re-establish its position following the restoration of US-China relations in 1979, gradually gaining access as China has negotiated access to markets for its exports and ultimately to WTO membership. The sensation caused in China by *Rambo: First Blood* in 1985 was a symbol not only of the spectacular comeback that Hollywood was making in China, but also of the fate of domestic film production which - increasingly out of touch with the population and crippled by the combination of ideological control, underinvestment and lack of reform that had been the legacy of the planned economy - had met its match and was in deep crisis by the early 1990s (see Zhao, 2004). The international film industry’s growing presence in China since the 1980s - not only from the US but also from the imports and investment now coming in particular from Japan, Hong Kong, Taiwan and South Korea, as well as from transnational conglomerates such as Sony (a committed member of the MPAA since the late 1980s; see chapter two) - took an important step forward in 1994 when, under pressure from the MPAA and the US Trade Representative, and in exchange for access in other sectors, China agreed to accept an annual importation of 10 first-run Hollywood films on the basis that these could only be imported through the state-run distribution network the China Film Group (CFG, the main target and casualty of the 2009 case at the WTO) and subject both to a box-office revenue sharing system and a process of content review.

Over the following years Chinese distributors and cinemas came to ignore domestic productions (in 1995 more than 70 were denied distribution) while eagerly promoting the latest imported films, which now generated huge revenues both for Hollywood and the CFG and met the expectations of an expanding urban middle class that had come to regard seeing the latest imports as an entitlement of their new cultural citizenship (Zhao, 2004). In 1998 *Titanic* took a record 25% of the year’s total Chinese box-office revenue - the same year in which the number of domestic Chinese productions hit a record low of 37 - and this pattern was entrenched with China’s entry into the WTO in 2001 and the next set of gains secured by the MPAA through a US-China bilateral agreement (committing China to a further series of measures towards the deregulation of
the audio-visual sector, including the increase of the Hollywood import quota to 20). By 2003 80% of box-office revenue came from the quota of Hollywood films and official statistics showed that copyright earnings on imported films were 10 times more than those received from domestic productions (Keane, 2006). Faced with the problem of how to climb up the value chain and extend China’s international influence however, the GPRC has begun to speak of the need to address a growing deficit in Chinese-made films and its relatively small share of the global market against its international competitors - in particular South Korea, Japan and the US - noting that although “China continues to welcome foreign cultural products, a ‘China wind’ has still not stirred up much dust”; cited in Inter Press Service, 2006). In other words the new strategy for cultural development has to balance its ambition to become a centre of production with its commitments to international liberalisation and existing trade agreements – agreements which have been the pre-condition of China’s growth and in which it has come to have a considerable stake.

The attempt to develop Chinese film production is further complicated by at least two factors. On one hand, the pattern of liberalisation in the newly emerging cultural sector has happened in a particular way in China, under careful management and with the Chinese state effectively acting as the dominant domestic capitalist. As Zhao (2004) has pointed out, the increased integration between international and domestic capital that has often emerged as a result of this (evident not only with the domestic distribution of imported films but in the trend for domestic production to become increasingly entwined with transnational investment and co-production) has complicated any notion that China can achieve success “all of its own.” On the other hand, and more importantly, a combination of lack of finance and a stifling net of regulations that remain in the cultural sector have, at least until recently, made it difficult for domestic filmmakers to develop

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12 These measures included commitments to increasing film import quotas, reducing tariffs on audio-visual imports, opening up its consumer market for audio-visual products to foreign distributors and allowing foreign investors to own up to a 49% share in companies that build, own and operate cinemas in China.

13 As the MPAA never tires from pointing out, official figures on box-receipts for the major releases in China actually tend to significantly underestimate the revenue that should accrue to Hollywood productions (given the number of people who pay for pirated versions of films and the fact that the controls over their theatrical release dates mean that these copies are often available before appearing in Chinese cinemas).
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the kind of internationally marketable creative content and long-term business models that are key to making the leap into high value-added “winner-takes-all” branded products of the kind envisaged by the new strategy (Keane, 2006). This compares with the recent success of the film industry in South Korea or India for example: the latter, although still way behind Hollywood in terms of revenue, nevertheless now produces more films than any other country in the world (UNESCO Institute of Statistics, 2009) and has achieved considerable success over the last decade as banks and business houses have begun to channel significant flows of capital into the industry, while marketing strategies seek to sell not just films but a whole range of products linked to Bollywood films and actors on an international scale (securing distribution and exhibition in over 100 countries - and increasingly targeting China as its next big opportunity) (Baru, 2010).

One of the consequences of these problems for the domestic film industry in China - and which the measures since 2004 have been designed to tackle - is that a generation of entrepreneurial Chinese filmmakers over the previous decade have been taken under the wing of international investors and distributors in order to find commercial success and circumvent regulatory controls. This has left policymakers with what analysts such as Keane (2006) have referred to as a “conundrum of creativity” as they seek to break out of China’s particular cycle of dependency: the development of a viable film industry in China and its capacity to create exportable content is ultimately dependent on deep institutional reforms that can both channel a significant increase in finance while stimulating new models of internationally oriented cultural production, distribution and marketing strategies that are not restricted by a stifling “national” frame overseen and monitored by the government: in this sense its success is “contingent on

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14 Keane (2006) has documented this combination of a lack of finance and the intractability of the regulatory system that has tended to oversee particular cultural industry sectors, whereby new and potentially profitable industries nevertheless need to navigate a maze of bureaucracy and red-tape:

In television drama production, licenses are provisionally given to new entrants for short-form productions. Joint venture productions in the television and film industries are permitted on a case-by-case basis. The necessity of obtaining multiple permits to produce creative content, often from different industry regulators (Ministry of Culture, The State Administration of Industry and Commerce, The State Administration of Radio, Film, and Television, Ministry of Information Industry), can act as a deterrent to entry into creative industries. …There are some notable start-up exceptions…but in most cases these success stories have resulted from foreign investment or early entry into the marketplace.

(Keane, 2006:17)
unleashing creativity as much as stimulating finance”; it is not simply a problem of investment but, equally importantly, of designing a regulatory climate that encourages film makers to experiment with new ideas and themes that can appeal to a wide audience both within China and internationally (Keane, 2006: 19). It is such limitations that the RCCI and the recent market-oriented reforms in the cultural field have attempted to address - promoting greater autonomy of the cultural sector from the state (although more sensitive sectors, such as the main media groups, have remained under closer control), improving access to finance, reforming tax and fiscal policies, and so on. The latest guidelines on the development of the film industry that were made public in January 2010 as part of the Ministry of Commerce’s response to the WTO ruling continue this pattern by setting out programmes of further investment in infrastructure and ongoing market-oriented reforms, such as the construction of digital cinemas through subsidies and preferential tax measures (as well as signing major contracts with European firms for the latest digital projection systems; see for example Barco, 2010), reforms to accelerate the process by which state-owned film companies are listed on the stock market, while improving the access of reformed, export-oriented filmmakers to bank lending, bond issuance and venture capital financing (Xinhuanet, 2010; Wall Street Journal, 2010). These measures were extended later in 2010, with Chinese film production companies reflecting that “In the past we normally invested 4m-5m yuan on one movie, but now we can go for big productions costing 30m or sometimes even over 100m,” and prompting industry analysts to seriously consider the possibility that Beijing is now emerging as a real rival to Hollywood (see The Guardian, 13th September 2010). Of course, it remains to be seen how successful these reforms will prove to be (and uncertainty over their progress is compounded by misinformation and conflicting statistics from rival departments).15 However, their objective and momentum are clear: the reconceptualisation and management of culture as a resource for the country’s next phase of development and market reform, competitive insertion into the global market and greater presence on the international stage.

15 In 2009, the Ministry of Culture noted for example that “financing remains difficult for the cultural industry, and has curbed its development” while, according to the RCCI, there had been “an increasing trend of financial institutions supporting the cultural industry as the industry was experiencing rapid growth and reaping big returns.” (see GPRC, 2009)
4.3.3. First blood: Confucius vs Avatar in the battle for the 21st century

China’s goal is not to challenge the West militarily or even economically just now. The United States and Europe are, after all, the lifeblood of China’s export economy. But we shouldn’t dismiss China’s efforts as merely a sophisticated reprise of the Soviet Union’s failed bid for the loyalties of the global south. China is a capitalist dynamo, not a creaking autarky, and its market-authoritarian example is fast winning adherents around the world - while marginalizing the values that have informed Western progress for 300 years.

In taking stock of how far China has travelled with the reforms over the last decade it is perhaps indicative that in January 2010, one week before the publication of the measures to boost the film industry that were issued in response to the WTO ruling, the CFG pulled the Hollywood blockbuster Avatar from nearly 1600 screens in order to make room for its own $23million blockbuster telling the life of Confucius, in what was described by domestic theatres and officials as “a commercial decision” (to the watching horror of Hollywood executives and Chinese audiences - especially since Avatar had been causing a sensation, already becoming the highest grossing film of all time in China) (Wall Street Journal, 2010; LA Times, 2010; New York Times, 2010). The result of a co-production between the CFG and the Dadi Culture and Media Group (a Beijing-based corporation specialising in the latest audiovisual technology), the release of Confucius was timed to coincide with the 60th anniversary of the revolution and forms part of the wider attempt by the government to resuscitate Confucius’s legacy for building the “harmonious society” of market socialism (see Bell, 2010). The film has been one of the trophies of the reforms of the past decade and has been released amidst the hubris and fireworks that came with a series of blockbuster events at the end of the decade: the hosting of the 2008 Olympic Games in Beijing and the 2010 World Expo in Shanghai, the completion of the landmark construction projects the China Central Television (CCTV) Headquarters Building and Cultural Centre (which marked an embarrassing end to the construction boom of the 2000s when the adjacent Television Cultural Centre was gutted before its completion in 2009, a result of a fire caused by an unauthorised fireworks display organised by CCTV executives) and massive investments in media and news networks in 2009, including the launch in 2010 of a global English language news network to rival CNN and BBC World. Staring the global superstar
Chow Yun-Fat, *Confucius* has been launched in this spirit as an attempt to present the face of the new China to the population and the wider world: released on more than 3,000 screens on mainland China - another new record - and with deals secured for international release (see Shackleton, 2009), it aims to send out a powerful message about China’s efforts at cultural transformation and rising international presence. Such a landmark event can help to put some of the developments of the past decade into wider perspective.

To begin, it is worth recalling that only a few decades ago Confucius’s legacy in Chinese society was being targeted for destruction as part of the Cultural Revolution - quite literally in the case of the cemetery, temples, libraries and thousands of artefacts that were damaged and destroyed in Confucius’s home town Qufu and neighbouring Zoucheng (Liang, 2002). In his recent study *China’s New Confucianism*, Bell (2010) notes that the contemporary revival of Confucian ethics has served two main purposes in the revision of official Marxism that has followed Deng’s market reforms: first, by calling for peace and harmony at home in the face of a sharp rise in inequality and the number of so-called “mass incidents” flaring up across the country, and second by attempting to extend China’s “soft power” in international relations by dispelling growing international insecurities about China’s rise and emphasising China’s commitment to the peaceful resolution of conflicts. As far as the film adaptation is concerned however, Bell has observed that its primary function is a commercial one, fictionalising and romanticising Confucius’s life in an attempt to create revenue at the box office: to the extent that the movie has a political agenda, he argues, it is that it does not “rock the boat” (at the end we see Confucius returning to a life of peaceful contemplation in his home state of Lu: a peace-loving patriot attached to his native land and immortalised as part of the eternal foundations of Chinese society) (Bell, in conversation; Ash, 2010). Wasserstrom (2010) has argued that the key theme of the film is its attempt to cater for a broader nostalgia for the past amidst the dramatic changes occurring in China, marking a “rebranding effort”: “a makeover of the image of the country (and the Party) that is helping persuade many overseas Chinese that they can identify with and invest in today’s People’s Republic 2.0, even if they hated Mao.”

We might build on these interpretations here by noting that, in the form of the *Confucius* production, the sage has been resurrected to serve a simultaneously economic and cultural role: as both the carrier of a new Chinese brand of identity, values and
meanings consonant with the era of global integration, and as a prophet of China’s ability to become an economic powerhouse in the 21st century by producing a slick, high-value added commodity fit for competitive domestic and international distribution. The monuments to Confucius’s home and resting place that were destroyed and damaged during the Cultural Revolution have also become part of this attempt to reincarnate Confucius in this “dual” role: following careful reconstruction, since 1994 they have been listed on UNESCO’s World Heritage List, where their legacy is now being earmarked to become one of China’s - and the world’s - most valuable resources of cultural patrimony (given a welcome boost by their reference in the film) (World Bank, 2010). Attracting steadily growing national and international arrivals over recent years - reaching 9.7 million visitors in 2008 and generating revenues of RMB 4.2 billion (US$635 million) - and yet located across a particularly poor and undeveloped area of Shandong province, it is also noted by prospectors and developers that the monuments of Qufu and Zoucheng are only realising a fraction of their potential: roads and transport, accommodation, restaurants, tour guides and companies, marketing, signs and information are all underdeveloped and, as the World Bank points out, visitors “have little information, incentive or opportunity to spend more time and money.” (ibid) Addressing these deficiencies through developing sustainable programmes of asset preservation and presentation, upgrading infrastructure, attracting inward investment and building capacity for sustainable tourist enterprises in the region, it is added, can multiply arrivals and generate employment and income for the local population - who, of course, have so far seen little of the money that has come into the area (ibid). We can see here how the legacy of Confucius has become involved in a set of problems associated with how to manage culture as a resource: how to position it most effectively in circuits of investment, marketing and world heritage tourism, as well as how to manage its effects on material distribution and social management in the provinces.

If the kind of developments in China noted above offer some insights into the contemporary transformation of culture into a resource that we earlier saw formulated by Yúdice, we might also begin to elaborate in greater depth on some of their implications and effects, both internationally and nationally. First of all, while Confucius raised a budget of US$23million, its rival Avatar is estimated to have raised anything upwards of
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US$200 million\textsuperscript{16} and was able to draw on ground-breaking technology and expertise from a bewildering array of locations around the world (see *New York Times*, 2009). Even after the millions spent on *Confucius*, it enters this profoundly asymmetrical arena of cultural production and expression - but at the same time it would be extremely misleading to situate the film as a response to cultural imperialism in the terms that were used in the era of NWICO or during the Cultural Revolution: Hollywood’s success in China before 1949 and after the reforms of the 1980s is today referred to by Tsinghua University professors as evidence of “the radiating power of global audiovisual products” and as the triumph of “advanced culture” over the “backward culture” of others - just as General Secretary Jiang Zemin openly expressed admiration for *Titanic* in 1998 as it was winning over Chinese audiences and sinking what was left of the old Chinese film studios (Zhao, 2004:199). A measure of this shift was evident in January 2010 when the decision by theatres and officials to replace *Avatar* with *Confucius* was reversed within one week once the box-office figures became clear: *Avatar* had been grossing nearly two and a half times more money per day, and measurements of audience responses to *Confucius* in China - as well as the expressions of anger amongst Chinese audiences regarding the removal of *Avatar* - showed that *Confucius* had largely fallen flat. (*New York Times*, 2010) Meanwhile in Hunan Province, officials responded to the *Avatar* phenomenon by renaming mountain peaks in a national park, saying they were prototypes for the “Hallelujah” mountains that had featured in *Avatar*: criticisms from Chinese commentators that officials had “forgotten their cultural roots” fell on deaf ears, since the government simply responded by saying that the *Avatar* connection would increase tourism to the park (ibid).

In this sense the continued dominance of Hollywood in China is today less the harbinger of a “harmful”, commercial mass culture and the bringer of predatory capitalist values and business practices (as it might have been understood in the kind of terms used in the NWICO era) than a cutting edge paradigm for development in the 21\textsuperscript{st} century. Indeed, as we saw earlier, the growing presence of the international film industry in China since the 1980s has become an integral part of the new strategy of cultural development: in particular by providing the revenues, investment and audiences that have

\textsuperscript{16}This is in fact a minimum estimate since, when global marketing expenses are added, it appears that *Avatar* cost its various backers closer to US$500 million - even after the plans for investment in marketing were scaled down due to the recession.
been necessary to construct theatre complexes and stimulate domestic capacity, while bringing the kind of competitive pressures necessary to root out the inefficient and unpopular studios, directors and cultural policies that were left over from the era of the planned economy. The moral of Confucius’s defeat at the box-office and the rapid turnaround by theatres over the screening of Avatar has been to confirm the neoliberal ethics informing the new cultural policy: if you live by the market, you also have to die by the market (or, in the now ubiquitous advice of Confucius, “he who does not economise will have to agonise”).

Secondly, if it also seems that the traditional concerns of the discourses of cultural imperialism may be losing their relevance in this context of culture as resource, Confucius nevertheless also highlights some of the ways in which culture has become a source of new and often intensified tensions in contemporary international relations. In this respect Mao’s oft-quoted assertion that “political power grows out of the barrel of a gun” has been superseded with the new emphasis on soft power and the cultural export drive in China’s foreign policy. The advice of Confucius on the art of power was also clear - “lead by moral authority, not force” - and the past glories of Chinese influence in countries such as Japan, Korea and Vietnam (which China was mostly unable to physically conquer, but developed linkages and influence through the take-up of Confucianism, as well as Chinese forms of government, art and literature) have come to offer guiding examples in developing the contemporary strategy of extending political and commercial influence in the region and overseas by exporting what is now referred to as “the Confucius brand” (Kuhn, 2008; Bell, 2010). This attempt by China to project greater international influence comes not only in the form of its cultural industry exports and the staging of globally significant blockbuster projects, but also in the establishment of Confucius Institutes (as of 2010 at least 282 such institutes have been opened in over 60 countries since 2004), modelled on the expansion of the British Councils of the 1930s and seeking to extend Chinese cultural and linguistic ties in countries with particular commercial significance, as well as “third-tier” countries in Africa, Latin America and Central Asia (Kuhn, 2008; Follath, 2010; Global Times, 2010). This forms part of a broader strategy by which China is successfully building diplomatic and commercial relations with countries which the West has tended to ignore in the post-Cold War period but which nevertheless have many valuable assets: not only energy and minerals, land for agriculture and markets for expanding industry but - and equally important today - voting
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rights and support in international fora. With the renewed confidence and capacity that has been provided through increased ties with China, an African voting bloc has emerged under Chinese leadership within the WTO and this has been a key factor in the ongoing standoff between the North and South in the Doha Round - particularly over the key question of agricultural liberalisation (Halper, 2010). Giving a contemporary twist to the racist and ideological discourses of “yellow peril”, commentators in Europe and the US have responded to this development by warning of Chinese “cultural imperialism”, both in the West and in the South, and the threat that the Chinese cultural drive is coming to pose to the West’s diplomatic influence on questions of trade rules and the international balance of power (including, crucially, regarding the status of Taiwan) at the WTO and the UN (see for example Follath, 2010; Halper, 2010; Global Times, 2010). In other words, as the economic and political importance of cultural policy has risen, and as the stakes over the trade in cultural products have also risen in their implications for negotiations at the WTO (and in the process affecting a range of other sectors, with ever-widening international ramifications), many of the distinctions between “high” and “low” politics have also begun to lose some of their utility for grand strategists. As Follath (2010) puts it in his nightmarish account of China’s cultural expansion: “soft is the new hard.”

Such emerging international and inter-imperial rivalries however should not not be allowed to obscure developments within China itself - nor the considerable overlap of interests that exist between Western capitalism and the Chinese “market authoritarianism” which is denounced by neo-Orientals today. It is important to remember that China’s references to the Convention and the Universal Declaration in its submission to the WTO in 2009 only referred to the country’s right to reserve particular policies of public morals and cultural sovereignty based on the particularity of cultural products (see for example the Chinese submissions to the Panel at: WTO, 2009:18-31; 271-309) - they made no reference to China’s “internal” diversity, nor to the concept of a “new global ethics” as it had been articulated by the WCCD. Predictably enough, cultural diversity here has functioned as little more than as a reassertion of national

17 As Halper (2010) has observed: “Over the past decade and a half, while few in the West were paying attention, Beijing has built a coalition of countries - a great many of them in Africa - that can be trusted to vote China’s way in an increasingly clogged alphabet soup of international fora. It’s a bloc reminiscent of the one the Soviet Union assembled during the Cold War, though focused on economic and trade advantages, not security issues.”
cultural sovereignty, while its accompanying claims about the privileged place of cultural products have been part of a recognisable pattern of integration into the global economy: one in which the concerns of a privileged strata are anointed with a position at the vanguard of national development. As was noted by the government and the RICC in 2006, the development of the cultural industries must keep up in order to satisfy the demands of the new middle class that would deliver China’s prosperity in the 21st century: “In view of China’s rapid urbanization and economic expansion [the] cultural sector has failed to keep pace. Economically better off Chinese people now desire better and richer cultural activities, yet the domestic cultural industry is unable to meet that demand.” (Xinhua, 2006) Zhao has argued that the new Chinese strategy of cultural reform has failed in this respect to emulate one of the key factors that gave the American cultural industries their launch pad for global success: it was in part their ability to develop a strong domestic market and enfranchise the diverse US immigrant population that was crucial to their eventual global expansion and universal appeal; by contrast the Chinese cultural industry, despite “its dreams of global market success, has not been able to, indeed is unwilling to, reach China’s vast numbers of internal migrants and the urban poor, not to mention the rural population [of 900 million].” (Zhao, 2004:202) As far as they have featured in China’s cultural development strategy at all, the “native” or “ethnic” populations, cities and villages across China’s cities and provinces have either been targets for removal by property developers (or for “cultural genocide”, in the words of the exiled Dalai Lama; The Independent, 2008), or encouraged to become areas for consumption by international tourists and the new Chinese urban middle class: to be sites of cultural relics, consumption, distinction and leisure rather than the impoverished sites of dispossessed farmers, villagers or laid-off and migrant workers (Zhao, 2004:205-208) - or the sites which, since 2002, have become battlefields in an intensifying series of conflicts between workers, peasants, farmers and the state (Buckley, 2010; Bell, 2010). The Chinese Academy of Social Sciences began to record the acceleration in the number of such “mass incidents” across China in this period - up from 60,000 to 80,000 between 2006 and 2007, and involving 385,000 of the rural population between January and September 2006 alone - after which the government has stopped providing updated figures (Buckley, 2010; Bell, 2010:9).

The conflict between Avatar and Confucius has also drawn attention to these sensitive issues, since Avatar’s central theme - the failed attempt by a team of
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anthropologists to persuade a mythical population of blue-skinned natives (“the Na’vi”) on a far away planet to make way for mineral prospectors from planet Earth, ultimately resulting in a tactic of military annihilation and forced removal - evoked uncomfortable memories of a brutal series of evictions from a number of China’s urban districts and rural villages at the hands of property developers and local governments during the construction boom of the 2000s. One commentator in China reflected on the Avatar phenomenon by noting that: “All the forced removal of old neighbourhoods in China makes us the only earthlings today who can really feel the pain of the Na’vi” while another reflected that Avatar had effectively implied to Western audiences that “such brutal eviction could only take place on another planet - or in China.” (cited in The Straits Times, 2010). It appears that this theme was a factor in the initial decision to pull the film from the screens, with one source in Hong Kong noting for example that: “authorities have two reasons for this check on Avatar: first, it has taken in too much money and has seized market share from domestic films, and second, it may lead audiences to think about forced removal, and may possibly incite violence.” (The Times, 2010) If Avatar offered spectacular 3-D reminders of the brutality and military adventures that are the necessary conditions of capitalism (right from its opening act of primitive accumulation), Confucius tried to cover them up with its 2-D narratives of national harmony - and readily conceded defeat after just one week of humiliation at the box office. But for a brief moment amongst the fireworks it also appeared to fire out one of the opening shots in the wider battle that is coming to define the 21st century - and what appeared most frightening of all for the new Orientalists was that it offered a signal that the East could one day eclipse the West’s dominance in the South: this time not through the weapons of choice of the last 300 years - military firepower, colonialism and coups d’état - but with culture.

Finally, we should conclude by putting the Chinese case into perspective. We saw in the previous chapter that settling on the principle of cultural development through the market had been a way for the West “to buy peace” at UNESCO in the 1980s and to reassert its primacy over questions of international cultural regulation. By participating in the new consensus at UNESCO China has in fact been able to turn this formula around, using it to fire back at the US’s commercial dominance and its attempt to claim sovereignty over international cultural regulation. China’s turn to culture as a resource for market-led development and international political recognition has been a reflection
of its attempt to move up the international hierarchy and to make the transition to economic powerhouse and world power (with all the trappings that such a dramatic rise brings with it, including client regimes and scrambles for resources and influence in the South). However China has also been relatively unique amongst developing countries in finding itself in such a position and being able to steer a course through the global transformations of the last decades - carefully maintaining controls on its currency and the pace of liberalisation, while utilising its vast reserves of labour and the prize of its internal market to position itself strategically as the global hub of investment and production, as well as an international player in its own right (officially crowned the world’s second largest economy when it overtook Japan in August 2010, *The Guardian*, 16th August 2010). This has of course not been the experience of most developing countries in the neoliberal period - a point we will draw out in greater depth in particular in chapter six when we examine the way that the turn to culture as a resource in the Caribbean over the 2000s has been a reflection of the region’s subordination as the EU and US have fought to assert imperial authority over the processes of trade and development.

**Summary**

The broad argument I have developed in this chapter is that the development of the new framework of cultural regulation and development has been based on a “rapprochement” between culture and the market - and not, as has often been assumed, on the kind of antagonisms between them that characterised the NWICO era. The conflicts over the Convention that have taken place at UNESCO over the rules of the cultural marketplace have served to illustrate the extent of the stakes that have come to be attached by governments to the management of culture as a resource for trade and development in the context of globalisation - and have in fact helped to forge a new consensus between the rest of the North and the South on the question of cultural development. In the example of China we have seen how the new international framework of cultural policy has reinforced the government’s attempts to secure the policy space in which it can develop its own strategy of market-led cultural policy reform, in a way which seeks to overcome some of the traditional distinctions between cultural and economic policy and that is also part of the ongoing attempt to become a global player in its own right (with all the problems of domestic unrest and international expansion that rapid industrialisation
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brings with it). In the following chapter we will turn to look in greater detail at the nature of the international consensus that has been forged by focusing on the precise points of convergence between North and South as well as the lines of tension and divergence that have tended to be lost in the language of consensus.
The Rules of the Cultural Marketplace
5 Cultural Exceptions and Exclusions
The other sides of the consensus

Introduction
In the previous chapter we saw how the problem of cultural diversity as it had been posed by the WCCD became framed following the Stockholm intergovernmental conference of 1998 as a question of creating a regulatory counterpart to WTO negotiations and disputes affecting the trade in cultural products, in a way that would reassert the sovereignty of cultural policy and recognise the uniquely “dual” nature of cultural goods and services. Although in this sense the instrument’s key objectives have been embedded in North American and transatlantic rivalries, they have also come to express a broader North-South consensus at UNESCO on the question of cultural regulation and development: burying some of the divisions of the 1970s and 1980s and highlighting the emergence of a broad agreement regarding the role of cultural policy in the context of neoliberal globalisation. The emergence of this consensus has been all the more remarkable given that during the Uruguay Round (1986-1993) of trade negotiations and for much of the 1990s France and Canada had had comparatively little success in convincing the rest of the international community about the importance of the “cultural exception” in international trade - indeed France’s insistence on this principle over this period had led to it being described by observers as occupying the “lunatic fringe” on this issue (Bruner, 2008). The near unanimous support that they were able to gather behind the approval of the Convention when it was put to vote in 2005 goes some way to demonstrate how international opinion changed over this period, with the French culture minister reflecting on the text’s adoption by announcing that: “We are no longer the black sheep on this issue.” (Donnedieu de Vabres, in The Guardian, 19th October 2005)

In this chapter we will explore in greater depth how exactly this happened and pinpoint some of the areas of convergence and divergence, as well as some of the omissions and exclusions, that characterise the new consensus. We have already seen (in chapter three) how the controversies of the NWICO period concerning international cultural regulation and development at UNESCO came to be settled over the 1980s and 1990s through the principle that cultural development be achieved through integration into the global market, preparing the possibility for a broad North-South consensus by the time of the Intergovernmental Conference on Cultural
Policies for Development in Stockholm 1998. We have also seen how Canada, France and the EU were largely successful in building on particular points of the agreements reached at Stockholm - notably regarding the uniquely “dual” nature of cultural products and the international political commitment to work towards a binding international instrument on cultural diversity - in a bid to secure a treaty that is specifically aimed at bolstering their dispute with the US. In the process this bid has created a new coincidence of interests with emerging countries such as China, which has come to have a considerable stake in the provisions that are offered by the new instruments. However these observations do not account for the ways in which the campaign for the cultural exception was able to generate such wide support in the South as the debate over trade and culture began to migrate to UNESCO from the late 1990s.

The few explanations of the coalition generated by Canada, France and the EU over the adoption of the Convention have framed it as a successful campaign of trade diplomacy: for trade policy analysts such as Bruner (2008) or Shaffer and Pollack (2008) for example, the adoption of the Convention has reflected a successful diplomatic campaign by European and Canadian diplomats and negotiators to “internationalise” their particular regulatory concerns over the trade and culture issue and to generate wider political support amongst key stakeholders in a bid to bolster their position against the US. This strategy is reflective of a broader pattern in the post-Cold War period whereby Canada and European member states have generally expressed commitment to multilateral processes and institutions when this route has suited their objectives: where their interests have diverged from each other, or from the global superpower the US, they have attempted to isolate their rival on the particular issue at hand by invoking an idealised vision of international relations and treaty making that a broad alliance of countries can rally around, find common points of interest and generate a critical mass (Gowan, 2001; Welsh, 2004; Carmody, 2007). A similar pattern of coalition building to that which has been evident in the formation of the UNESCO Convention has been evident for example with the adoption, in 2003, of the Cartagena Protocol on Biosafety (a complement to 1992’s Convention on the Protection of Biological Diversity), which the EU has pursued as a matter of international diplomacy amongst developing countries in an attempt to counter the attempt at the WTO by the “Miami Group” of biotechnology-exporting countries (led by the US and Canada, along with China, Brasil, India and Argentina) to gain access to the European market (Schaffer and Pollack, 2008). For Schaffer and Pollack, the
adoption of the Convention has been analogous to the adoption of the Cartagena Protocol, in this case with Canada and the EU successfully courting the support of a critical mass of states that share their regulatory objectives (ibid).

These observations undoubtedly capture an important aspect of the campaign for the Convention, but they give no account of the reasons why the majority of governments gathered at UNESCO, most of whom have had relatively little at stake in the debates over trade and culture, came to add their support behind the campaign from the late 1990s. Nor can they account for how it was that the leaders of the campaign were able to maintain the centrality of the issue of cultural exception in creating an instrument aimed at cultural diversity - a concept which, after all, is so notoriously empty a signifier that it could have been used to generate a variety of possible instruments. In this respect the triumphant claims from French, European and Canadian ministers and diplomats that followed the Convention’s adoption, or the parallel observations of trade policy analysts, only paint a partial picture. This requires that we pay closer attention to the ways in which the campaign has been willing to broaden the terms of the debate, including its cry of cultural exception (or cultural exemption in Canada), so as to bring a wider group of countries and interests on board and, in the words of one the key architects of the strategy, rid the debate of its stature in the South as “nothing more than transatlantic rivalry.” (Musitelli, 2006:2)

In addressing these points, this chapter is split into three sections. The first section takes a step back by looking at the ways in which the framing of the problem of cultural diversity by the EU and Canada has had the effect of marginalising other claims for cultural recognition in international fora over the same period. Just as Canada and the EU have invested significant political capital into raising the profile of the trade and culture issue at UNESCO, widening international support behind the principle of the dual nature of cultural products and ensuring its rapid entry into force as the defining international instrument on cultural diversity after Stockholm, they have simultaneously ignored or actively opposed alternative initiatives developed over the same period such as the Convention for the Safeguarding of Intangible Cultural Heritage or the UN Declaration on the Rights of Indigenous Peoples. At the same time however, this stance on the Convention has been complicated by the emergence over the 1990s of a distinctive legal vocabulary of representations and claims turning on the rights and values of diverse cultures and ways of life. International concerns over biodiversity and the sustenance of “intangible” and
“traditional” heritages, knowledges and practices in the context of neoliberal globalisation and the “new” economy of intellectual property have provided opportunities across a variety of struggles and conflicts for articulating claims to recognition through the attempts over the 1990s to universalise the discourses of human rights and the expanded, “anthropological” concept of culture. Where culture is concerned, this development has changed the dynamics of international treaty making, posing both opportunities and problems for the expansion of capitalist protocols and the consolidation of international and national hierarchies.

These themes are taken up in the second section, which examines some of the ways in which the strategists of the Canadian, French and European campaigns set out to turn their positions into “the rule not the exception” by attempting to give the cultural exception a more universal dimension that could gain wider support in the South and thereby gain broader legitimacy in their conflict with the US. I look in particular at the genesis of the campaigns in the late 1990s and how they began to take shape through the work of the Canadian Department of Foreign Affairs and International Trade (DFAIT) and French leadership of the Organisation Internationale de la Francophonie (OIF). Referring back to the arguments of Yúdice that we considered in chapter two, it is also noted that the strategy has relied not only on the contemporary protagonism of culture as a resource for trade, development and political recognition, but has in fact looked for its most potent arguments in the notion of culture’s irreducible contribution to the dignity of humanity - an ideological formula through which France has attempted to consolidate threatened postcolonial linkages in the OIF and reinvigorate the organisation’s role in the era of globalisation.

The third and fourth sections then go on to look in more detail at the precise mechanisms through which the campaign gathered international support and forged alliances and common points of interest. Section three looks in particular at how the campaign sought to mobilise what it referred to as “the cultural milieu”, striking strategic alliances amongst cultural ministries, professionals and industry stakeholders. With particular reference to the campaign that centred on Morocco in 2004, I also note how the international cultural diversity campaign has simultaneously tended to marginalise the diffuse “pluralism of opinions and lifestyles” that it has deemed surplus to the formulation of an effective international treaty in the context of transatlantic rivalry. The fourth section then goes on to look at what happened after the first draft was put on the table at UNESCO in 2003 by the campaign as the basis for a binding international instrument. It refers in particular to
the records of the intergovernmental drafting negotiations that took place between 2004 and 2005, examining some of the processes of North-South negotiation and compromise that allowed the Convention to proceed to the vote in 2005 with sufficient international support.

Chapter 5

5.1. Intangible heritage, biological diversity and the right to land, tenure and place

5.1.1. The Intangible Cultural Heritage Convention and the Convention on Biological Diversity

To contextualise the Euro-Canadian campaign for cultural diversity that took shape from the late 1990s it is helpful to begin by considering an alternative instrument that was under discussion at UNESCO at the same time but that had been on the table long before the cultural diversity Convention, the Convention for the Safeguarding of Intangible Cultural Heritage (“the ICH Convention”), which was adopted in 2003 after a campaign that was initiated by a set of recommendations made at the MONDIACULT World Conference on Cultural Policies held in Mexico City in 1982.1 In contrast to the cultural diversity Convention, neither Canada nor the EU have ratified this instrument and they have shown little support for it: while the Canadian government for example made a point of being the first to ratify the cultural diversity Convention (and Canadian representatives have flown around the world in a bid to secure support and widen the number of ratifications), when asked about its position on the ICH Convention representatives responded by noting that they were unaware even of “any research reports that have been undertaken by the Government of Canada or its agencies that address the [ICH Convention]” (IFACCA, 2009a: 4). On this occasion Canada and Europe have also largely been in agreement with the US, which similarly has not ratified the instrument. This relative lack of support, along with the practical and technical difficulties involved in drafting a treaty on “intangible” heritage (which we will explore below), means that the ICH Convention has taken much longer to come to fruition and its standing in comparison to the cultural diversity Convention remains relatively low. This is significant here because the ICH Convention has been of particular interest to those countries that have less at

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1 On the MONDIACULT conference, see chapter one. On the stages that led to the ICH Convention’s adoption, see UNESCO (2010b) and UNESCO (2010e).
stake in creating an instrument to protect the kind of cultural resources that are implicitly covered by the cultural diversity Convention. In the case of intangible cultural heritage, the weight of support has been located further “south” (from governments in Africa, Latin America, Eastern Europe, Central Asia and the small island developing states, such as those in the Pacific), while the ICH Convention’s provisions, programmes and activities have less of an emphasis on the “new” economy creations of the cultural industries (or the monuments listed on the World Heritage List) than on those aspects hitherto referred to as the “traditional” or as “folklore” (see below). In parallel to the negotiation of the ICH Convention, the African Group of WTO Members has also made an attempt under the auspices of the Doha “Development” Round for greater protection and intellectual property recognition at the WTO for the kinds of “traditional knowledges” and practices that are covered under the framework of intangible cultural heritage (WTO, 2003).

The ICH Convention therefore offers some useful points of comparison with the cultural diversity Convention in assessing some of the broader international stakes over the question of cultural diversity as it appeared on the international agenda over the 1990s. The main objective of the ICH Convention has been the creation of a set of internationally recognised provisions covering the intangible “living expressions”, practices and knowledges that “countless groups and communities worldwide have inherited from their ancestors and transmit to their descendants”, such as (to give the specific examples referred to in the text): oral traditions, performing arts, rituals, festive events, knowledge and practices concerning nature and the universe (covering among others agricultural, ecological, medicinal and botanical knowledges) and the knowledge and skills involved in crafts - in short, those aspects of human activity that were not covered by the authoritative definitions of culture at UNESCO prior to MONDIACULT (UNESCO, 2003a). The emergence of the notion of intangible cultural heritage (ICH) at MONDIACULT was part of the attempt in this period to expand the definition of culture to incorporate its “anthropological” dimension and to gain wider legitimacy for its role in the democratisation of cultural policy (and, as we saw in chapter two, to simultaneously bring a wider field of human activities under

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2 For more details of the programmes and activities related to the ICH Convention, see UNESCO (2010e) and [www.unesco.org/culture/ich](http://www.unesco.org/culture/ich). Over the course of the ICH Convention’s drafting the term “intangible cultural heritage” came to replace the terms “traditional culture” and “folklore”, since these terms have been viewed as demeaning and pejorative by many groups (see UNESCO, 1999b:270; UNESCO, 2010f).
the concerns of government). UNESCO notes for example in its account of the development of the concept of ICH since the MONDIACULT Conference that:

One of the main achievements of the Conference was its redefinition of culture. It stated that heritage now also covered all the values of culture as expressed in everyday life, and growing importance was being attached to activities calculated to sustain the ways of life and forms of expression by which such values were conveyed. The Conference remarked that the attention now being given to the preservation of the ‘intangible heritage’ may be regarded as one of the most constructive developments of the past decade. It was one of the first times that the term ‘intangible heritage’ was officially used.

(UNESCO, 2010c; emphasis in original)

The subsequent attempts to elevate the legal and political stature of ICH at UNESCO have, particularly since Stockholm, sought to expand the concept further by noting that it represents a particularly “fragile” resource in the contemporary context of globalisation, drawing attention to its simultaneously economic, political and cultural roles in realising the objectives of social cohesion and economic development, as well as the right to cultural expression and the objective of global cultural diversity (see for example UNESCO, 2002; UNESCO, 2003a). The preliminary work for the ICH Convention for example referred to this need to develop the legacy of MONDIACULT by continuing to expand the concept of culture in order to more fully account for its roles in social, cultural and economic development (UNESCO, 2002:3), going on to note that:

[...]Intangible aspects of cultural heritage can play an important role in economic and social as well as cultural terms for a given society. The Action Plan from the Stockholm Conference [UNESCO, 1998c] makes this point clear when recommending to Member States to promote cultural and linguistic diversity as well as local cultures and languages and encourage cultural diversity and traditions as part of their development strategy.

(UNESCO, 2002:6)

We can see in other words that the value of ICH has been framed at UNESCO in broadly similar terms to those that have been used for cultural goods and services over the same period. By giving greater formal recognition to particular knowledges and practices hitherto under-acknowledged within frameworks of political recognition and economic development, and backing this up with international development assistance and expertise, the broad aim is to improve the conditions for a pluralised international expression of cultural forms and to meet the aspirations of particular groups by improving the safeguarding and, where possible, the effective
exploitation and marketing of their distinctive knowledges and practices so as to generate revenue streams and other material benefits (even if it is also asserted that this should not go so far as to lead to “unsustainable” or “inappropriate” forms of commodification that would threaten their long term viability; see UNESCO, 2010d). On the face of it, such an instrument appears to hold out greater potential to a wider number of groups than those that are implicitly covered by the cultural diversity Convention, since it is aimed at those who have little stake in cultural industry sectors such as audiovisual, publishing, and so on. However there are at least two main differences between ICH and cultural goods and services as they have featured in the campaigns for the respective instruments: (1) the relative lack of international political backing or interest behind the attempt to articulate ICH’s role as a resource for trade and development (and therefore its relatively demoted protagonism in the international context), and (2) the particular difficulties related to situating ICH within existing international legal and developmental frameworks.

(1) On the first point, it is important to note that although the campaign for ICH has received less backing from the more powerful states, it has nevertheless had the effect of continuing the ongoing expansion and legitimisation of the anthropological concept of culture in international fora. In her study of the *Convention on Biological Diversity*, Coombe (2003) has argued that the deployment of traditional knowledge and identities as a warrant in the related campaigns and negotiations has provided a means to turn around the imperial categorical frameworks of intellectual property (in which the “uncultivated” aspects of human activity, information and ideas created by “pre-moderns” are earmarked to be transformed into “cultivated” expressions, inventions or innovations that can be alienated and exploited as “works” of intellectual property for commercial exploitation). The sense of global urgency over the loss of cultural and biological resources among Northern governments and corporations has been a strategic opportunity for Southern governments, as well as some of the world’s most marginalised groups - from indigenous and First Nations groups, Third World farmers and peasants, to rain-forest inhabitants (along with the scientists, environmentalists, and NGOs that support them) - to invert the terms of this imperial framework and reverse its valences: she therefore suggests that “‘the South’ has potentially effected a rhetorical sea change in global legal discourse.” (ibid:291).

The *Convention on Biological Diversity* marked at least three landmarks in this respect. Firstly, it was the first time that indigenous groups had been given
supported standing in any United Nations forum on the creation of a treaty (other than those specifically addressing an autonomous set of human rights). Secondly, it created a binding legal instrument that reflects not only the contemporary imperial concern to gain access to genetic resources, local knowledge and ecosystem expertise in the South, but also sets up mechanisms of concession and reciprocity by specifically requiring that parties “respect, preserve, and maintain knowledge, innovations, and practices of indigenous and local communities embodying traditional lifestyles.” (in Coombe, 2003:275) In such ways, it is argued that the negotiation of the Convention on Biological Diversity has been a portent of the increasing ability of Southern governments, indigenous groups and NGOs to put issues of cultural integrity, democratic decision-making, accountability, and self-determination squarely on the bargaining table - assisted by the rhetorical leverage provided by expanding international human rights norms and the central, if ambiguous, place of culture within these (ibid:286). Finally, the global biological diversity agenda and its accompanying fora of participation, funding and publicity opportunities have provided an opportunity for indigenous and First Nations groups to negotiate and campaign independently from the states with which they have long had relationships of distrust, betrayal and violence in the context of colonialism and modernisation. As WIPO has begun to bypass state jurisdictions to broker and negotiate contracts between bio-prospectors and the inhabitants of the goldmines of 21st century capitalism (“rich” in biological and genetic resources awaiting commercial exploitation), these developments have indeed begun to create significant benefits and revenue streams for those groups that have been able to put themselves forward as bearers of distinct cultural identities and alienable traditional knowledges, while also reversing the processes of international “biopiracy” (whereby international bioprospectors and corporations have hitherto been able to exploit local knowledges without any form of remuneration accruing to those that developed them) (Farhat, 2008). The ICH Convention contributes to this growing and distinctive legal vocabulary of representations and claims turning on the rights and values of diverse cultures and ways of life - and as this vocabulary continues to be reiterated in authoritative contexts it is raising the possibility that it could over time become a feature of customary international law (Coombe, 2003:287-302; Anaya and Wiessner, 2007).

(2) However, we should also note that it has proven more problematic to situate ICH within the same kind of international legal framework of rights to
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political recognition and economic remuneration that can be extended to activities contributing to the cultural and creative industries or to the alienable knowledges, codes and compounds of biotechnology. Firstly, this is because most of the activities covered under the term ICH have relatively little international concern or value as potential objects of alienation and exchange (other than as niche tourist curios or marketable handicrafts). Secondly, and more tellingly, it has also proven impossible to reliably identify factors such as the originality of their effects, their final forms and fixation, the clear identification of an author, or the duration of their protection (see for example the deliberations presented to the UNESCO Executive Board, 2001:3–4). UNESCO therefore notes for example that “applying intellectual property rights with the current legislative framework is not satisfactory when dealing with intangible cultural heritage. Main difficulties are related to its evolving and shared nature as well as to the fact that it is often owned collectively.” (UNESCO, 2010d) The fact that requests to the funds and assistance that are available under the ICH Convention can only be made by governments, in accordance with existing international frameworks and in agreement with UNESCO (UNESCO, 2010d), reinforces this tendency for ICH to be defined and operationalised according to state objectives and internationally authoritative frameworks of recognition - in which, of course, some claims to culture have more legitimacy or value than others. In other words, in the case of ICH we can see how the language of culture as a resource for development and intellectual property exploitation has relatively little international protagonism or currency other than how it can augment international and state development priorities. This therefore leaves many of the more pressing demands in the Third and Fourth Worlds that link cultural preservation to disputes covering issues such as land

3 According to UNESCO for example, the economic value of the intangible cultural heritage for a specific community is “twofold: the knowledge and skills that are transmitted within that community [giving the example of the consumption of traditional, non-patented medicines], as well as the product resulting from those knowledge and skills [giving the example of selling a ticket to a tourist]” (UNESCO, 2010d). The potential of traditional handicrafts as marketable expressions of ICH was picked out in the preliminary study for the ICH Convention: “It has been estimated that handicrafts represent almost a quarter of the micro-enterprises in the developing world, getting money directly into the hands of producers, and providing the means of empowerment to millions of people, many of them women, particularly in rural areas.” (Throsby, cited in UNESCO, 2002:4)

4 To return to the example of Bolivia that we used in chapter two, while Guarani Indians in the Izogog region are “showered with NGO funding to represent their practices as integral to their cultures and encouraged to develop products based on their traditional knowledge”, their mestizo neighbours possess little culture deemed worthy of preservation, with “international organisations deaf to their cries that the harvesting of coca leaves is itself a traditional Inca practice that sustains biodiversity.” (Coombe, 2003:299) Also see for example Rosaldo (1988); Farhat (2008).
tenure and reform, forestry, fisheries, mining, agricultural liberalisation (to name only a few; see Barsh, 1999) largely unaffected.

5.1.2. The right to land, tenure and place and the *Declaration on the Rights of Indigenous Peoples*

It has been in recognition of these difficulties in articulating a broader and more effective treaty in respect to the activities covered under the terms of ICH that campaigns have sought to develop alternative instruments to those that have been negotiated under the terms of the new world economic order of intellectual property and trade as it has emerged over the 1990s. Alongside the attempts to draft the ICH Convention a parallel attempt was made for example by a network of indigenous and First Nations groups to draft a Fourth World approach to cultural diversity outside of the inter-governmental treaty-making framework: the *International Covenant on the Rights of Indigenous Nations* (in 1994). This recognises the links between ICH and “collective” (rather than “individual”) property rights such as “the right to land, tenure and place” - by which is meant “the total environment of the land space, soils, air, water, sky, sea, sea-ice, flora and fauna and other resources which indigenous peoples used historically and on which they continue to depend to sustain and evolve their culture.” (see *International Covenant on the Rights of Indigenous Nations*, 1994)

However, drafted outside of the arena of inter-state agreements this offered little more than a “pseudo-treaty”, with no real international standing (Chartrand, 1999).

A more successful attempt has nevertheless come in the form of the *Declaration on the Rights of Indigenous Peoples* (hereinafter “IP Declaration”), which was adopted at the UN General Assembly in 2007 after a campaign that, like the ICH Convention, began in 1982 (in this case following the establishment of a UN Working Group on Indigenous Populations) (United Nations, 2007). The IP Declaration has notably called upon on states to recognise the rights of indigenous and First Nations populations by giving them more control over the land and resources they traditionally possessed, to return confiscated territory, or to pay compensation (ibid). Its recent elevation on the international political agenda is a reflection of the growing recognition and legitimacy of the vocabulary and claims attached to cultural rights, as well as the diplomatic initiatives of particular governments - notably the indigenous government of Bolivia, which was elected in 2005 and has made a point of being the first country to ratify the instrument following its adoption (in the same way that Canada has done so in respect of the cultural
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diversity Convention). As Bolivian President Morales has sought to emphasise for example in the campaign at the UN over the criminalisation of the use and cultivation of the coca leaf, the IP Declaration sits alongside a growing corpus of international treaties and agreements concerning culture that render coca’s ongoing prohibition “an attack on the human rights of indigenous communities.” (Morales, 2009)\(^5\) Morales referred in particular to Article 31 of the IP Declaration, which states that:

Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

(IP Declaration, cited in Morales, 2009)

Unsurprisingly, divisions over the IP Declaration have reflected simmering imperial and national tensions, particularly over land and natural resources. Those countries retaining the legacies of settler colonialism have been most opposed: the four countries that voted against its adoption were Canada, Australia, New Zealand and the US, all countries with historically marginalised and disenfranchised minority and indigenous populations (and, in the case of the latter three, subject to “early warning and urgent action procedures” over their treatment of indigenous populations by the UN Committee on the Elimination of Racial Discrimination) (Survival International, 2007). Concerned in particular with the IP Declaration’s potential for interference with domestic legislation and administration, and for reopening disputes over “land, territories and resources,” Canada’s Indian Affairs Minister set out the government’s objection to the IP Declaration by stressing that “[t]he reality is the document is unworkable in a Western democracy under a constitutional government,” while the Canadian ambassador to the UN quickly issued a statement to the UN General Assembly in order to point out that “[i]t has no legal effect in Canada, and its

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\(^5\) The corpus of instruments referred to by Morales were: “the UN Declaration on the Rights of Indigenous Peoples; the International Covenant on Economic, Social and Cultural Rights; Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries of the International Labor Organization; the Declaration on Cultural Diversity, the Convention on the Protection and Promotion of the Diversity of Cultural Expressions; and the UNESCO Declaration in favor of the Andean Cosmovision of the Kallawaya people as an oral and intangible patrimony of humanity, among others.” (Morales, 2009)
provisions do not represent customary international law.” (cited in CanWest News Service, 2007)

For those groups in Canada that campaigned for the IP Declaration, such as the Assembly of First Nations or the Native Women’s Association of Canada, the response of the government was described respectively as a “huge disappointment” and one that “displays blatant disregard for all our struggles.” (cited in CanWest News Service, 2007) International networks and NGOs that have supported the IP Declaration have likewise responded by arguing that opposing governments such as Canada are “fighting against the human rights of their most vulnerable peoples” and that therefore “the claims they make to support human rights in other areas will be seen as hypocritical.” (Survival International, 2007) This opposition from Canada, New Zealand, Australia and the US is also despite the fact that the IP Declaration merely represents a symbolic, non-binding agreement (it would not have got off the ground diplomatically otherwise), and its supporters have pointed this out in an attempt to reverse these countries’ decisions. Following the Canadian statement of opposition to the IP Declaration, the Canadian Assembly of First Nations has sought to stress for example that it represents a merely “aspirational” declaration (rather than a binding treaty) and that therefore “when it comes to the standards that are set, if there is a legal conflict, domestic laws will prevail.” (CanWest News Service, 2007). Such assurances over the Declaration’s standing and its clear subordination to national jurisdiction, along with the domestic and international human rights pressures that have been brought to bear on those governments opposing the Declaration, have meant that Australia and New Zealand have since reversed their position and endorsed the Declaration, with Canada also now reconsidering its position (Government of Canada, 2010).

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From the above examples we can begin to see how some of the broader limits to an acceptable international treaty on cultural diversity have been staked out and contested since the 1990s. In this sense it is important to put the transatlantic and North American conflicts over cultural exception and diversity within the context of a much broader set of conflicts in this period over defining culture’s place in the authoritative vocabulary of political and economic rights and entitlements. Global concerns over biodiversity and the sustenance of “intangible” and “traditional” heritages, knowledges and practices in the context of neoliberal globalisation and the
“new” economy have provided opportunities across a variety of struggles and conflicts for articulating claims to recognition that turn on the growing international legitimacy of the language of human rights and an expanded, “anthropological” concept of culture. Alongside this development however we have also seen an ongoing attempt (not completely successful) to contain these claims within terms commensurable with capitalist protocols and imperial hierarchies concerning the proper management of culture as a resource for political recognition and economic exploitation. Looking in particular at the stature of instruments such as the ICH Convention or the IP Declaration in relation to the cultural diversity Convention we can see that, by putting their support on one hand behind the principle of recognising the dual nature of cultural goods and services in international trade, while ignoring or opposing alternative claims to recognition on the other, the cultural exception campaign has sought to prioritise particular concepts and problems in the global debate over cultural diversity. In the following section we will begin to draw this theme out by examining the way that the cultural exception began to evolve in the campaign from the late 1990s.

5.2. The rule not the exception: Canada, France and the reinvention of the cultural exception

In the months following the Stockholm conference in 1998, French and Canadian representatives joined forces to position themselves at the helm of an international campaign with the objective of securing a binding international instrument that would reassert the sovereignty of cultural policy and put the “dual nature” of cultural goods and services at the centre of the agenda for cultural diversity and cultural development at UNESCO. Mindful of the spirit of international cooperation and urgency that had been summoned during the negotiation of the Convention on Biological Diversity in 1992, and against the backdrop of a growing sense of international unease over the pace and direction of globalisation over the 1990s (expressed dramatically with the collapse of the negotiations over the Multilateral Agreement on Investment in 1998 and the protests at the WTO Ministerial Conference in Seattle in 1999), they seized the opportunity to generate a broad and fast moving campaign. On the eve of the Convention’s adoption in October 2005, the Canadian Heritage Minister Liza Frulla spoke in Ottawa to praise the efforts of those representatives from across the country, both French and English-speaking, that had
successfully pursued “an aggressive international strategy, taking advantage of major
events to advance our objectives. Canada has been at the forefront of a well-
orchestrated diplomatic offensive.” (Frulla, 2005) Across the Atlantic, the French
representative at UNESCO during the key stages of the Convention’s drafting
celebrated a “diplomatic success story”, pointing out that while Canada had provided
the original idea of developing an international instrument to defend the cultural
exception, France had “provided the script” by utilising its ties within the
Organisation International de la Francophonie and its knowledge of the workings of
UNESCO in order to breathe political life into the campaign (Musitelli, 2006). What
has been remarkable about this campaign is the way in which has been able to
incorporate a broader number of claims and concerns to those that had originally
animated it (namely, the preservation of the cultural exception). In this section we
will look at how this strategy was developed following Stockholm, and then go on in
the following sections 5.3 and 5.4 to examine how it proved attractive (or not) to
particular governments and stakeholders as a framework for the conduct of cultural
policy.

5.2.1. Canada, the WTO ruling of 1997 and the formation of the
international cultural diversity campaign

Culture is the heart of a nation. As countries become more economically integrated,
nations need strong domestic cultures and cultural expression to maintain their
sovereignty and sense of identity…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. Canada’s cultural industries fulfil an
essential and vital role in Canadian society.

New Strategies for Culture and Trade: Canadian Culture in a Global World.
The Cultural Industries Sectoral Advisory Group
(SAGIT, 1999)

Canada took the diplomatic lead in building the international campaign for an
international treaty on cultural diversity in the late 1990s and demonstrated its
commitment to the cause by being the first country to ratify the Convention after its
adoption at UNESCO in 2005. The urgency with which it has pursued the cultural
diversity agenda at the international level was triggered by a series of developments
in the 1990s that gave the trade and culture debate a particular resonance in Canada:
the completion of the North American Free Trade Agreement (NAFTA) (1994), the
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controversial negotiations between the OECD countries over the Multilateral Agreement on Investment (MAI) (1995-1998, which broke down in large part due to French and Canadian opposition regarding its proposals on the treatment of the cultural industries)\(^6\) and, most significantly, a decision by the WTO in 1997 which ruled against Canadian content requirements for magazine advertising (following a case brought by the US government representing the concerns of Time and Sports Illustrated) (WTO, 1997; Carmody, 1999). The WTO ruling was particularly significant because it rejected the cultural arguments with which the content requirements had been defended by Canada in the dispute. This raised the alarm amongst a range of stakeholders in Canada that the momentum of international trade disputes and negotiations, backed up by the kind of powerful international regulatory frameworks that had been created by the WTO, could begin to strip away the significant measures of domestic cultural support that had been built up by the federal government over the previous century.\(^7\)

The debate over the future of Canadian cultural policy that was sparked in Canada over this period was analysed by Allor and Gagnon (1997), who noted that as the topic of free trade and the exemption of cultural products rose to become the central issue facing stakeholders and policymakers, the concern for culture as a question of national civic identity and social cohesion became framed equally in terms of economic development and how to secure the presence of Canada’s cultural and creative industries on the domestic and international market. As elsewhere, the problem of developing an economically competitive cultural sector was now emerging as an important concern, and this has been reiterated over the course of the

\(^6\) For more detail on role of culture in the breakdown of the MAI, see for example Voon (2007:31-32); Musitelli (2006).

\(^7\) This “web of protection” (Acheson and Maule, 2005) around the arts, heritage, broadcasting and, increasingly since the 1970s and 80s, the cultural industries (including film/video, sound recording, new media and periodical and book publishing) has been built and maintained by a concern amongst Canadian policymakers with the effects of sharing a long border with the world’s superpower of cultural exports the US. The 1951 Massey Commission for example, which set out the blueprint for postwar cultural policy in Canada, identified the need for national institutions and mechanisms of support that could build the country’s capacity for the “successful resistance to the absorption of Canada into the general cultural pattern of the United States.” (cited in Compendium of Cultural Policies, 2008) Driven by the particular dynamics of Anglophone federation and Francophone nationalism and the requirement that policy proceed with an eye to “the preservation and enhancement of the multicultural heritage of Canadians” (as expressed in the country’s Constitution), Canada has also been a pioneer in developing internal policies of multiculturalism and multilingualism in the affected sectors through mechanisms such as broadcast and content quotas, and these have similarly seen to be under threat by the WTO ruling (this particular emphasis on multiculturalism in Canada also often renders minorities that do not fall within the Anglophone-Francophone framework invisible in the national discourse, as Tamang (2010) has noted for example).
campaign for the Convention. While discourses on culture during the debate that was sparked in the late 1990s were therefore careful to “steer away from endorsing free market mechanisms,” they simultaneously invoked the utility of culture “as a resource to be developed and exploited for the sake of economic development” and to “enhance the international profile” of the country and its provinces (Allor and Gagnon, 1997:43). Yúdice (2003:224) similarly reflected on the debate in Canada in the 1990s by noting that free trade in itself was not the issue: it was more significantly an “occasion for discussion of the increasing protagonism of culture in the articulated management of the economy, mediated representation and citizenship.”

Equally significant here is that this was also an occasion that prompted Canada to begin to internationalise these discussions in a bid to create wider international support and legitimacy for its domestic policy objectives. In this spirit the WTO ruling was followed by a series of coordinated responses from the Canadian government (at both federal and regional levels, encompassing both English and French-speaking Canada), civil society and private sector: notably the formation of the International Network of Cultural Policy (INCP) (in 1998), the formation of the Coalition for Cultural Diversity (CCD) (in 1998) and the adoption, by the Department of Foreign Affairs and International Trade (DFAIT), of a strategy that was set out in a report by the Cultural Industries Sectoral Advisory Group (SAGIT) (in 1999). Together these groups worked to put the question of the trade in cultural products at the centre of the intergovernmental response to the Stockholm conference of 1998 and have provided the defining follow-up to the work that had been undertaken at UNESCO over the previous decade. In the rest of this section we will look at the strategy developed by SAGIT and DFAIT and how this was complemented from France and the EU, and in the following section 5.3 we will go on to look more closely at the international efforts of the INCP and CCD.

SAGIT: New Strategies for Culture and Trade

“The Québec Government's view is that cultural goods and services play a key role in Québec and elsewhere in terms of the identity of peoples, democratic life, the sense of cohesion every society requires, and, more and more, in economic development itself.” (Gouvernement du Québec, 2006). These observations have been paralleled since the late 1990s by the Federal Government, which recently announced its Economic Action Plan in response to the global economic crisis, including $540 million targeted at “cultural infrastructure, developing and celebrating artistic excellence, and supporting creative competitiveness. The consideration of arts and culture in the Economic Action Plan is testament to the important role arts and culture play in stimulating and strengthening the economy.” (Department of Canadian Heritage, 2009).
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The overall strategy that was pursued by Canadian representatives in securing the adoption of the Convention was set out in 1999 when the Canadian government adopted a set of recommendations drawn up by the Cultural Industries Sectoral Advisory Group (SAGIT), a policy-oriented group of Canadian film, TV, music, publications, arts, new media and communications industries (as well as experts in cultural policy and international trade law, such as Ivan Bernier) working closely with the Department of Foreign Affairs and International Trade (DFAIT) and the Department of Canadian Heritage. The central theme of these recommendations was the need to set out a strategy for “internationalising” the Canadian campaign for the recognition of the cultural exemption in international trade in a way that could strengthen Canada’s position in negotiations and disputes affecting the cultural sector (SAGIT, 1999). Against the backdrop of national and international controversy over the MAI and WTO negotiations, SAGIT highlighted the political opportunity that had been presented by “a growing concern worldwide about the impact of international agreements on trade and investment on culture.” (ibid) Pointing in particular to the way that different countries and groups had come together in recognition of the urgent need to protect and promote biodiversity with the adoption of the Convention on Biological Diversity in 1992, SAGIT therefore called upon the Canadian government to gather wider international support behind a new instrument that could be used to further cultural diversity in the context of trade negotiations by asserting the threat now being posed to the role of the cultural industries in development: not only on economic grounds, which it noted were becoming increasingly important (both as a percentage of GDP and as a driving force of the new economy), but also for their role at what it referred to as “the heart of a nation.” (ibid) The essence of the new strategy was set out in the following passage:

The tools and approaches used in the past to keep cultural goods and services from being subject to the same treatment as other goods and services may no longer be enough. As is clear from events over the past few years, the cultural exemption has its limits…

Just as nations have come together to protect and promote biodiversity, it is time for them to come together to promote cultural and linguistic diversity. As Sir David Puttnam, President, Enigma Productions, wrote:

Stories and images are among the principal means by which human society has always transmitted its values and beliefs, from generation to generation and community to community. Movies, along with all the other activities driven by stories and the images and characters that flow from them, are now at the very heart of the way we run our economies and live our lives. If we fail to use them responsibly and creatively, if we treat them simply as so many consumer industries
rather than as complex cultural phenomena, then we are likely to damage irreversibly the health and vitality of our own society.

(SAGIT, 1999)

It was also this theme that was subsequently developed by SAGIT into a draft proposal for an international instrument on cultural diversity in September 2002 (SAGIT, 2002), providing a model for domestic and international discussion through Canadian advocacy, as well as a model for the draft that was ultimately put forward as the basis for the discussions at UNESCO in 2003 by the group that has provided the central diplomatic momentum for the Canadian campaign, the International Network on Cultural Policy. Although these drafts differed on a number of points, they were largely identical in their language and central objectives and this was emphasised in the preamble to the draft that was presented at UNESCO (“What is most remarkable about these three initiatives is how much they have in common. It is unusual to find that governments, civil society and key business groups agree on an important international legal initiative”; INCD, 2003: 3). Carefully crafted in the terminology of international trade law they set out templates for an internationally binding text that recognises the special status of cultural goods and services while asserting that it is the right of states to maintain policies based on this recognition, in the face of international pressures for greater liberalisation, that offers the key regulatory measure for achieving global cultural diversity and cultural development. At the same time, they make a point of balancing provisions for the protection of domestic productive capacity with provisions that ensure the maintenance of an open regulatory environment for international trade that not only benefits Canada in other sectors but that can ensure access to markets for its cultural exports in what is an increasingly significant sector of the economy. The importance of this point was emphasised for example by DFAIT in the draft created by SAGIT: “the purpose of the agreement would be to set out clear ground rules to enable Canada and other countries to maintain policies that promote their culture while respecting the rules of the international trading system and ensuring markets for cultural exports.” (SAGIT, 2002:1) Above all, the three texts noted that although the instrument should leave no ambiguity as to these objectives, it should also seek to broaden the relevance of the cultural exemption principle as a matter of international urgency and concern, so as to generate wider international support and to resonate with UNESCO’s mandate. In introducing the draft proposal SAGIT therefore pointed out for example that:
[T]here may be a serious danger of weakening the instrument itself in adopting an approach that is too wide, such as the one that extends the meaning of ‘cultural diversity’ to include pluralism of opinion and lifestyles and other aspects outside the realm of cultural expression… However, it is important to continue work on a future-looking approach that would establish a wide positive recognition of the value of cultural diversity as opposed to the implication that because culture is exempted from free trade agreements it is being sheltered behind old-fashioned protectionism.

(SAGIT, 2002: 2-5)

This theme was taken up in particular by the INCD, which opened its preamble to the draft by situating it within the emerging framework of cultural rights (“The importance of cultural expression is rooted in the Universal Declaration of Human Rights, the United Nations International Covenant on Economic, Social and Cultural Rights, and in declarations of UNESCO, the International Organization of the Francophonie, and the Council of Europe”) and went on to conclude by emphasising that:

Our vision includes the flourishing of cultures, locally, regionally and globally, shared by all. During a time when cultural divisions and intolerance has spawned the most egregious assaults on human dignity and security, the INCD believes that this modest initiative may also offer a guidepost to a peaceful path for resolving our most pressing challenges.

(INCD, 2003:7)

In other words we can see how the strategy set out to strengthen the legitimacy of the cultural exemption principle in trade negotiations from the late 1990s by situating it within the diffuse set of international concerns over the pace and direction of globalisation, and rearticulating it through the language of cultural diversity and rights as it had gained international currency and urgency over the previous decade. This has proven to be an extremely fruitful formula, allowing Canadian representatives to strike strategic alliances amongst cultural ministries and industry stakeholders that had previously had comparatively little connection with the global trade and culture debate - even as it simultaneously marginalised the diffuse “pluralism of opinions and lifestyles” deemed surplus to the campaign and to the formulation of an effective international treaty. Before going on to examine in more detail how this strategy was pursued at the international level, and the kind of alliances and overlapping interests that it created amongst different countries and groups, we will first consider how the Canadian strategy was complemented from across the Atlantic.
There is no European conscience, emotion nor identity if we don’t keep in mind the specific histories of each country, that is to say if we don’t watch European films in order to discover the soul of Europe.

Doris Pack, President of the Committee on Culture and Education of the European Parliament (European Parliament, 2009)

Canada found powerful allies to lead its international campaign in Europe, where stakeholders and trade negotiators sought to address a similar set of problems following the end of the Uruguay Round of negotiations in 1994 and as part of the attempt by European institutions and member states to implement policy measures aimed at preserving the international viability and competitiveness of Europe’s cultural sector (through measures such as the Television Without Frontiers Directive and, subsequently, the Audiovisual Media Services Directive; see chapter two). It was in light of these concerns, and the ongoing struggle to develop a coherent Europe-wide cultural policy in the face of the ongoing disenchantment with the integration project and the assertions of national cultural sovereignty, that the Council of Europe adopted the first Declaration on Cultural Diversity in 2000, which UNESCO subsequently welcomed for “highlight[ing] the distinctive feature of the audiovisual sector in relation to other industrial sectors, stating in particular that ‘cultural and audiovisual policies which promote and respect cultural diversity are a necessary complement to trade policies.’” (UNESCO, 2003b) The concern was most acute in France, where it had become increasingly apparent that the validity of the “exception culturelle” not only appeared under threat faced with the scheduled resumption of WTO negotiations in Seattle in 1999, but had become “a standard that did not inspire much call to action” among other countries, as the former French diplomat and UNESCO representative Jean Musitelli recalls (Musitelli, 2006:2). The isolated position of the French negotiating team had been confirmed during the negotiations between the OECD countries over the MAI between 1995 and 1998, where it became clear that French proposals for an inclusion of an exception for cultural goods and services in the proposed agreement were going to be rejected by the other negotiating countries - prompting France’s withdrawal from the negotiations

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9 For an analysis of the evolution of European cultural policy and how it has been developed in relation to the problem of globalisation, see de Vinck and Pauwels (2008).
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(bringing them to an end, since procedures required unanimity) and the search for a new strategy by its negotiators (ibid; Bernier, 2004).

Reflecting on the political opportunities that had been presented by the outburst of international public opposition against the MAI negotiations (largely over labour and environmental standards), as well as the standard-setting work that had been done at UNESCO over the previous decade on cultural development, France therefore joined Canada at the end of 1998 in settling on cultural diversity as a more useful banner in the campaign to maintain support mechanisms in the face of trade liberalisation - one which could overcome the limitations of the exception culturelle by offering a more universal principle around which greater consensus could be built at an international level (Musitelli, 2006). Against the backdrop of the MAI, cultural diversity began to make its first appearances in the official French vocabulary on the international stage, notably with the *Franco-Mexican Declaration on Cultural Diversity* (in November 1998) and the joint communiqué of the Canadian and French Prime Ministers in Ottawa the following month on *The Importance of Cultural Diversity in a Global Economy* (Voon, 2007:32; Musitelli, 2006:2, 9). Like Canada, this turn to cultural diversity aimed to transform the French position, according to the key architect of the French strategy, “into the rule not the exception” by seeking to make “the rebalancing of culture/commerce a pillar of construction of the new international judicial order destined to regulate globalisation.” (Musitelli, 2006:2)

This involved broadening the concept of cultural exception to the concept of cultural diversity, based on the premise that the defensive posture of “exception” was too explicitly couched in “commercial” rather than “cultural” arguments, and that it was necessary to enlarge the issue to “a universal dimension” so as to rid it of its stature amongst the majority of countries watching the American and European disputes at the WTO “as nothing more than transatlantic rivalry.” (ibid:2). As Musitelli went on, it was hoped that this turn to the expanded concepts of culture and diversity would prepare the ground for a new consensus:

The notion of diversity afforded the benefit of opening up the narrow field of vision of exception onto a broadened horizon. It rehabilitated the anthropological and sociological components of culture which had been ignored in commercial negotiations. When it published its report entitled *Our Creative Diversity*, UNESCO had stressed the role of identity and cultural creativity as levers of economic and social development. All the same, held at bay from negotiations on cultural goods and services, it hesitated to confront head on the question of the impact of globalisation on cultural expression and practices. The idea of organizing the convergence of these two ways of looking at the issue, one of them, coming out of the debates on exception and centred on the theme of culture/commerce and
cultural industries, and the one suggested by UNESCO, centred on the culture/development tie and safeguard of creative expression, would allow the practical and theoretical political debates of the North-South Alliance to turn to cultural diversity. It was from this fertile ground of supposition that the ‘invention’ of cultural diversity sprung.

(Musitelli, 2006: 2-3)

The development of this strategy has involved a shift in French foreign policy, particularly regarding the role expected of the Organisation International de la Francophonie (OIF). Traditionally, the OIF has been seen as a strategic bulwark against “Anglo-Saxon” cultural, economic, political and military influence in areas of French interest, particularly in Paris’s “African backyard” where postcolonial Francophone ties have been cultivated in reference to the defence of French universalism and civilisation against its British, or more recently American, rival. Although this role of Francophobia undoubtedly remains a central one (see for example Bagayoko, 2009), the elevation of cultural diversity as a point of French diplomacy since the 1990s has also involved seeking alliances outside its traditional spheres of influence, turning to the non-Francophone South as well as to Eastern and Central Europe - with the campaign for the Convention at UNESCO emerging as an occasion for what Glasze (2007:672) has described as the transformation of Francophonia into “a huge political alliance…apart from the centre of ‘anglo-saxony’, the United States.” With the UK also becoming a key player in the campaign for the Convention (notably by holding presidency of the EU as it negotiated the text and playing a key role in forging a common position amongst the other member states), traditional inter-imperial or “civilisational” rivalries have made way for a more pragmatic approach based on overlapping political, strategic and commercial interests. Requirements for membership or observer status in the OIF over this period have changed to reflect this shift in the identity of Francophonia as a geopolitical bloc that is united less through allegiance to the common ties of French language and institutions than through a looser commitment to the principle of the

10 According to Gérard Prunier, the Francophone tie in Africa sustains remnants of colonial influence and grandeur: “Paris’s African backyard remains its back yard because all the chicks cackle in French. There is a high degree of symbiosis between French and Francophone African political elites. It is a mixture of many things: old memories, shared material interests, delusions of grandeur, gossip, sexual peccadilloes.” (Prunier, 1995:103-104) This tie has been a strategic one since the “Fashoda Incident” during the Scramble for Africa, and is still expressed in grand strategy on the continent and elsewhere. The implications of this reached their obscene extremities during the Rwandan genocide, when France supported its regional allies amongst the Hutu by assisting the genocidaires as part of an attempt to counter the US-backed Tutsi campaign, on the grounds that this was necessary to preserve the integrity of French language, culture and influence from America’s strategic incursions in the region. (Bayart, 2005: 19-25; Prunier, 1995; The Independent, 2007)
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protection and promotion of cultural diversity: since the late 1990s the OIF has therefore expanded to incorporate a number of countries where French linguistic or institutional ties have played no significant historical role.\footnote{The recent wave of membership includes Armenia (joined 2008), Austria (2004), Croatia (2004), Cyprus (2006), Czech Republic (1999), Ghana (2006), Greece (2004), Georgia (2004), Hungary (2004), Latvia (2008), Lithuania (1999), Mozambique (2006), Serbia (2006), Slovakia (2002), Slovenia (1999), Thailand (2008), Ukraine (2006). For more information see www.francophonie.org} Affiliation is rather through, as the Austrian foreign ministry put it for example, “commitment to cultural diversity and intercultural dialogue.” (cited in Glasze, 2007: 670) Former President Jacques Chirac set out this new role of the OIF in 1997:

Francophonia has a vocation to invite all the other languages of the world to reunite so that cultural diversity, which results from linguistic diversity that this diversity [sic] is protected. Beyond French, beyond the Francophonia, it is necessary for us to be the militants of multiculturalism in the world to fight against the smothering, by a single language, of various cultures, which make the richness and the dignity of humanity.

(Chirac, cited in Glasze, 2007: 672)

It has been in this spirit that France and other European countries have brought significant diplomatic clout to Canada’s attempts to generate support behind a binding legal instrument on cultural diversity. One of the fruits of the new OIF strategy, the OIF’s \textit{Cotonou Declaration} (in June 2001), therefore expressed a wide commitment to the principle that “cultural goods and services should be given special treatment and that the free determination by States and governments to adopt their cultural policies constitutes the best guarantee of the plurality of cultural expression”: this Declaration was subsequently referred to by UNESCO in its preliminary drafting work for the Convention as presenting a complement to the draft proposal that had been presented by the INCP in 2003, since together they had contributed to a growing corpus of work that had paved the way towards the creation of a binding international instrument (UNESCO, 2003b). More broadly, the strategy has involved waging a \textit{mission civilisatrice} under the banner of “protecting” vulnerable countries from the [real or imagined] steamroller of US-led trade liberalisation and its effects on cultural development - what the Quai d’Orsay (French Ministry of Foreign Affairs) described in 2005 as Francophonia’s mission to “help the countries from the South to structure their mind” on the question of cultural diversity (Milhaud, 2006).\footnote{I am grateful to Olivier Milhaud for providing me with information from the Quai d’Orsay.}

This is how \textit{Le}
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*Monde* reacted for example to the adoption of the Convention in 2005, and how the OIF summarised its work in the run-up to the Convention’s adoption:

The more countries that ratify it, the more real weight it will have... Time is [now] of the essence, as the U.S. is taking advantage of every minute to sign as many bilateral trade agreements as possible with ‘fragile’ countries that do not have strong cultural industries. ...[D]espite U.S. ire, the convention to enshrine the uniqueness of culture has been adopted. But, far from being out of options, the Americans are still trying to include culture in bilateral agreements. They did so with South Korea, Chile, and Morocco in exchange for trade favors, but not without resistance. France intervened for Morocco to ensure it stayed the course. Culture can also be war. 

*(Le Monde, 18th October 2005)*

The ongoing transition toward a global knowledge society in which creative works are a source of wealth highlights the fact that the production of cultural goods can contribute to economic development. OIF efforts in this field culminated in UNESCO’s adoption of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions on October 20, 2005.

*(OIF, 2009; author’s translation)*

The prominence given to culture’s place in development here marks one of the most important contributions to the Canadian campaign from across the Atlantic, since trade and development policy is a key area binding much of the South to Europe, particularly amongst the political grouping of the African, Caribbean and Pacific (ACP) states (79 in total) made up of Europe’s former colonies. With the ACP states involved in negotiations with the European Commission over a series of Economic Partnership Agreements (EPAs) at the same time as the Convention has been on the table at UNESCO, this has been an opportunity for discussions between European and ACP governments to turn on questions of market access and development assistance and to find common points of interest regarding the treatment of cultural products. The European Commission’s Directive for the EPA negotiations that was approved by the European Council in 2002 for example set out this objective of the agreements to “provide for a distinct treatment of AV [audiovisual] services that would guarantee the possibility of the EU and its Member States as well as ACP states to preserve and develop their capacity to elaborate and implement their AV and cultural policies aimed at preserving their cultural diversity,” while simultaneously “acknowledging, preserving and promoting ACP cultural values and identities, in order to support intercultural dialogue through an improvement of the possibilities of

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13 “La transition en cours vers une société mondiale des savoirs dans laquelle les œuvres de l’esprit sont source de richesses, souligne que la production de biens culturels peut contribuer au développement économique. L’adoption à l’Unesco, le 20 octobre 2005, de la Convention sur la protection et la promotion de la diversité des expressions culturelles a consacré les efforts entrepris par l’OIF dans ce domaine.” *(OIF, 2009)*
In summary, we have seen in this section how the Canadian and Franco-European responses to the challenges of the 1990s sought to give a new lease of life to the cultural exception by rearticulating it on the international stage through the language of cultural diversity as it had gained wider currency and urgency over the previous decade. One of the striking features of the campaign when we set it against arguments such as Yúdice’s regarding culture as resource becoming “the only surviving definition” with any significant political protagonism today is the way that particular arguments have been deployed by the architects of the campaign. In fact we have often seen the opposite to Yúdice’s observations on this point, as claims invoking culture’s irreducible value as the heart and soul of society and as contributing to the richness and dignity of humanity have come to be foregrounded by the campaign: indeed we might argue that such claims have been used both to bolster culture’s “instrumental” protagonism as a source of economic development, as well as being a necessary condition for generating the kind of support and legitimacy needed to approach UNESCO with a proposal for an international treaty. On the other hand however, we have also seen that the campaign has not sought to reinforce the protagonism of the kinds of elitist concerns that have characterised cultural policy in the past, but rather has involved raising the banner of the anthropological component of culture in a bid to widen the relevance of the campaign amongst a broader number of groups while simultaneously elevating the value of the cultural industries in national and international development as they have emerged as one of the strategic considerations of policy makers in the new global economy. In the following section we will look at some of the main vehicles through which the
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campaign has travelled beyond Europe and Canada, and go on to examine some of the dynamics of the campaign as it played out in Morocco in 2004.

5.3. The INCP/CCD networks and the campaign in Morocco, 2004

Extending the existing international linkages within the OIF, two Canadian initiatives - the International Network on Cultural Policy (INCP) and the Coalition for Cultural Diversity (CCD) - have played a key role in the kind of governmental, non-governmental and industrial coalition-building and advocacy that have been necessary to bring the campaign to more formal international prominence: rallying international support amongst cultural policy makers and industry stakeholders, and raising the international profile of the trade-culture problem in matters of international regulation. In this section we will begin by giving an overview of their work, and then go on to consider the particular example of the campaign in Morocco, which can be used to illustrate the simultaneously inclusive and exclusive approach to cultural diversity that characterises the strategy that has been set on since the late 1990s.

The International Network on Cultural Policy

Although the strategy set out by SAGIT that we considered earlier was only formally adopted by the Canadian government in 1999, it was in fact already underway in the months following the Stockholm conference in 1998, when the Canadian Heritage Minister Sheila Copps took the diplomatic initiative by assembling the International Network on Cultural Policy (INCP), with the aim of bringing national cultural ministers from around the world together in order to build on the legacy of Stockholm by developing an instrument aimed specifically at checking the momentum of US-led pressure on cultural policy through the WTO. Working in parallel at this objective has been the International Network for Cultural Diversity (INCD), a non-governmental network of cultural industries, arts and heritage institutions and others, backed by those national ministries involved in the INCP.14

Of all the groups that worked to define an intergovernmental and civil society response to Stockholm and to build a campaign to secure an international instrument along the lines suggested by SAGIT, the work of the INCP/INCD has been the most

14 For more information on the history and activities of the INCP and INCD see: www.incp-ripc.org and www.incd.net
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decisive: widening support, generating consensus and developing the kind of practical
strategies necessary to advance the adoption and subsequent ratification of a binding
international treaty. Its most notable contribution was to submit the first draft of a
possible instrument for consideration to the UNESCO Director-General in February
2003, along with a request that the task of drawing up a binding international treaty
along the lines that they had proposed be put on the agenda at UNESCO later that
year (INCD, 2003; INCP, 2003; UNESCO, 2003b). Canada has played the lead role
in expanding membership of the networks (by the time of the Convention’s adoption
INCP membership had grown to 72) and coordinating the campaign: hosting the
headquarters of both networks, providing resources, organising regular meetings and
maintaining the focus of the campaign on the question of trade liberalisation. In
parallel with France’s diplomatic clout in the South through the OIF, the INCP/INCD
networks extended the campaign by focussing diplomatic efforts on those
governments and sectors with an emerging stake in the trade in cultural products or
that were involved in trade disputes that had the potential to impact the international
standing of the cultural exception principle (notably Argentina, Brasil, Mexico,
Jamaica, Barbados, South Africa, Morocco, South Korea and China) (Musitelli,
2006). The INCP/INCD has also provided organisational capacity and a focal point
for the creation of regional networks in an attempt to generate greater local
momentum behind the Convention’s ratification and implementation - notably with
the establishment of the African INCD in 2007, which brought together a network of
cultural entrepreneurs centred in Dakar, Senegal keen to widen civil society support
in the continent and to press for greater influence in the Convention’s implementation
(Busari, 2007).

However, following the Convention’s adoption and its subsequent ratification
by the required number of countries (30) that were necessary for the treaty to enter
into force, the INCP/INCD has been run down. This has confirmed the ultimate
dependence of the networks on Canadian priorities, symbolised by the announcement
of the Department of Canadian Heritage in 2006 that it would withdraw the funding
that it had provided to the INCD since the start of the campaign in 1998. This has
brought a loss of direction as the network has lost capacity and been forced to
reorganise, meetings have become infrequent and activities wound down (including,
in 2008, the cessation of its newsletters, which had formerly played an important role
in informing the campaign and rallying membership). Although the INCP/INCD
continued to issue warnings over the potential for aspects of cultural services to
become offered as part of the bargaining process during the Doha Round, it has been recognised that with negotiations becoming preoccupied with other matters (in particular agricultural subsidies and market access for industrial goods) the cultural services sector was now unlikely to become the focus of negotiations (INCD, 2008).

Coalition for Cultural Diversity
Also founded in Canada in 1998, and working closely with the INCP/INCD in support of the Convention’s adoption and subsequent ratification has been the Canadian Coalition for Cultural Diversity (CCD): an alliance of producers, broadcasters, distributors, publishers and others working in the fields of publishing, film, television, music, performing and visual arts with the mission to gain wider international support behind the principle that “cultural policy must not be subject to the constraints of international trade agreements”, and based on the argument that “cultural diversity is a fundamental human right and that countries and governments must be entirely free to adopt the policies necessary to support the diversity of cultural expression and the viability of enterprises that produce and distribute this expression.”

From its headquarters in Montreal the CCD soon attracted support from other cultural sector groups within Canada and then served as a vehicle to encourage and support the formation of a network of other nationally based CCDs around the world by working directly with cultural industry lobbyists in other countries. Although the nature of this network of nationally based CCDs has made it more dispersed than the internationally organised INCP/INCD, it has also provided a more direct route to key stakeholders and governments by liaising directly with cultural producers around the world while simultaneously harmonising a powerful advocacy and lobbying campaign behind the trade-culture issue (in the words of the Canadian CCD’s Executive Vice Chairman, Robert Pilon, “working from local levels so leaders become aware of the issues in their countries to advance the convention”; cited in McDowell, 2006). In this spirit the CCD backed up the efforts of the INCP/INCD by amplifying the call for the creation of a new international legal instrument for cultural diversity, along with issuing warnings to other countries that until this had been achieved, they refrain from making trade liberalisation commitments in the cultural sector whether in the context of negotiations within the WTO or within any other international trade negotiations (CCD, 2000).

15 For more information on the history and activities of the CCD see: www.cdc-ccd.org
The ability of the CCD to rally such support was aided in 2003 by the creation of an International Liason Committee (ILC), which provided greater coordination among its members and also sent a number of delegates to the intergovernmental drafting negotiations between 2004 and 2005 (CCD, 2005). Its ability to ensure that the voice of the cultural sector has been heard during these various stages at UNESCO has also been aided by UNESCO’s new eagerness to involve civil society and the private sector in its activities, both during the drafting stages and subsequently with the deliberations over the Convention’s implementation. Following the Convention’s entry into force in 2007, the ILC became the International Federation of Coalitions for Cultural Diversity (IFCCD): shifting the focus of its lobbying activity to the promotion of the Convention’s ratification and implementation by individual governments, and at the time of writing coming to aggregate over 600 cultural producer organisations, incorporated in Montreal (while the French CCD has represented the IFCCD at UNESCO in Paris). It has nevertheless retained the core mission of supporting the formation of national constituencies and lobby groups amongst cultural ministries, industries and professionals - in short, working for what it refers to as “mobilization and vigilance by the cultural milieu.” (IFCCD, 2009a) Like the INCD/INCP, the Canadian CCD’s “international missions” (sending representatives to foster the organisation of CCDs in other countries) have tended to concentrate on cultural sectors and ministries in countries with a strategic significance, particularly among those actively seeking a growing international presence for emerging cultural sectors or that have been involved in bilateral negotiations with the US that involved extending the liberalisation of cultural services - such as in China, India and South Korea (see CCD, 2006), or in Morocco in 2004 (CCD, 2004).

The campaign in Morocco, 2004
The campaign in Morocco was undertaken in the context of a series of attempts in this period by the US to schedule commitments from a number of countries to liberalise audiovisual services through a “new generation” of bilateral FTAs that could both circumvent the Doha deadlock at the WTO and counter the ongoing attempts to widen international support behind the cultural exemption principle as the Franco-Canadian campaign began to gather pace at UNESCO (Bernier, 2003; also

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16 On the IFCCD see: www.ifccd.com
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see chapter two).墨西哥，一个OIF成员，自2003年1月起，已成为国际运动的闪电棒，当时在2004年1月由CCD的摩洛哥分支组织的一次示威活动被警察强行驱散，据报道造成了一些人员受伤（CCD，2004）。抗议的目的是，正如摩洛哥CCD创始人及电影人Nabil Ayouch所指出的，旨在引起人们对政府在FTA谈判中如何处理文化部门缺乏透明度的关注。对加拿大的CCD的声明反映了对警察反应的反应，指出“在这些性质的谈判中，文化领域的高风险性...文化领域是否能够保留其促进自己文化产品空间的权利是当今最重要的问题之一。”（CCD，2004）

这可能就是来自法国、加拿大和少数几个不幸的文化界代表者的看法，但对大多数民众来说，FTA谈判的关键争论在于其对农业部门的影响，这实际上在理解文化如何成为谈判和运动焦点的过程中是中心问题。摩洛哥大约40-50%的劳动力在农业部门工作，因此，对于谈判将导致国内生产崩溃的争议集中在这一方面。17

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17 The INCD for example noted in regard to the US-Morocco FTA negotiations that: “The speed and confidentiality of the bilateral talks result from the failure of the United States to achieve its trade objectives in the multilateral arenas such as the WTO. Additionally, some believe the US government is concerned that the movement for a new international Convention on Cultural Diversity will limit its ability to achieve concessions in the cultural sector.” (INCD, 2004)
projected by the World Bank), with negotiations mandating substantial reductions of export subsidies and price supports for grains, the exposure of domestic farms and employment to competition from imports, and the effective continuation of the ongoing enclosure of collective rangelands following nearly three decades of restructuring in the agricultural sector (Davis, 2006). This process of restructuring has been rationalised by resurrecting the same discursive strategy that had been deployed in the colonial period regarding “native improvidence” and the land-degrading effects of “traditional” production systems in rural areas - narratives that have been used to justify an ongoing process of dispossession of rural populations in strategic territories, while extending control over Berber, pastoral and nomadic groups in the countryside long deemed problematic by the Moroccan monarchy and colonial administration (ibid).

It is important to note that this restructuring, and its related assaults on the rural population and those employed in the agricultural sector (as well as the swelling urban population, since the FTA measures have contributed both to urbanisation and to a painful inflation in the price of basic foods, provoking a series of riots and bloody clashes with government; El Ouali, 2008), has been driven as much by European as American pressure. The EU negotiated a similar bilateral FTA with Morocco over the 1990s (entering into force in 2000), in the course of which the two parties had had serious differences over the Moroccan government’s priority of gaining access for Moroccan agricultural products to the EU market, which the EU refused despite gaining significant concessions from Morocco in other sectors - and tightening the squeeze on the population in the cities and countryside in the process (Damis, 1998; El Ouali, 2008). In this context, the subsequent agreement between the US and Moroccan government took on a particular significance in Europe because the US had not only gone further than European negotiators in offering reciprocal access to its own market, but in the process it had also managed to gain a strategic advance against Europe in a country that is seen as crucial in the rival attempts to establish a US-Middle East Free Trade Agreement (MEFTA) and a Euro-Mediterranean Free Trade Area (EMFTA) across North Africa and the Middle East. This is what provoked the French reaction at the start of the FTA negotiations in January 2003,

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18 The World Bank projected that poverty in rural areas would increase from 28% to 34% as a result of the FTA and extreme poverty in rural areas would double from 6% to 12%, meaning that a significant number of the four million Moroccans involved in agriculture in rural areas (as well as their dependents), would be severely adversely affected (Davis, 2006).
when the French Foreign Trade Minister stated that Morocco “cannot say that [it] want[s] a close partnership with the European Union and at the same time sign a Free Trade Agreement with the United States”: as Brunel noted, this statement illuminated a concern that is increasingly raised by Moroccan diplomats and negotiators in the neoliberal context - namely that as Morocco deepens its relations with the US, it must at the same time preserve its ties with Europe (Brunel, 2009:235).

There are a number of points to draw out here. First is the fact that the Moroccan government’s willingness to grant concessions to the US on the principle of audiovisual services liberalisation in exchange for “trade favours” in other sectors was seen as problematic for observers in Europe not only out of a concern for the international standing of the cultural exception, but also out of concern to maintain strategic and commercial influence in the region. What concerned France above all regarding the controversy over culture’s place in the negotiations was that Morocco was prepared to jettison one of the principles binding Morocco to Francophonia and the EU - a commitment to cultural diversity (or at least to the principle that the audiovisual services sector should not be surrendered to the US) - in exchange for improved access in other (“normal”) sectors and closer ties to Washington. At the same time, we can see how the alliance that was forged between the Canadian, French and Moroccan cultural milieu in the form of the CCD only extended the concern for cultural diversity as far as their particular concern with the treatment of the audiovisual sector: since agriculture has no cultural significance from the point of view of the international campaign, those other (normal) populations involved in this sector who have stood to be displaced and dispossessed by the FTA have had little relevance or protagonism in the campaign. As we have seen, it is not self-evident that questions of agricultural and land reform are not also questions of cultural recognition or diversity: for many in the countryside the collective lands are both a source of food and other material necessities (agricultural and livestock production, gathered foods and medicines, materials for building and fuel), as well as being integral to a distinctive patchwork of “ways of life” defined and expressed through resistance to dispossession, enclosure and incorporation (Bouderbala 1997; Davis, 2006). In this context, the claims from movements representing rural Berbers, such as the National Popular Movement, that they constitute “people who don’t exist” in the eyes of government (Mahjoubi Aherdan, cited in Prengaman, 2001) continue to ring true - and have in fact been made with increasing frequency in the neoliberal period of land enclosures and FTAs with the US and EU. Other Berber movements such as the
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Amazigh (Berber) Commission for Development and Human Rights (ACDHR) or the Amazigh Democratic Party (PDAM) have therefore turned to other fora for recognition (such as attending the 2001 UN World Conference on Racism in Durban South Africa, or writing directly to the European Parliament in 2008), in an attempt to deploy the language of human and cultural rights - so far with little success (Prengaman, 2001; Adghirni, 2008). It is worth considering in detail here some of the claims that were made by PDAM in writing to the European Parliament in September 2008:

Considering the importance that the European Union attaches to respect the principles of the UN Charter and, in particular, respect for human rights and political freedoms and economic issues that are the foundation of the association agreement [the FTA completed between the EU and Morocco in 2000];

Considering regressions known in Morocco in recent years regarding human rights in general and rights of citizens Amazigh (Berber);

Considering the total lack of political will on the part of the Moroccan state to reform the Constitution, given that the current Constitution categorically denies the linguistic and cultural rights of citizens Amazigh;

Considering the obstacles undertaken by various ministries against the promotion of language and culture Amazigh, such as the Ministries of National Education and Communication;

Considering that the Moroccan State practice a policy of anti-apartheid Amazigh characterized by the ban on names Amazigh, the ban on cultural activities, the non-issuance of permits for the establishment of associations Amazigh, the suppression of Sitting and events, Blocking television Amazigh… [sic]

Considering that the Ministry of Interior has opened legal proceedings to cancel the constitution of the Democratic Party Moroccan Amazigh (PDAM), in a more political than legal and it is applying a law with retrospective… [sic]

Considering that the Moroccan State has committed serious violations of the economic and social rights of Amazigh people in several locations in the Middle Atlas, the High Atlas, Souss, in the Rif, in the Anti Atlas, in the south-east , The Sahara and in Ait Baamran as the abandonment of children dead Anfgou in January 2007, the exploitation of the water source Ben Smim, repression in Ait Ourir, expropriation of land and collective tribal…; [sic]

Considering that law enforcement agencies of the State of Morocco have unleashed a savage violence against the civilian populations of Ait Baamran Sidi Ifni, denounced by all political and civil society Moroccan with written reports, video evidence and photos to support;

Accordingly, the Democratic Party Moroccan Amazigh (PDAM) invites the President of the European Parliament, MEPs and eurodéputées not only to freeze immediately the negotiations for the ‘advanced status’, if not the outright suspension of the association agreement [FTA] between the European Union and the Kingdom of Morocco, until the latter decided to effectively comply with democratic principles
and fundamental rights of man, as stipulated in Article 2 of this association agreement.

Letter from PDAM to the European Parliament (Adghirni, 2008)

The reason this has largely fallen on deaf ears is not because cultural arguments have been deployed in a way which is incommensurable with the episteme of culture as resource (indeed the Berber movements have attempted to do precisely that, aligning their claims for recognition within the authoritative language of political and economic entitlement and recognition), but because their attempt to deploy cultural arguments comes with claims which are fundamentally opposed to the neoliberal FTA and the administration in Morocco - above all, that they “consider all this land their land.” (Lachgar, speaking on behalf of the ACDHR, cited in Prengaman, 2001) We might note again here how the “anthropological” component of culture can for some have relatively little political or economic protagonism: in this case, it has had little protagonism for the Moroccan CCD faced with a government keen to forge ties with the US and with little interest in developing domestic capacity in its audiovisual sector, but more tellingly it has had even less protagonism for those outside the dynamics of European-American contests for influence in Morocco, particularly for those in the countryside (not to mention those who are not represented by PDAM).

Finally we might also note here that, since Morocco ultimately slipped through the net of the campaign and sided with the US on the cultural exception (Morocco has also not ratified the Convention), this case also demonstrates that the diplomatic efforts of Canada, France, the EU and groups such as the INCP/INCD/CCD/IFCCD or the OIF have not been a sufficient condition to bring particular governments on board, even if they have been able to link up with and give greater organisational capacity to local stakeholders and pockets of industry support amongst the cultural milieu. However, on this final point the campaign in Morocco has been a relatively exceptional case: elsewhere, the broadened concept of cultural diversity has otherwise generally proven successful in allowing a broad coalition of governments to add their support to the campaign.

In the next section we will therefore turn to consider some of the key points on which a consensus was struck between the North and South, focussing on the process of negotiation and compromise as it played out during the drafting work undertaken at UNESCO between 2003 and 2005. Since each individual government clearly has its own motivations and circumstances in showing support for the
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Convention, we can obviously not attempt to explain each case; nevertheless, we can draw out some broad observations, and this will allow us in the next chapter to go on to contextualise the particular responses to the cultural diversity campaign across the governments of the Caribbean region (some of whom have shown support for the Convention while others have shown little or no interest at all).

5.4. Culture on the table: North-South negotiation and compromise at UNESCO, 2003-2005

Once on the table at UNESCO in 2003, the draft proposal that had been presented by the INCP as the fruit of the SAGIT strategy and the Franco-European-Canadian campaign began to take on a different quality. From instruments that had been drafted by international trade lawyers and that were designed to leave no doubt about their objective of protecting cultural policy and the cultural exception from the pressures of [US-led] trade liberalisation (even if they also framed this in the “universal” language of cultural diversity and rights), they became instruments that emphasised a much broader set of concerns: international cooperation and assistance, cultural development, indigenous and minority rights. McDowell (2006) has observed that as the drafting process proceeded between 2003 and 2005, there was a shift in the early drafts from a “focus solely on the international trade and investment dimensions of cultural diversity” to the inclusion in later drafts of “more commitments to diversity, human rights, and minority rights at the national and sub-national level.” Similarly, the title of the first draft only referred to the “protection” of the diversity of cultural expressions (UNESCO, 2004b), with “protection and promotion” added in later drafts; this was paralleled by a shift in the way that the Universal Declaration and early drafts of the Convention referred to “cultural goods and services”, with “cultural goods, services and activities” becoming the formula that was settled on in the final text (UNESCO, 2001a; UNESCO, 2005a; emphases added). In accounting for such shifts McDowell (2006) suggests that “this may be a reflection in part of the range of issues in UNESCO’s mandate, and the need to recognise certain principles as part of an international agreement dealing with ideas and expression” - namely, the need to be careful not to clash with states’ existing commitments under international trade and human rights agreements.

This account undoubtedly captures an important aspect of the drafting process. Many of these concerns were clearly evident for example at the first expert drafting meeting that was held in December 2003 (see UNESCO, 2004b; also see
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chapter four). However, to end the explanation there would be to neglect the ways in which the instrument evolved as a process of negotiation and conflict, particularly during the intergovernmental drafting stage between 2004 and 2005. Significant differences played out not only in the US-Japanese opposition to the European-Canadian coalition (notably over Article 20, as we also saw in chapter four), but also within the European-Canadian coalition itself, as well as between the different bodies of development and trade expertise that were involved in the drafting process. At stake was how far the concept of culture would be allowed to stretch on the terms that had been set for the instrument by European and Canadian experts and negotiators. Given that they recognised the importance of allowing the concept of the cultural exception to take on a wider meaning in order to gain support (particularly from the critical mass of governments from the South) and to ensure the instrument came into force quickly (with one eye on WTO negotiations and the bilateral deals being pursued by the US), European and Canadian negotiators were also prepared to offer some concessions during the later drafting stages, even if many of these (as we will see below and in chapter six) have not been backed up with substance or commitment.

One of the key developments during the drafting process was the assertion from international development organisations such as UNCTAD and the majority of developing countries that if the cultural diversity Convention was going to be an instrument dealing primarily with the cultural industries - a sector which is dominated internationally by the developed countries and a handful of emerging sectors in Brasil, South Korea, Nigeria, India and China - the instrument’s focus on reasserting the right to national protection should not be at the expense of international development assistance and market access for developing country industries. For the majority of countries in the South the task of developing a viable domestic sector faces a formidable set of obstacles, such as competition and “dumping” from Northern imports, underinvestment and lack of finance, small domestic markets and heavily protected markets in the lucrative North (particularly in Europe and Canada); in addition, for many of the Latin American and ACP countries the markets in the North are identified as areas of huge potential for expansion given the presence of diaspora populations and common linguistic ties (this has been a guiding concern of policy makers and cultural industry practitioners in the Caribbean for example; see chapter six or Nurse et al, 2006). As these concerns began to be articulated during the drafting process at UNESCO and with the backing of UNCTAD (see for example...
UNESCO, 2004c: Presentation of Comments and Amendments, Part IV: Comments Proposed by the IGOs), this created a powerful argument for expanding the scope of the instrument to cover international development assistance and market access, particularly given that this argument could be articulated through the authoritative language of cultural diversity, the dual nature of cultural products and the need for greater balance in international exchanges of cultural products. The need to take these points into account during the drafting process had been foregrounded during the preliminary drafting work that was undertaken at UNESCO following the presentation of the INCP draft in 2003:

It is important to note the marked interest expressed by a majority of developing countries in the elaboration of a new instrument by UNESCO. While lacking developed cultural industries, these countries nevertheless do not wish to forgo future capacities in that regard with a view to gaining access to international outlets for their works. Commercial implications are not at this point an overriding aspect of their interest. This illustrates a key aspect of cultural goods and services, linked to their dual economic and cultural nature, that is, that they convey meaning and identity. The flourishing of cultural diversity at the world level is perceived to be the guarantor of the harmonious coexistence of different cultures and their expressions, even when those cultures are not engaged in global trade competition. If UNESCO does start working towards a new instrument, it will therefore ensure that the question is addressed by all Member States, from their individual perspectives, with the participation, cooperation and support of all, including developing countries.

(UNESCO, 2003b: Reference to other relevant international instruments)

The key provisions dealing with this set of concerns that ultimately found their way into the final text are Articles 16 and 18. Article 16 requires that “developed countries 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.” (UNESCO, 2005a, emphasis added) Article 18 sets out a requirement that parties to the Convention provide contributions to an “International Fund for Cultural Diversity” (IFCD) that can be used for projects aimed at developing cultural sector capacity in developing countries (UNESCO, 2005a).19 The records from the decisive third intergovernmental drafting meeting that finalised the text in 2005 show that these two provisions provoked particular controversy due to the “primary importance that had been ascribed to them

19 For more details on the IFCD see: http://portal.unesco.org/culture/en/ev.php?URL_ID=40586&URL_DO=DO_TOPIC&URL_SECTION=201.html Its broad remit is set out by UNESCO as follows: “The purpose of the fund is to promote sustainable development and poverty reduction in developing countries that are party to the Convention. It does this through support for projects and activities that aim to foster the emergence of a dynamic cultural sector.”
Chapter 5
by the developing countries.” (UNESCO, 2005c:6-7) On Article 16, after negotiations that involved in particular Canada on one hand and the African Group and members of the Latin American and Caribbean Groups on the other, it was ultimately agreed that the phrase “and legal” should be inserted so that real, binding commitments on market access would be made from developed to developing countries (ibid). On Article 18, a proposal from the African Group to include a new subparagraph calling on parties to provide regular voluntary contributions to the IFCD was ultimately accepted “as a tool aimed at securing the financial resources needed to give life to this Convention.” (ibid) These were key concessions that allowed the Convention to proceed to the vote with sufficient international support from the South and have provided the substantive basis for the claims that the resulting text marks a breakthrough in North-South relations on the matter of development. Articles 14 and 15, which are aimed at promoting international cooperation for the development of the cultural sector in developing countries (through mechanisms such as technology transfer, development assistance, investment and co-productions), also allowed for an overlap of North-South interests in ways we explored in the previous chapter.

In addition to the support from the African, Latin American and Caribbean countries that was ultimately secured over Articles 16 and 18 regarding the development of the cultural sector, the centrepiece provision of the Convention regarding the sovereignty of cultural policy as a mechanism ensuring global cultural diversity proved attractive to a number of countries on other grounds not directly related to the development of the cultural sector. Ultimately, this assertion of the principle of state sovereignty (Article 6) was the only substantial right that actually found its way into the Convention (Wouters and de Meester, 2008), and this emphasis of the text not only offered the means for defending the cultural exception but also offered a mechanism that could potentially be used by a number of smaller countries to counter international interference on “delicate” questions of governance and human rights, particularly among those governments who for one reason or another have found themselves in trouble with international society over human rights violations, narcotics, restrictions on press freedoms, or treatment of minority sexual, ethnic and religious groups (this is to say nothing of the way that international society has applied these criticisms selectively): in this case notably Bangladesh, Belarus, Bolivia, Congo, Cote D’Ivoire, Cuba, Ecuador, Lao People’s Democratic Republic,
Cultural Exceptions and Exclusions

Sudan, Syria and Viet Nam - all of whom have made a point of supporting and ratifying the Convention.

For Cuba for example, the adoption of the Convention has offered an opportunity, as the Cuban Minister of Culture has recently noted, to reassert the need for “strict observance of the aims and principles of the UN Charter” regarding the sovereign authority of the state and its treatment of media and minorities (Alemañy, 2010); for the Cuban Ministry of Foreign Affairs, the Convention has represented a continuation of the NWICO campaigns of the 1970s/1980s and UNESCO remains a forum for launching increasingly isolated assaults on what it refers to as the “despicable role” of the international corporate media in developing societies (Ministerio de Relaciones Exteriores de Cuba, 2010). The Bangladeshi government, under heavy international criticism for alleged human rights abuses and the status of Hindu and Ahmadi Muslim minorities (as well as for having the honour of topping Transparency International’s list of “the world’s most corrupt countries” for four consecutive years between 2001-2005) has often sought to deploy the principle of cultural diversity in defending its position internationally: most recently, the government made a case at the UN Human Rights Council, in consultation with the newly established office of the Independent Expert in the Field of Cultural Rights, that “cultural diversity should take precedence over the universality of human rights”, while “warning against making value judgements about cultural practices.” (International Service for Human Rights, 2010) Such examples should come as no surprise given that the Convention’s provisions on minority rights only assert that they are to be realised through state action (the drafting process also avoided establishing specific rights for media organisations and journalists, as has been noted by Nenova (2010)). In other words, the prioritisation of the principle of states’ cultural sovereignty has also been a factor in bringing a wider group of governments on board, despite all the [largely hortatory] references to universal principles of human rights that emerged during the drafting process (and despite the earlier attempts in the 1990s by the WCCD to elaborate a new global ethics; see chapter three).

Aside from the right on state’s cultural sovereignty however, most of the other provisions that have given the instrument wider international relevance beyond the cultural exception are couched in hortatory and symbolic language that in fact mark little advance on the kind of unbinding initiatives and declarations that have been made on these areas at UNESCO in the past. Chi Carmody, who has followed the
legal aspects of the text from an early stage, has therefore noted that apart from the
right to sovereignty, obligations in the Convention are less well-defined, and “many
are exceedingly vague and inconsequential” - drawing particular attention in this
respect to the provisions regarding international cooperation and the establishment of
the IFCD (Carmody, 2007:299). This raises significant questions here regarding the
international relevance of the Convention, because as we saw above these provisions
came to represent a key point in striking a North-South consensus on the instrument.
Although the African Group was successful in securing a commitment from states to
provide contributions to the IFCD, the actual outcome in Article 18 was only that
parties should “endeavour to provide voluntary contributions” (UNESCO, 2005a,
emphases added) - in other words, this expresses a very weak commitment. The
records of the intergovernmental drafting meetings that took place prior to the final
third session show that the request for voluntary contributions that was made by the
African Group was in fact already a scaled-down demand: during the earlier rounds
of negotiations it had been suggested that contributions be compulsory, and the
Plenary had pointed out to participants “that voluntary contributions would not be
enough to make [the IFCD] operational.” (UNESCO, 2005d: 31-32) There were also
differences during the negotiations over how the IFCD would be managed and
implemented; as a result, these questions were left unresolved in the text and this has
subsequently made it difficult to operationalise the fund (see for example UNESCO,
2008), with a pilot phase only getting underway in 2010 (UNESCO, 2010a).
Contributions have been extremely low so far: as of May 2010, total contributions to
the IFCD by European countries had totalled little over €1million, and this inertia has
raised concerns amongst the European film lobby, expressed to the European
Parliament in 2008 for example, that the lack of contributions to the IFCD by the EU
means that the Convention is losing international legitimacy amongst governments in
the South (who, it is noted, are “looking for practical effects to come out of [the
Convention] which they unanimously supported at the urging of some EU countries,
Canada and the institutions of the European Union”; Eurocinema, 2008). (To put the
figure of €1million into perspective, we might note for example that the EU provided
over €500 million to its audiovisual sector in the period 2001-2006 under the MEDIA
support programme, and expanded its budget for the period 2007-2013 to €755
million).\(^\text{20}\)

\(^{20}\) On the MEDIA support programme for the European audiovisual industry, see:
http://ec.europa.eu/information_society/media/overview/index_en.htm
There are therefore good reasons to be sceptical about the substance that is accorded to points in the Convention other than those that have been prioritised by the Franco-European-Canadian campaign relating to the preservation of the cultural exception and their concern for their own sectors. Nevertheless, the obligation contained in Article 16 - that developed countries provide legally binding market access to developing countries’ cultural sectors - does represent something substantially new, and this has already had a significant role to play in the recently concluded FTA negotiations between the EU and the Caribbean states, as we will see in the following chapter.

Summary
We began this chapter by comparing the new consensus around cultural diversity at UNESCO with the relative lack of consensus that has been struck on alternative international cultural instruments that have been proposed over the same period. By contrasting the relative success of the campaign for the Convention with the campaign for instruments such as the ICH Convention or the IP Declaration I have attempted to draw attention to some of the exceptions and exclusions to the universalism that has been claimed for the Convention’s model of cultural diversity. Despite the emergence over the 1990s of an authoritative legal vocabulary of representations and claims turning on the rights of diverse ways of life and the currency of the expanded, anthropological concept of culture, there has remained very little protagonism in the new framework of cultural development - both internationally and at the level of state development strategies - for claims that relate cultural recognition to demands such as the right to land, tenure and place or that cannot be translated into alienable and internationally marketable expressions. As we have also seen however, it would be wrong to interpret this development as simply a reflection of the claims of a small group of states and interests, because it has also reflected the emergence of a dynamic whereby the creation of a binding international treaty must now accommodate a number of claims from other, often previously unheard, groups in the global debate. In the case of the formulation of the Convention on Biological Diversity, the language of cultural diversity, rights and entitlements has provided potentially lucrative openings for indigenous groups who are able to come forward as bearers of internationally valuable “traditional” knowledges, practices or biological resources; in the case of the formulation of the UNESCO Convention on cultural diversity, the concern to create a binding
international instrument on the part of the key stakeholders in the North faced with intensified US rivalry has meant that the campaign has widened to accommodate and amplify the claims of a range of cultural producer organisations around the world concerned to gain a foothold in the new economy, as well as opening opportunities for governments in the South to extract some concessions during the drafting process on development assistance and market access (as well as providing an opportune moment for some governments to reassert their sovereign right to be exempted from international human rights obligations and other international pressures). Of course, these alliances and concessions have also been limited in their scope, as we saw in the example of the campaign in Morocco and the weaknesses of the concessions that were ultimately extracted during the drafting process between 2003 and 2005. In the next chapter we will go on to consider in more detail how this dynamic of international cultural cooperation has played out following the Convention’s entry into force by looking at the first major case of implementation in the FTA that was concluded between Europe and the Caribbean in 2008.
Chapter 6

6 A Blueprint for Cultural Development?
The EU-CARIFORUM Economic Partnership Agreement

Small Island Developing States [SIDS] share many similarities beyond the issue of size. Many are former colonies and their economies are structured as plantation economies where production is dominated by one or two agricultural and mineral commodity exports and by export-oriented manufacturing in clothing and electronics…

These economies are increasingly vulnerable in the current context of WTO trade liberalization due to the erosion of preferences in exports like bananas, sugar and clothing…These trends signal that these economies are required to find new and more sustainable sources of employment, exports and growth.

[The] cultural industries sector is an area of the global economy where SIDS enjoy some comparative advantage in production and where there is a window of opportunity given the rise of the digital economy and the increasing commercialization of the arts…The cultural industries play a dual role in that it is an economic sector with growth potential and an arena for identity formation.

The Cultural Industries and Sustainable Development in Small Island Development States
(Nurse, 2008:1)

Introduction

In October 2008, after several years of negotiation, the 15 governments that make up the regional grouping of Caribbean states known as the CARIFORUM signed an “Economic Partnership Agreement” (EPA) with the governments of the European Union (EU) (CARIFORUM-EU, 2008). Under the provisions of the EPA approximately 92% of bilateral CARIFORUM-EU trade is now due to be liberalised over a 25-year period, with the process of adjustment and implementation facilitated through a programme of European development assistance. This agreement is the first of several such EPAs that are mandated to be completed in the coming years between the EU and its former colonies across Africa, the Caribbean and the Pacific that make up the “ACP” Group of States (79 in total), which for the purposes of the negotiations have been split into six regional negotiating blocs: at the time of writing negotiations are ongoing between the EU and the remaining five blocs of West Africa, Central Africa, Eastern and Southern Africa, the Southern African

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1 These 15 countries are: Antigua & Barbuda, the Bahamas, Barbados, Belize, Dominica, the Dominican Republic, Grenada, Guyana, Haiti, Jamaica, St.Kitts & Nevis, St.Lucia, St.Vincent & the Grenadines, Suriname and Trinidad & Tobago. Haiti did not sign the EPA until December 2009. Cuba is formally part of the Caribbean Community of states but does not participate in the CARIFORUM and therefore had no part in the EPA negotiations.
Development Community and the Pacific. The stated objective of the EPAs is to set out a partnership for development and trade liberalisation that is consonant with the general pattern of neoliberal globalisation: deepening the integration of ACP states into the global economy by harmonising regional regulation, committing signatories to the widening and deepening of trade liberalisation and bringing trade relations into conformity with WTO rules by removing the preferential arrangements that have been granted by European countries to the ACP since 1975 under the “Lomé” agreements. These agreements have been the cornerstone of EU trade and aid relations with the developing world in the post-independence period, and through which Europe has maintained favoured trade relations with its former colonies by granting preferential market access to the ACP’s tropical agricultural commodities such as, in the Caribbean case, bananas and sugar.

The EPA has particular significance here as the first international trade agreement that makes reference to the provisions of the UNESCO Convention on cultural diversity, most notably through the inclusion in the EPA of a novel Protocol on Cultural Cooperation (hereinafter “Protocol”). The Protocol has been of interest to a number of policy and industry stakeholders in the Caribbean and has attracted wider attention by setting out a blueprint for the EU’s new agenda for culture and development in its external relations based on the recent instruments on cultural diversity adopted at UNESCO. The European Commission has described the Protocol as a “showcase of implementation” for the Convention, offering a template that has already been proposed for future negotiations not just with the other negotiating regions across the ACP but also with South Korea and India as well as with the regional trade blocs ASEAN (South-East Asia), the Andean Community (North-East Latin America) and Central America (see European Commission, 2008a). A similar Protocol on Cultural Cooperation has already been included in the FTA concluded between the EU and South Korea in October 2009 (see EU-Korea, 2009), which at the time of writing is awaiting ratification by the respective governments.

The key point of the Protocol in the CARIFORUM-EU EPA is the affirmation of the principle of the dual nature of cultural goods and services (with an emphasis on the audiovisual sector) and the exceptional place of culture in trade and development cooperation between the two regions. Looking ahead to the impact of the Protocol on the negotiations with the remaining five ACP regions, a report for the European

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2 For up-to-date overviews and analyses of the state of the play of the wider EU-ACP negotiations, see: www.bilaterals.org/spip.php?rubrique17
Commission therefore drew particular attention to the fact that the inclusion of the Protocol in the EPA had established the crucial precedent that “the negotiating parties take into account the importance and specificities of the sectors of culture in future partnership agreements.” (Jeretic, 2009:75) In giving its account of the inclusion of the Protocol in the CARIFORUM EPA, the Directorate-General for Trade of the European Commission similarly explained that this was because they wanted to “move early,” in terms of cementing the impact of the Convention in a way which could provide a model for ongoing and future bilateral agreements.\(^3\) The Protocol has also made the first formal references to the Convention’s provisions on international cooperation - notably Article 16, which as we saw in the previous chapter requires developed country parties to the Convention to grant legally binding preferential market access to developing countries in cultural exchanges - in this case, by improving access to the European audiovisual market (a considerable concession, since this is historically one of Europe’s most jealously guarded sectors) and by easing the movement of professionals supplying cultural services (including, among others: theatre, live bands and circus services, news agency services and library, archive and museum services; see CARIFORUM-EU, 2008:1770-1772). These provisions have been highlighted by the Intergovernmental Committee of the Convention at UNESCO as offering the first evidence of the implementation of Article 16 and as marking an important precedent in the new international framework of cultural development (UNESCO, 2009b).

For the above reasons, the Protocol has offered a key testing ground for those that have been following the contemporary direction of cultural policy and the ongoing attempt to define the relationship between culture and development in the context of neoliberal globalisation. It has been of particular interest to those stakeholders in the cultural sector most sensitive to developments in trade liberalisation and that have the greatest stake in the evolution of the cultural exception principle in international cultural administration. The Canadian Coalition for Cultural Diversity (CCD) and European film lobby groups such as the Fédération Européene des Réalisateurs de l’Audiovisuel (FERA) for example both recognised that, with the mold that had been cast in the shape of the EU-CARIFORUM EPA, the EU “now appears determined to append to all future trade agreements a Protocol on Cultural Cooperation”, signalling a new phase in the evolution of the cultural

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\(^3\) The Trade DG’s explanation of the Protocol was referred to in a hearing on the implementation of the Convention at the European Parliament, 27\(^{th}\) February 2008 (transcript in possession of author).
A Blueprint for Cultural Development? The EU-CARIFORUM EPA

exception and a new focus of activity for the international cultural diversity campaign that we considered in the previous chapter (CCD, 2009a; FERA, 2008). The inclusion of such Protocols in bilateral trade agreements also means a strategic widening of groups in the South with a stake in the principles of the UNESCO Convention: as we will consider in this chapter, the negotiation of the EU-CARIFORUM EPA has prompted a reorientation among a number of groups in the Caribbean cultural sector that have had little involvement in the cultural diversity campaigns over the last decade at UNESCO.

Before going on to examine the contents of the EPA’s cultural provisions in more detail and explore some of their implications in the long-running debates about trade, culture and development, it is necessary first to understand the broader issues that have been at stake in the agreement’s completion. Since the Protocol lays down a marker that culture is to be addressed in this way as a component of a trade agreement, an analysis of the cultural provisions in the EPA must begin by considering how they sit in the text as part of a framework of international trade relations. For all the hype that there has been around the Protocol, it is crucial to put it in perspective by noting that it is after all only a protocol - setting out broad guidelines rather than detailed and binding commitments - and it formed a mere four-page appendix to an agreement that finally weighed in at just under 2000 pages. The first section of this chapter therefore sketches out the background to the EPA’s negotiation, considering the debates and analysis that have surrounded it and looking at the way in which a series of provisions on cultural cooperation and development came to offer a point of convergence alongside the other measures in the agreement. Although the bullish conduct of the European Commission over the negotiation of the EPA has tended be emphasised in the critical accounts of the EPA (and for good reason), I also argue that it is crucial to examine the motives of CARIFORUM negotiators, looking at the ways in which the cultural components of the text came to offer an important concession on the part of the EU in what is otherwise an extremely one-sided agreement.

The inclusion of the Protocol was heralded as something of a coup by the Caribbean negotiating team and has been presented to the region’s governments, industries and populations as a mechanism that will allow them to develop a strategy of economic diversification faced with the loss of preferential market access for tropical agricultural commodities and in light of the ongoing intensification of international economic competition in other sectors such as tourism or clothing. The
second section therefore goes on to look at the way in which the EPA negotiations have been related to an attempt to reconceptualise the cultural field in the Caribbean as the value of culture as a resource for export development has been elevated as a primary concern in the region’s search for a new strategy of integration into the post-Lomé global economy. This section then goes on to look at some of the attempts that have been made by regional and international policymakers and development agencies to mobilise Caribbean governments, industries and the wider population behind the new cultural development strategy.

The third and final section then turns to look at how these efforts are beginning to unfold through some of the responses - and lack of responses - that have been evident among the various stakeholders that are involved in this attempt to redefine the role of culture in the region’s development strategy. Although there are a number of measures now underway that can be used to give an insight into some of the practical implications of the new strategy, it is equally significant that the call for regional consolidation and adjustment in the cultural sector is finding resonance among a relatively small group of countries and a vanguard of well-positioned cultural producers and professionals. These themes are developed in reference to a number of examples, looking in particular at some of the measures of policy reform that are now underway in Barbados and Trinidad & Tobago, as well as examining some of the wider responses in the region from industry and civil society. This allows us to begin to take stock of the new culture and development strategy as it is taking shape in the region, and to consider some of its implications in the broader debates about culture’s transformation into a resource in the context of neoliberal globalisation.

6.1. Background to the EPA
6.1.1. Banana wars and imperial trade winds
In many ways the CARIFORUM-EU EPA has been reminiscent of the one-sided “bargain” that was struck between the North and South at the WTO during the Uruguay Round, in which developing countries agreed to take on binding commitments to implement agreements on market access in exchange for unbinding commitments of assistance from developed countries (that were often delayed or not forthcoming) (Heron, 2009). References in the CARIFORUM-EU EPA text to development cooperation and assistance are stated in very general terms and backed up with little or no time-bound or specific measures - a point which has now been
Acknowledged by the European Commission, despite the high-profile that it gave to the place of development in the EPA during the negotiations (see Directorate-General for the External Policies of the Union, 2009). In contrast, and as one of the most persistent and active critics of the EPA in the Caribbean, Norman Girvan, has pointed out, cooperation measures are spelled out in considerable specificity for EPA implementation in areas that are of especial interest to European governments and exporters (such as customs administration, trade facilitation, and the strengthening of intellectual property protection) (Girvan, 2008). Just as with the parallel Doha “Development” Round of negotiations ongoing under the auspices of the WTO, critics have largely been justified in drawing attention to the lack of substance behind the cooperation and assistance components of the EPA, pointing to the pressures that have been applied by the EU in seeking CARIFORUM commitments on liberalisation and market access (see for example Goodison, 2007; Brewster, 2008; Brewster, Girvan and Lewis, 2008; Hurt, 2010; World Development Movement, 2010).

Since the benefits to the CARIFORUM in the agreement mainly appear to consist of some marginal improvements in market access for traditional commodities while exposing the region to a greater level of import competition for higher-value added goods and services, analysts have pointed out that the EPA appears almost certain to extend the neocolonial pattern of post-independence trade relations by worsening the Caribbean’s already disadvantageous terms of trade, while also leading to a reduction in policy space through the removal of tariffs (themselves significant sources of revenue for several of the small states in the region) and other policy mechanisms that could be used to spur diversification in the region (see for example Brewster, Girvan and Lewis, 2008; Canterbury, 2009; Gallagher, 2008; Gordon, 2007; Heron, 2009; Haiti Support Group, 2007; World Development Movement, 2010). In the darkening of the mood that followed the completion of the EPA in 2008 - where ongoing international economic crises have put further strain on the population - commentators have also pointed out that the requirements of EPA enforcement are already raising serious questions over administrative capacity in the

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4 The European Commission’s principal study of the EPA summarises its development provisions as “a focus on financial and technical support to cope with the challenges the EPA poses for CARIFORUM’s public and private sectors” along with “support to reform public institutions and administrations and to upgrade and diversify products and services of private actors”; however it then goes on to note that there is also “no guarantee that [these support measures] will be applied in an appropriate and timely way”, along with “complete uncertainty” over the level of funds that will be committed by the European Commission and EU Member States beyond the next period of development funding (which ends in 2013). (Directorate-General for the External Policies of the Union, 2009: 10)
region, which in several countries is becoming increasingly strained by a number of pressures associated with resource shortages, indebtedness, unemployment, organised crime and on-and-off states of emergency concerning the trafficking of narcotics and firearms (Inter Press Service, 2010b; Bowling, 2010). One former trade negotiator has recently suggested that the region is turning into another constellation of globalisation’s failed states, describing the impacts of the EPA and the subsequent recession (abandoned farms, social unrest and 30% rates of unemployment) as accelerating a slide into a morass of drugs and statelessness, adding “this is what happens when you lose a trade war.” (The Guardian, 18th May 2010)

The negotiations that led to the completion of the EPA in 2008 proceeded with little or no consultation with the Caribbean population, and as a result Caribbean governments faced significant opposition to the EPA signing both within the Caribbean and internationally, with persistent calls to either renegotiate or refuse to sign altogether. Vocal opposition came from a number of groups, including the International Trade Union Confederation, the Caribbean Labor Council, the Caribbean Policy Development Center, the Caribbean Association for Feminist Research and Action, international NGOs such as Oxfam, Action Aid and the World Development Movement, and a number of protest movements in both the EU and the Caribbean - notably the Bare APE (“Block the EPA”) coalition in Haiti, whose mass mobilisations were a factor in persuading the Haitian government not to participate in the initial signing in October 2008 (see Haiti Support Group, 2007). In Jamaica, where the administration played an active and prominent role amongst the region’s governments in brokering the deal, the opposition staged the first walk-out of parliament for over 30 years during the debate that preceded the EPA signing, against the backdrop of fierce opposition from workers’ organisations such as the Jamaica Confederation of Trade Unions (JCTU) and the National Workers’ Union (NWU, whose president was not alone in warning the region’s governments that signing the EPA would be “the worst thing that could happen to us since slavery”; Radio Jamaica News, 2008). Outside of the Caribbean region, where other ACP governments have so far baulked at the demands that have been made by the EU, several ACP negotiators and diplomats have expressed discomfort at the ways in which a series of one-sided offers by European negotiators aimed at securing market

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5 For an overview of the opposition to the EPA in the Caribbean, see Girvan (2009b) and the resources available at www.normangirvan.info/cariforum-ec-economic-partnership-agreement-epa/. For a collection of articles and material covering the debates in Jamaica that took place prior to the EPA signing and after, see: www.bilaterals.org/spip.php?mot127.
access for European firms have been backed up by the European Commission’s insistence that the timeframe imposed by the WTO for the conclusion of EPAs necessitates completing the negotiations as a matter of urgency (Miller, 2006). One former Caribbean diplomat noted that, by threatening to apply much higher levels of tariffs on the region’s key commodities and light manufactures - all major employers of labour and well organised politically - if it did not sign according to the schedule set out by the WTO, European negotiators had effectively “[held] a gun at the heads of Caribbean governments” to sign up for an agreement which was heavily weighted on European terms (Inter Press Service, 2010a), and it was such threats that ultimately proved decisive in the conclusion of the negotiations (see Girvan, 2009b:5-6).

The EU’s aggressive strategy in pursuing such an agreement has been provoked by the stepped-up international rivalry in the region that has followed the advances made by the US since the 1990s in the so-called “banana trade wars”. Acting on behalf of its agricultural giants exporting from tropical Latin America - notably Chiquita and Dole’s trade in dollar bananas - the Clinton administration spearheaded a successful campaign in the 1990s by the banana multinationals and client regimes in Central and Latin America to challenge the legality of the EU-ACP Lomé agreements at the WTO as part of the US’s continuing bid to erode Europe’s mercantilist linkages with its former colonies in the Caribbean basin and to gain improved access to the EU banana market (Canterbury, 2009). Wary of the loss of existing trade privileges and influence in the region that will result from the eventual phasing out of the Lomé agreements following the WTO’s banana ruling in 1997, the EU subsequently turned to the asymmetry of bargaining power that it can rely on in regional/bilateral trade agreements to strike a deal over the EPA with the Caribbean Regional Negotiating Machinery (CRNM) in areas that far exceed what the region has been prepared to agree to at the WTO - and thereby securing particularly advantageous access and conditions for European companies notably in finance and investment, intellectual property, government procurement and competition policy.

Such liberalisation commitments in a bilateral context are highly significant in the context of the ongoing deadlock that is the Doha Round of WTO negotiations, since they mark a breakthrough in areas (the so-called “Singapore Issues”) which

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6 The CRNM refers to the team of negotiators that worked on behalf of the Caribbean states during the EPA negotiations. The CRNM became absorbed within the Caribbean Community Secretariat in 2009 as the “Office of Trade Negotiations” (OTN). For clarity I refer throughout to the CRNM, which includes its work as the OTN.
developing countries have otherwise refused to negotiate on so far out of concern for a loss of policy space and a determination not to repeat the experiences of the Uruguay Round (Gallagher, 2008; Heron, 2009). Such offensive moves in external trade policy also allow the EU to stay on the heels of the US and its other competitors in the intensified scramble for market access that has characterised the post-Uruguay Round era, while establishing precedents that will position the EU well for future trade negotiations (for a discussion of how this jostling for position between the EU and US is being played out in other regions see for example Stoneman and Thompson, 2007). This is consonant with the “Global Europe” strategy that was unveiled by the European Commission in 2006: an international counterpart to the domestic Lisbon Agenda and a response to former US Trade Representative Robert Zoellick’s pre-emptive tactic, as set out in 2002, of exerting increased “leverage for openness” in trade negotiations: “unleashing the trade winds” through a new competition in liberalisation between the imperial vanguard of neoliberal and emerging states/regions (Zoellick, 2002). In the European Commission’s words, the Global Europe strategy sets out a new trade policy agenda by, firstly, pursuing “a new generation of Free Trade Agreements” and, secondly, by marking “a stepped up European focus in key areas such as intellectual property and access to raw materials”; its rationale is “to improve the competitive position of EU industry [and] open new markets for its exporters” through what it refers to as “a tough new approach” on intellectual property rights, service market access and rules governing investment (European Commission, 2008b). In this context the EU’s current drive to conclude bilateral FTAs, in which the EU-CARIFORUM EPA has marked an important breakthrough, has not only been motivated by immediate concerns for market access but also by wider competing attempts among negotiators to establish what has been referred to as a “spiral of precedents” which would then be deployed as the baseline for subsequent multilateral and extraregional negotiations (as has been demonstrated in the tendency for the developed countries to seek strategic FTAs with developing countries that are often peripheral to their main commercial interests) (Heron, 2009:17; Phillips, 2005:9).

This is the broad background to the EPA’s negotiation and the debates that have surrounded it. So far, the focus in the literature on the geopolitical and imperial conflicts that have played out over the EPA has left a number of gaps in the critical analysis: in particular, it has neglected or downplayed the calculations of the members of the Caribbean governmental and negotiating elite in signing the EPA,
and it has largely overlooked the place of culture in the agreement. The tendency for analysis to remain within the frameworks of international relations and political economy has also left unexplored some of the ways in which the EPA has been related to a reconfiguration of domestic rationalities and technologies of government in the Caribbean. We will begin to take these themes up below.

6.1.2. The place of culture in the EPA: The view from CARIFORUM

Heron (2009) has conducted the only study to date regarding the motives of the CARIFORUM negotiating team.⁷ Although the EPA was concluded largely on European terms, the CRNM was nevertheless able to extract a number of concessions from European negotiators. Among the most significant of the CRNM’s calculations was a recognition of the region’s particular dependence on agricultural commodities combined with the fact that, by the late 2000s, more than half of Caribbean export revenue was now coming from non-traditional industries, such as tourism, that were not covered under the Lomé agreements (ibid:15). Several Caribbean governments and officials within the CRNM and the secretariat of the Caribbean Community (CARICOM) therefore perceived the EPA not only as an opportunity to improve access to the EU for non-traditional exports, but also a means of fostering economic diversification and lessening the region’s long-standing vulnerability to preference erosion and declining terms of trade in tropical agricultural commodities (ibid: 15, 23).

Heron’s analysis however misses the role that the Protocol on Cultural Cooperation, and a smattering of other cultural provisions in the text, played in the calculations of the region’s negotiators. By citing the provisions of the UNESCO Convention and holding out the possibility of assistance and preferential access to the European market for Caribbean cultural producers, the cultural provisions in the EPA in fact stood out as a significant aspect of the CRNM’s willingness to sign the agreement. The CRNM Director-General referred to the Protocol as a historic concession on the part of the EU which had opened up unprecedented opportunities to the Caribbean’s cultural producers (CCIN, 2007), and this sentiment was echoed by the Caribbean Export Development Agency (CEDA) immediately following the conclusion of the EPA, which emphasised the cultural industries as one of two priority sectors earmarked for expansion as part of the new trade and business

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⁷ I am also grateful to Tony Heron for sharing some of his thoughts on the EPA.
relationships being forged with the EU (Caribbean Export Development Agency, 2008). The Director of the Caribbean Council\(^8\) David Jessop referred to the Protocol as “the most innovative part of the whole 1000-plus pages of the text” - a reflection of the way in which a number of Caribbean states with interests in improving international market access for their cultural sectors had made the Protocol a key bargaining point in the drafting of the EPA (Jessop, 2008). As he recalled:

> In the closing days of the negotiations, achieving European agreement on this issue became central to the region’s willingness to compromise on other matters. Then, Barbados’ Prime Minister, Owen Arthur, made clear that liberalizing access for the export of Caribbean cultural and entertainment products was ‘a line in the sand’ for the Caribbean.

His remarks reflected recognition by Jamaica, Trinidad and other more developed regional economies that without access to the EU market for those involved in the region’s hugely valuable creative industries there would be no EPA: the Caribbean had to see gain in a sector in which it excelled. The high profile given to the issue was also intended to ensure popular political backing should the negotiations fail. (Jessop, 2008)

The cultural provisions in the EPA are mainly found in the Protocol III on Cultural Cooperation (CARIFORUM-EU, 2008: 1938-1941), with further provisions found throughout the text. The Protocol begins by referring to the contributions of the UNESCO Convention: “notably Articles 14, 15 and 16”\(^9\) and “the importance of the cultural industries and the multi-faceted nature of cultural goods and services as activities of cultural, economic and social value” - followed by nine articles setting out what is referred to as a “framework within which the Parties shall cooperate for facilitating exchanges of cultural activities, goods and services, including \textit{inter alia}, in the audiovisual sector.” (CARIFORUM-EU, 2008:1938) This reference to the audiovisual sector is an indication of what has been one of the most noted contributions of this framework: the extension (in Article 5) of preferential access to the European market for audiovisual works that are produced according to certain co-
production arrangements between European and Caribbean firms. Such co-productions will qualify as European works and, therefore, satisfy the content and quota requirements of Europe’s member states (see chapter two). The Protocol also emphasises the possibility for the Caribbean cultural sector to access European funding for creative projects (CRNM, 2008) - although it should be noted that such funding (such as the EU-ACP Support Programme for the Cultural Industries and the EU-ACP Film Fund under the EU-ACP Support Programme for the Cinema and Audiovisual Sector) was in fact already available to the region prior to the EPA, leading some to query why this came to be emphasised in the agreement in the first place (see for example Thiec, 2009). It is nevertheless the provisions on preferential access and cooperation for audiovisual productions that have attracted the most interest in the various responses to the Protocol by the CRNM, the Caribbean Council, UNESCO and the International Federation of Coalitions for Cultural Diversity (IFCCD) (see, respectively: CCIN, 2007; Jessop, 2008; UNESCO, 2009b; IFCCD, 2008a). Other provisions of note aim at facilitating the importation of workers, material and equipment for the purpose of shooting cinematographic films and television programmes (Articles 3 and 6) - issues which address real concerns of the struggling Caribbean movie industry (Warner, 2005). There are also a series of provisions aimed at promoting wider exchanges and cooperation in the arts, publishing and heritage (Articles 7, 8 and 9), although these are without the kind of substance accorded to the other articles in the Protocol and by comparison have generated much less interest.

Outside of the Protocol, there are a number of other points in the EPA addressing the cultural sector that were welcomed by the CRNM and Caribbean Council. These involve the protection of Caribbean intellectual property throughout Europe, the movement of Caribbean cultural practitioners in Europe for business purposes (in the jargon, as “Contractual Service Suppliers”), and improved market

10 Details of these requirements can be found in Article 5 of the Protocol, but essentially stipulate that to be eligible for preferential market access, co-productions must be between Caribbean and European producers who contribute shares of the production cost not less than 20% and not more than 80% of the total (this formula was described by the CRNM as “generous” on the part of the EU - see CRNM, 2008:5).

11 For details on the EU-ACP Cultural Industry Support Programme and the EU-ACP Cinema and Audiovisual Support Programme see respectively www.acpcultures.eu and www.acpfilms.eu.
In particular, the extension of legally binding and significant market access to cultural practitioners supplying entertainment services was highlighted by the CRNM as a significant concession by Europe: “this level of market access in the entertainment sector by so many EU states has never been granted before to any other country or regional grouping.” (CRNM, 2008:2-3) These provisions, which unlike the Protocol are covered in the body of the EPA text and therefore governed by the binding rules of the Services and Investment chapter and the general provisions of the EPA, also mark a significant departure from the kinds of vaguer agreements to promote “cultural exchanges” that have tended to result from previous work at UNESCO and which, in practice, have tended to have little substantive significance (as is largely the case with Articles 7, 8 and 9 that we considered above). Although this improved access granted to Caribbean cultural practitioners also comes with certain conditions, which the EU insisted upon in exchange for its commitment to ease its quota requirements on market access, the more significant point to note here is that the commitments that have been made by the EU to the Caribbean cultural sector in this regard do seem to have offered some significant gains, even if only for a relatively privileged few. In its own analysis of the EPA, the CRNM favourably compared the way in which this measure on the movement of cultural practitioners for business purposes had gone beyond the kind of limited cultural provisions contained in previous agreements, which were recognised to be of little real consequence: phrased in “general or hortatory” diplomatic language and in which “culture was treated in a traditional sense of merely cooperation between nations and did not really address market access for cultural products and services.” (CRNM, 2008:1) David Jessop similarly went on to note the historical and political significance of the cultural

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12 This latter provision on *Recreational, Cultural and Sporting Services (Other than Audiovisual)* covers, among others: theatre, live bands and circus services, news agency services and library, archive and museum services; for more details see CARIFORUM-EU (2008:1770-1772).

13 The improved access requires that Caribbean applicants for entry to the EU have completed a “bona fide contract” to supply an entertainment service, and that they fulfil the same criteria as other Caribbean business professionals that are granted improved access to the EU. As Girvan (2009a) has pointed out, this grants new access to Caribbean professionals, but there is also a “glaring double standard” here in that the FTA mandates the countries of the Caribbean to open the majority of their markets to imports of European goods and employees of European firms, while reserving Europe’s right to maintain tight restrictions on the inflow of Caribbean workers and visitors. During the negotiations practitioners in the Caribbean raised a similar objection: “Was the EU implying that a country’s songwriters, artists, painters, pannists, cultural workers and sportsmen and women are not valuable to its creative pool unless they are lettered? This is hardly a standard that can be upheld anywhere in the EU.” (Caribbean Cultural Industries Network, in Girvan, 2008:11-12).
provisions in the EPA for providing access to what has traditionally been one of Europe’s most fiercely guarded sectors, concluding his account of the agreement by drawing attention to the challenges and opportunities that it had opened up for the Caribbean cultural sector:

Previous EU trade agreements had almost nothing on cultural cooperation, a sector in which the Caribbean is globally competitive. This level of market access is a first for any trade agreement signed by any nation or group of nations with the EU and offers significant commercial opportunity. It is now up to those in the creative sector to explore through CARIFORUM, their governments and with those who negotiated the agreement how to take advantage of the opportunities that will soon be on offer.

(Jessop, 2008)

Comments such as these also of course form part of the discursive effort to bring the region’s governments, industries and populations on board with the EPA, many of whom have been extremely skeptical of its benefits. The Caribbean cultural sector in particular, accustomed to years of neglect by policymakers, has reacted with some caution towards the pronouncements that they are now a key source of comparative and competitive advantage and a “top priority” in the region’s development strategy. The founder of the Caribbean Creative Industries Business Network (CCIBN, which formed in 2004 in response to the EPA negotiations and the initiatives of the CRNM) for example has described the cultural components of the EPA as part of a “happy-ever-after fairy tale to boost the fortunes of creators and creative enterprises.”

(Leonard, 2009) Such skepticism is nevertheless indicative of a shift in the priority given to the cultural sector in the Caribbean, and those in the cultural sector who have followed the debates over the EPA negotiations are also aware of the real opportunities that the agreement has opened up, seeking to rally support and advocate rapid reform across the region in order to take advantage. As the CCIBN founder went on:

In a recent briefing on the EPA and opportunities for the audio-visual sector, a senior CRNM official contended that the region has a two to five year window to get into the game; we are behind on the policy and regulatory fronts, so if these pronouncements about the competitive advantage of our creative sectors are to mean anything, we must move to put our collective houses in order…Industry must now aggressively roll out discussions in conjunction with our culture, technology, investment, and trade officials to determine what we want to extract out of the EPA deal.

(Leonard, 2009)

The statements we have seen above from representatives of the region’s governments and cultural sectors - referring to the high-profile that was given to
culture in the negotiations and highlighting the opportunities and challenges that are now held out as part of the restructuring required by the EPA - should alert us to another blind-spot in the kinds of analyses from international political economy that we considered earlier. The analytical concern for the political-economic interests, calculations and relations involved between states/regions as a matter of “external” strategy sheds light on some of the international asymmetries and dynamics that are defining features of the CARIFORUM-EU EPA, but they also tend to obscure others, notably how they are related to reconfigurations of rationalities and technologies of government within the region. As discussed in chapter two, the attempts that have been made to bring insights from the governmentality literature to bear on the processes of neoliberal globalisation as they are instantiated - and contested - in particular contexts arguably offer the most useful framework of analysis here. Along with the programmes of liberalisation and restructuring through which states engage with the project of globalisation, it is also important for analysis to remain sensitive to the moments in which people and places are exhorted to confront the “challenges” of economic liberalisation and dislocation by applying economic disciplines, developing creative and entrepreneurial capacities, seeking out new opportunities, adapting, competing and adjusting themselves in the context of evolving strategies of social management and regimes of accumulation. Such a perspective is useful in helping to overcome both the neoliberal assertion that globalisation is the unavoidable result of inevitable legal, economic or technological processes and the related counter-assumption by many working within the framework of international political economy (such as, in the examples we considered above, Goodison, 2007; or Canterbury, 2009) that neoliberal prescriptions on trade and development are simply a manipulative (capitalist-imperialist) “wrong knowledge” of culture, politics or economy. These points are also helpful for understanding the ways in which the cultural field is being problematised and redefined in the Caribbean today as the cultural sector has gained a heightened protagonism in the attempt to develop a new base of comparative advantage and articulate a post-Lomé strategy of integration into the global economy. In the next section we will begin to draw these themes out by

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14 Lemke (2003:17) has expressed this critique of political economy well in his reading of Foucault’s analyses of neoliberalism in *The Birth of Biopolitics*: “Paradoxically, the critique of neoliberalism itself most often falls back on economic models of argumentation…The argument goes that there is some ‘pure’ or ‘anarchic’ economy that has be ‘regulated’ or ‘civilised’ by a political response by society. Marx already demonstrated that such a position is untenable in his critique of political economy. Foucault’s ‘critique of political reason’ takes up the lines of this tradition.”
turning to consider in more detail the way in which the negotiation of the EPA has hastened an attempt in the region to redefine the role of cultural policy.

6.2. The EU, CARICOM and cultural development in the Caribbean

On the face of it, the potential benefits of the EPA’s cultural provisions for the Caribbean’s regional strategy appear clear enough. The negotiation of the EPA over the last decade has coincided with a growing recognition in the region of the potential of the cultural sector and the need for provisions that could be used to reorient the Caribbean political economy and develop a new competitive strategy in the global economy as part of its adjustment to the expiration of preferential access to the European market in tropical agricultural commodities. Against the backdrop of the formation of the UNESCO Convention, and in particular its provisions on preferential treatment for developing countries, the negotiations with the EU over the EPA presented an opportune moment for the CRNM to secure the foundations of such a strategy. At the same time, the CRNM and CARICOM Secretariat have sought, working in cooperation with international agencies such as UNESCO and development assistance from the European Commission, to impress upon the region the importance of aligning with the new global cultural economy and the need to rethink the cultural domain as a problem of government across the Caribbean. In the remainder of this chapter we will therefore look at the ways in which this problem has unfolded through the responses - and lack of responses - of the various agencies, governments and stakeholders that have been involved in this effort, and we will attempt to draw out some of the defining social and political dynamics of the new culture and development strategy as it is taking shape in the region. We will begin by looking at some of the key elements of the strategy as it has been framed in response to the EPA negotiations.

6.2.1. Caribbean cultural resources and the post-Lomé global economy

The process got underway in October 2004 at a rallying of Caribbean cultural industry representatives in Trinidad, organised jointly by the CRNM and the European Commission’s PRO€INVEST/TRINNEX development programme aimed at assisting particular sectors in the ACP countries as part of the EPA transition.15 To

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15 PRO€INVEST is a EU-ACP partnership programme administered by the European Commission as part of the European Development Fund (EDF). TRINNEX is a project under PRO€INVEST aimed at facilitating trade and investment. The stated objective of PRO€INVEST is to assist the ACP countries in adjusting to the EPA transition by promoting investment and technology flows to enterprises.
Chapter 6

an audience of eager, if sceptical, figures from the motion picture, music, video, and related industries, the Head of the Services Trade Unit at the CRNM spoke of the now central role of the cultural industries in light of the region’s declining competitiveness in basic and traditional goods and the erosion of preferential treatment in key markets following the WTO ruling of 1997 and the mandate of the EPA (Chaitoo, 2004). Aside from presenting the now obligatory sets of statistics regarding the economic and societal value of harnessing the cultural sector to development, the central point made by Chaitoo was that, since reliance on traditional tropical commodity exports was no longer viable, particularly in light of the impending expiration of the Lomé agreements, culture could no longer be treated as a distinct domain of governmental intervention nor, in particular, as a peripheral and undeveloped concern of political economy: it now had a vital importance in the imperative to “diversify exports, add new value, create jobs and stimulate growth.” (ibid) For these reasons Chaitoo also stressed that there was an onus on Caribbean governments and the CRNM to develop a “formal regional policy position on [the] culture-trade issue” that could be asserted in negotiations in order to both augment the region’s policy making capacity (referring favourably to the Euro-Canadian initiatives at UNESCO) and secure greater levels of international market access, investment and development assistance (ibid). These sentiments were reinforced by a subsequent set of recommendations drawn up between the CRNM and cultural industries (see CRNM, 2004).

A period of research, consolidation and reform in the region has followed that echoes some of the efforts that we have seen taken by China over the last decade in shifting the focus and the nature of cultural regulation. The first major step taken by the CRNM at the end of 2004 was to commission a team of consultants, led by international trade specialist Keith Nurse (a long-standing advocate in the region for giving greater priority to the cultural sector) and funded by PRO\textsc{invest}, to begin the process of creating an information infrastructure and intervention strategy for the operating within key sectors in ACP countries. With a total budget of €110 million over 7 years however, it appears miniscule compared to the likely adjustment and implementation costs for (which one study has placed close to €1 billion for the Caribbean region alone; cited in Heron, 2009:27). For more information on these programmes see: www.proinvest-eu.org

\footnote{“[The] estimated global market value of creative industries will increase to US$1.3 trillion in 2005 (from $831 billion in 2000); “Jamaican music industry employs about 15,000 people and accounts for 15-20% of the US$300 million in reggae music sales”; “The music industry in Barbados is estimated to earn about US$15 million and in the Eastern Caribbean music accounts for about US$20 million.” (Chaitoo, 2004)
region’s policymakers based on definitive assessments of the state of the cultural industries, the particular factors constraining the sector’s global competitiveness, and related trade and investment issues relating to necessary reform. Cultural industry representatives and culture and trade officials also provided input through a series of interviews and further CRNM-organised meetings between 2004 and 2006. The final analysis and recommendations - *The Cultural Industries in CARICOM: Trade and Development Challenges* (Nurse et al, 2006) - were then presented to the CRNM in December 2006, setting out the policy changes required in the region while also providing a focus for the CRNM’s strategy in the ongoing EPA negotiations.¹⁷

The central task that has been put before the region’s policymakers and stakeholders is the need to reorient their approach to culture and to create mechanisms that can harness and manage the Caribbean’s significant, but hitherto largely untapped, pools of creativity in order take advantage of the possibilities offered for exporters by the new global economy and by the region’s considerable overseas markets to be found amongst the international diaspora. As set out in the executive summary of Nurse et al’s work for the CRNM, culture now holds out considerable comparative advantage for the Caribbean in the global economy relative to the region’s size, emerging as one of the “prime areas for development” in the new global economy: “The conclusion is that the cultural industries should be viewed as a critical strategic resource in the move towards creating sustainable development options.” (Nurse et al, 2006:6-11) Given the ongoing erosion to the Caribbean’s prominence in the trade of traditional products such as sugar, bananas and bauxite, as well as the growing international competition from East Asia in low-cost assembly production, the cultural industries have emerged as one of the region’s most promising commercial asset bases and, as such, should be prioritised by elevating the status of the region’s cultural ministries and by pursuing a programme of radical reform of, and through, cultural policy. These have also been the key themes communicated to the region’s policymakers and stakeholders through international organisations such as UNCTAD and WIPO as part of the Mauritius Strategy (United Nations, 2005; Nurse, 2008; also see chapter four) and more recently through

¹⁷ Among the recommendations to the CRNM for development of the audiovisual sector was to: “Begin negotiations for the signing of a co-production film and television treaty between CARICOM and the EU. Jamaica has already initiated negotiations with the UK that will include the rest of CARICOM as a third party, but ideally the agreement should be between CARICOM and the EU.” (Nurse et al, 2006: 83)
initiatives such as the UNESCO Cultural Diversity Programming Lens (CDPL) meetings held in Grenada in June 2010 (UNESCO, 2010g).

It is pointed out that many existing features of Caribbean culture are ideally suited to make the transition to content that can be marketed across platforms and generate the kind of spin-offs and synergies with other sub-sectors - in particular audiovisual and entertainment - that increasingly hold the key to capturing the most significant gains from rapid innovations in technology, marketing and intellectual property. The oral tradition communicating regional folklore for example is seen as lending itself naturally to audiovisual formats and the kind of work that is now required for marketing a major film (“a novelisation, a graphic novel or comic version, a soundtrack album, a video game, a model, toys, and endless promotional publications”; Nurse et al: 93). Above all, it is noted that the region’s world famous heritage in Carnival and in music has so far has realised only a fraction of its potential. In the music industry this has been recognised for a while now within the region and internationally: centres of production such as Kingston in Jamaica are renowned as world-class and highly competitive centres of innovation and creativity generating huge global commercial value, yet most of the value chain remains outside the country and economic benefits, where recorded, generally accrue to international players or otherwise leak away due to weak domestic frameworks of intellectual property recognition and enforcement (Power and Hallencreutz, 2004; Nurse et al, 2006:30-37). Carribean Carnival has meanwhile become a regional and worldwide phenomenon (with Trinidadian carnivals for example creating hugely successful spin-offs in North American and Europe and creating potentially huge opportunities for the region’s costume designers, performing arts groups, musical and visual artists), yet efforts are only now underway to provide a framework within which analysts and policymakers can “truly begin to count and make a notable contribution to the industrial development of carnival.” (Tull, 2009:9)

UNCTAD has calculated that the recorded musical product of Jamaica, in the main reggae music, to have had a worldwide wholesale value of at least U.S.$1.2billion in 1994 whilst exports of recorded music from Jamaica itself totalled a relatively minuscule US$291,000: as Power and Hallencreutz (2004:225) note, in this sense there exists a “huge imbalance between what is happening and what could happen” in the Caribbean (even a relatively small increase in the Jamaican export of music would therefore greatly add to an overall economy whose total value of exports in 1995 was US$1.4 billion). A WIPO study commissioned by the Jamaican government (The Contribution of Copyright-Based Industries to the Economy of Jamaica) has recently calculated that in 2005 copyright-based industries contributed 4.8% to Jamaica’s GDP: this is not only a higher proportion than in countries such as Canada, but it could also be significantly higher if the country’s informal activities in music, entertainment and related sectors were more effectively managed (Daley and Foga, 2009).
The task of reform therefore not only means improving domestic capacity in sub-sectors such as music, film/television, fashion or book publishing, but also developing the regulatory structures that can transform creative activity into the kind of branded, tradable content that can multiply value across platforms and target the “tie in” market opportunities that increasingly hold the key to success in the new global economy. From festivals, carnivals and heritage to music, publishing and film, the theme is that the region’s cultural endowments must be mapped in greater detail and mobilised more effectively as part of the effort to develop a new basis of comparative advantage in the global economy. The analysis for the CRNM on trade issues therefore emphasised in particular that “the introduction of culture into global trade rules and governance is an issue of immense concern for the Caribbean”, raising the vital importance of maintaining policy space and seeking international cooperation and development assistance in the context of ongoing trade liberalisation:

Appropriate policy and fiscal incentives are critical at this juncture if the region is to move efficiently towards establishing a strong, competitive services sector in the realm of culture and entertainment. This area is largely underdeveloped within the Caribbean and, while there is demand from the diaspora overseas for cultural goods and services from the region, the export capability of the sector has not been nurtured enough to facilitate participation in global trade on a wider scale. Moreover, in light of the commitments already made in services trade at the WTO by CARICOM members, the region would do well to solicit technical support for the preservation of cultural diversity from those countries in the trading system, like Canada and the European Union, that are promoters of special rules for cultural goods and services.

(Nurse et al, 2006: 208)

In this way, the concerns that we have seen expressed in the strategy that has unfolded alongside the EPA negotiations since 2004 - to defend and strengthen the region’s capacity to manage culture as a critical strategic resource for export and development in the global economy, under the banner of cultural diversity and in the face of encroaching WTO disciplines - has formed a key point in the consensus that was reached with the EU in the EPA, and indicates some of the ways in which the Caribbean has come to share a stake in the role of cultural goods and services as a resource for political and economic development in the new global economy. It is also a measure of the importance attached to culture’s new strategic role that CARIFORUM negotiators were willing to accord it a priority in negotiations while sacrificing, as we saw earlier, an extremely broad chunk of policy space in other areas. It is nevertheless noted in the strategy set out for the CRNM that ultimately no international framework can legislate who will get into the market or proliferate in the
global, regional or national cultural economy: “The point must be reinforced that while policy space is created to foster development of the sectors involved, it is critical to engender entrepreneurship within the territories.” (Nurse et al, 2006: 6; 208) It is therefore stressed that the efforts of the CRNM and the CARICOM Secretariat in trade negotiations and securing development assistance need to be matched by a range of regional measures in industrial, innovation, marketing, human resources and intellectual property policies if the region is to meaningfully participate in the expansion of the role of cultural goods and services in the global economy. This is particularly the case with the cultural provisions that have been provided in the EPA, since it is recognised that their effectiveness will ultimately depend on the region’s governments and cultural sector taking the initiative to develop appropriate measures and projects consistent with its aims and that can be supported by international cooperation from the EU (Leonard, 2009; IFCCD, 2008b).

6.2.2. Changing the mindset: redefining cultural policy, mobilising industry and engendering entrepreneurship

One of the first domestic tasks facing the region stems from its geographical and political fragmentation which has left a legacy of small domestic markets and a fractured, archipelagic regulatory environment. Together these factors have tended to act as a disincentive to investment and have made the import, export and distribution of content cumbersome and inefficient; at the same time, they make exports to more lucrative diasporic, regional and extra-regional markets critical in order to overcome the islands’ inherent diseconomies of scale. (Nurse et al, 2006:11) Echoing the project of European integration, there is therefore an emphasis throughout the strategy on strengthening the international competitive position of the Caribbean’s cultural enterprises through regional industrial synergies while simultaneously accelerating and reinforcing the construction of regional liberalisation and distribution networks within the framework of the Caribbean Single Market and Economy (CSME). A number of steps in this direction have been taken in cooperation with international agencies and development assistance: notably the creation of the Creative Industries Exchange (CIE) and a Regional Task Force on Cultural Industries (RTFCI). The former is funded by UNESCO and based at the region’s Centre for International Trade Law at the University of West Indies (UWI), with the principal aim of generating and disseminating data and information in order

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19 See, respectively: [www.creativeindustriesexchange.com](http://www.creativeindustriesexchange.com) and CARICOM (2008).
to provide a stronger regional framework for the measurement and management of the cultural sector (as a counterpart to this, and in recognition of the need to develop business and marketing skills and promote intellectual property awareness within the cultural sector, UWI now also offers specialised programmes in Arts and Cultural Enterprise Management). The RTFCI was established following the conclusion of the EPA in 2008, financed by the EU as part of the “Hub and Spokes Programme” (which provides support to policy makers and key stakeholders in ACP countries in the formulation of trade and development policy);\(^{20}\) its primary mandate is to gear the region up to respond to the cultural provisions of the EPA and to fold these provisions into a coherent policy across the Caribbean Community and the CSME over the coming years.

However, the deeper problem facing the region’s policymakers is that the Caribbean’s traditional trade orientation has meant that it has hitherto been slow to recognise and leverage its endowments in culture in the ways now required if it is to successfully reposition itself in the post-Lomé global economy. For some, this is now becoming a matter of urgency as the region sees the rapid erosion of its traditional bases of economic activity (one prominent commentator in Guyana put it in stark terms: “The Caribbean is still largely unaware that the livelihood of so many could depend on art”; Creighton, 2010). This turns the problem into one of how to bring about a more fundamental reorientation towards the cultural field itself because, despite what is now increasingly acknowledged as the potential of the Caribbean’s vast, “untapped” cultural reserves, in practice there has been a glaring absence of practical interest and advocacy across the region for this new role expected of culture, leaving it underutilised and underexploited amidst a general lack of policy reform and an absence of programmes of data collection and knowledge. Earlier initiatives taken in the 1990s such as the development of a CARICOM Regional Cultural Policy are now seen to be ineffective: as the CRNM and RTFCI have noted, this is framed in terms of unbinding goals and short/medium term actions which have

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\(^{20}\) The EU’s *Hub and Spokes Programme* for the ACP works through three main areas: 1) Key stakeholders in ACP countries are trained and sensitised in trade policy issues through the delivery of programmes for government trade officials, trade policy analysts, private sector actors, negotiators and other stakeholders; 2) ACP countries are supported in analysing, formulating, negotiating trade policies through skills enhancement of trade officials in the collection and analysis of trade data; a critical ingredient in formulating government negotiating positions; 3) ACP countries are supported in developing national and regional networks by assisting ACP countries to identify key players in trade policy matters and by the hosting of consultative platforms that will bring together all stakeholders involved in trade policy matters to discuss and influence trade policies. See: [www.acp-eu-trade.org](http://www.acp-eu-trade.org)
neither been adopted at a higher level within CARICOM nor translated into specific policy proposals for the cultural sector across the region; at the same time the policy is seen to have had an outdated focus on culture as education which fails address the now crucial issue of creating the regulatory and fiscal environment which is necessary to develop culture as a viable sector for export (RTFCI, 2009:8-9). There were also attempts in the 1990s by stakeholders and trade and investment agencies to increase the regional profile given to culture as a factor in Caribbean political economy: following the annual Caribbean Music Expo of 1999 for example, music industry stakeholders (producers, artists, distributors, media practitioners, attorneys and industry analysts) began to articulate a collective position on the development of the regional music industry, requesting five areas for immediate regulatory action aimed at the consolidation of regional industry: of these requests however, only one - a regional system for collective management of copyright and related rights - was subsequently taken up (Nurse, 2005:332-333). It is the need to address such shortcomings which therefore forms the basis of the central recommendation put forward for the CRNM’s strategy:

Governments and the corporate sector in most Caribbean countries have not fully appreciated the new directions in the global economy and the ways in which their economies can diversify to meet new challenges and take advantage of emerging opportunities. In addition, the cultural industries are not seriously regarded as an economic sector, the key stakeholders in the industry are poorly organised and the sector’s economic value remains largely undocumented. Changing the mindset of the governments and the corporate sector is key for transforming the sector’s viability, but it is equally important for the industry stakeholders to become better organised and provide a more sustained and cohesive advocacy capability.

(Nurse et al, 2006:8-9)

Herein lies the root of the most significant obstacle in the way of redefining and repositioning culture in the region: an entrenched antipathy towards the value of governmental investment and corporate sponsorship in the domestic cultural sector, or what Nurse has elsewhere described as the particular “cultural industry problématique” in the Caribbean (Nurse, 2005:324-333). This antipathy is seen to spread from the top to the bottom of Caribbean society, presenting a huge task for the new strategy. Among the governing and economic elite, Nurse argues, the antipathy is rooted in the historical legacies of colonialism and cultural imperialism and its attendant binary oppositions that have tended to structure government, arts and industry attitudes towards the cultural domain: historically, the kinds of activities that have now emerged as the region’s prime areas for development and diversification -
musical forms such as dancehall, zouk, merengue, bachata, calypso and soca for example - have tended to be associated with marginalised groups embodying anti-establishment themes and dealt with by the region’s elite as, on one hand, problems to be denigrated or reformed, and on the other, as secondary to the officially sanctioned domains of cultural policy and investment (heritage and museums, the fine arts, deference to imported cultural products, and so on). Nurse refers in particular to the way in which dancehall has typically been stigmatised by the region’s elite in colonial terms as violent, dangerous, uncivilised and over-sexed (ibid: 333-335); similarly, in sectors such as publishing and audiovisual production an intellectual or “high culture” bias has tended to choke domestic creativity and restrict the exploitation of production and marketing opportunities (Nurse et al, 2006:93-94; Warner, 2005).

Since the most lucrative areas for expansion and diversification are to be found precisely in those expressions which the Caribbean elite have historically been loathe to acknowledge, never mind invest in - thereby inhibiting their “globalising potential” and “the process of becoming commodified” (Nurse, 2005:335) - Nurse suggests that “the problématique is not external but systemic, in that the interplay between global social forces/discourses and internal periphery sources of imperialism stymie growth and development.” (ibid:335, emphasis in original)

There is a striking redeployment of postcolonial discourse here, as it becomes dovetailed with a contemporary problem of reform in neoliberal political economy: how to recognise and mobilise the potential of hitherto under-valued, counter-hegemonic and popular practices in order to develop new areas of productivity and deepen their commercial linkages with the global economy. At the same time, cultural policy’s relation to the social is framed less in terms of the devaluation and reform of the habitus or conduct of others previously deemed as “lacking”, in need of improvement or as dangerous to social order - rather, there is an attempt to reconfigure the role of cultural policy as part of the contemporary task of engaging the productive potential of that conduct in light of the need for economic

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21 In his analysis of the problems facing the Caribbean film industry, Warner (2005:246-248) notes that the historical reluctance of the Caribbean’s middle and upper classes to support popular forms stems from the fact that they were indigenous cultural expressions closely associated with the African-descended lower classes: as a result, those in control had always “admiringly turned their attention to extra-Caribbean cultures, and fed themselves and the lower classes a diet of things foreign.” Perry Henzell’s The Harder They Come (1972) remains the only feature film from the region to achieve anything close to international acclaim (even if its commercial success was extremely limited by Hollywood standards) and has widely been seen as a launchpad for reggae music’s international popularity (despite, again, the distaste with which the film was generally received by the Jamaican middle and upper classes): as such, it has come to stand as a symbol for the potential of the film industry in the region.
Chapter 6

diversification and the search for new technologies of social management and productivity. As the CRNM and RTFCI have both sought to emphasise to the region’s governments, the Caribbean’s wealth in culture, if managed in this way, can bring greater economic benefits than traditional sectors such as agriculture (in terms of employment, foreign direct investment and foreign exchange earnings) and can open up increasingly scarce “avenues out of poverty, especially for Caribbean youth” as well as new solutions in the ongoing concern in the region for “guarding against hopelessness and crime in some societies.” (CRNM, 2004; RTFCI, 2009:8-9)

Of course, this reconfigured discourse of cultural development involves certain limitations and hierarchies, both old and new, of useful and permissible conduct. Prominent among the targets of reform is the informal and unprofessional character of the cultural field understood as a pool of underexploited immaterial resources characterised by low levels of intellectual property recognition, entrepreneurship and international commercialisation and distribution, at least among those who have not left to establish bases overseas or have forged links with major international industry players. This is how the essence of the problem was captured following a series of discussions between policymakers and stakeholders in 2008:

At the core of the problem is that Caribbean society is not yet accustomed to seeing art as an industry…Because of this the market is largely undeveloped, marketing is unsophisticated and inefficient, artists are hardly seen as worthy of their hire, and the society is still not ready to pay for it. The notion of copyright is hazy, intellectual property is a new concept to the wider population and piracy is the accepted norm…Among the many reasons these industries are underdeveloped is that the workers are individuals working on their own outside of the establishment. They have no representation and exist in a framework in which people do not generally recognise that they are part of cultural industries.

(Creighton, 2010)

As we touched on briefly earlier, these are issues which are acutely felt in what could be one of the jewels in the region’s export crown, the Jamaican music industry - where the international success of reggae and dancehall contrasts with the low returns actually accruing to the island and its artists and firms, and presents something of a paradigmatic test case for the strategy now being developed. The country’s trade and investment promotion agency JAMPRO has long lamented the difficulty of developing reggae music for export faced with the lack of connections that domestic artists have had with government policy and formal channels of production, performance and distribution (indeed, the problem as JAMPRO has formulated it is precisely the fact that the genre’s vibrancy has “very little to do with
government policy or incentives and more to do with the struggles of poverty and hardship and the use of informal channels to market local music products”; JAMPRO, 1996: 62). In light of this, the Jamaican government has been one of the furthest ahead in attempting to address the historical lack of attention to music as a viable sector, through the efforts of agencies such as JAMPRO and initiatives in the 1990s such as bringing the island’s copyright law up to international standards while putting greater emphasis on the music and entertainment sectors in industrial policy (OPM, 1996).

However, it is also increasingly recognised that such a reorientation on the part of the Jamaican government itself is only half of the problem since it needs to be matched by measures addressing what is seen as the lax attitudes to entrepreneurship, musical ownership and property rights that prevail amongst the country’s producers and the wider population (Nurse et al, 2006; Power and Hallencreutz, 2004). Such attitudes, it is noted by industry analysts, are “far removed from the view that prevails in the global industry” and are therefore seen to stem from a number of “socio-cultural” factors requiring a combination of legislative-institutional reforms and targeted human resource and education policies (Nurse et al, 2006:201-207; Power and Hallencreutz, 2004:234-7). Prominent among these socio-cultural factors standing in the way of developing the potential of popular Jamaican music are its roots in Rastafarianism (“the problems many artistes and firms have had with copyrights, particularly with pre-1980s recordings/compositions, can be related to Rastafarian anti-property attitudes” and “the religious beliefs that [they]…had thought of as central to musical expression”) and the dense, interactive and transactional mode of production that tends to prevail in creative centres such as Kingston (where musical creation and commercialisation happens rapidly through largely informal channels, so that one day is not an uncommon time for new “riddims” to be widely copied by other artists) (Power and Hallencreutz, 2004:234-7).

There is, in other words, a delicate balancing act involved in realising the productive and innovative value of culture, since again we see how some culture is clearly held to contain more value than others: namely, that which can readily be harnessed and converted into marketable content and intellectual property. This is

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22 “Riddim” here refers to a particular configuration of drums and bass that form the distinctive rhythmic composition or “DNA” of a piece of reggae music (or one of its derivative genres); Jamaican musicologist and producer Dermot Hussey once remarked that “you can copyright a song, but you can’t copyright a rhythm” - in retrospect, it appears he was laying down a challenge.
why the open intertextuality and creative appropriation of others’ music that, according to Paul Gilroy, are the keys to the creation of value in modern Jamaican dancehall (Gilroy, 1987:104;164), must today be nurtured and managed within appropriate regulatory frameworks, strengthened professional and Collective Management Organisations (CMOs), and through carefully designed reforms in industrial, cultural and human resource policies. Again, we might take note of the central theme here: cultural development is to be achieved through the formation of enterprise and private property in areas of greatest potential for international trade expansion; at the same time, while creating new possibilities for cultural recognition, it simultaneously seeks to reform those forms of conduct that stand in the way of these aims.

By extension, although the more traditional concerns for the defence of society from politically subversive, dangerous, violent or sexual content in the region’s popular musical forms is now being tempered in recognition of their role as sources of cultural expression and productive commercial activity, these concerns have also been given a new emphasis with the attention that has come to focus on the dual roles of the music and entertainment industries - particularly where content is seen to have a damaging effect on domestic social order and international circulation and promotion. It was emphasised by the Jamaican Prime Minister Bruce Golding in a communiqué concerning the EPA negotiations for example that:

We have left ourselves exposed for a while, to the extent that our music has never been promoted and marketed in the way that tourism is. For example, whenever there is negativity in the marketplace that affects tourism, we have a strategy to address that. Reggae music is too important for us to allow it to become victim of the actions of [a] minority of artistes who have allowed their own passions to overflow to the extent that they could damage an entire industry.

(Jamaican Prime Minister Bruce Golding, in Trade Updates, 2008)

Such concerns reached a peak in 2009 when the Jamaican Broadcasting Commission (JBC) reacted to the latest dancehall, soca and calypso craze of “daggering” with a series of directives aimed at videos and songs which it deemed promoted “violent sexual behaviour”, “gunmanship” and the “explicit public simulation of various sexual positions”: under these directives, musicians are effectively prohibited from recording material which contains what is deemed to be excessively or explicit sexual or violent content, and there are recommendations that these measures be extended to cover a wider range of content (some of which - such as the recommendation to prohibit musical expressions of “hostility” - are being
interpreted by many as part of a wider shift on the part of government to reassert authority over the island’s so-called “garrison communities”, which in recent years have quite literally begun to go to war with a state increasingly perceived as an enemy).\footnote{See the JBC’s Directives on the 
*Transmission of Explicit Sexual Content*, the 
*Transmission of Soca/Calypso Content* and the 
*Transmission of Violent Content* (available at: [www.broadcastingcommission.org/broadcasting_laws_regulations_codes](http://www.broadcastingcommission.org/broadcasting_laws_regulations_codes)). The Commission’s Chairman has since also called for the government to amend the 1946 Television and Sound Broadcasting Regulation Act to take into account “requirements around playlists and music sheets; vetting and approval of songs by station managers prior to transmission by DJs; non-transmission of songs that condone or encourage hostility or violence; the encouragement or glamourising of use of illegal drugs or misuse of alcohol.” (JBC Chairman Dr. Hopeton Dunn, cited in [Inter Press Service, 2009](http://www.interpressservice.org/)) Critics of the directives in Jamaica and beyond have cried censorship and misunderstanding towards what is, after all, just another in a long tradition of rapidly shifting music and dance crazes (for examples of commentary see Tutweiler, 2009; Evans, 2007). In the British press one commentator suggested ironically that: “With naughty behaviour inspiring much of the past 50 years of popular music, there may not be much left on Jamaican radio by the time the Broadcasting Commission has its way. We can imagine the charts now - a little classical music, part of Tiny Tim’s discography, and some soca tunes about taxes.” ([The Guardian, 24th February 2009](http://www.theguardian.com/))}

Responding to concerns over the dual impact of the daggering saga on “the value of Jamaica’s music” and “the psyche of the people”, Prime Minister Golding addressed representatives from the industry by announcing the establishment of a programme that would work to develop further mechanisms that could be used to generate appropriate content (while also “ostracising those who step beyond the boundaries of what is decent and uplifting”) ([Jamaica Information Service, 2009; Inter Press Service, 2009](http://www.jamaicaonline.com/)). These concerns among the JBC, industry and government followed a series of high-profile controversies in which a number of international Caribbean dancehall stars have faced an international boycott organised by the “Stop Murder Music” campaign protesting violent, racist and homophobic themes in their song lyrics: it has been estimated that this boycott cost affected artists in excess of $5 million in cancelled tours, lost concert revenue and sponsorship deals across the Caribbean, Europe and North America ([Jamaicans, 2007; The Guardian, 14th June 2007](http://www.jamaicaobserver.com/)), while a number of Jamaican producers and booking agencies have also cited the controversies as causing wider damage to the international Jamaican music brand, particularly as increasing numbers of high-profile musicians have subsequently had visas revoked in key markets ([Jamaica Observer, 2010](http://www.jamaicaobserver.com/)).

These cases have highlighted one of the dilemmas faced by policymakers in cultivating Jamaican culture for export, because there may be a contradiction between the “dual” economic and social roles of musical expressions such as dancehall: for example just as the Jamaican government and industry have expressed the need to regulate musical content in order to contain expressions such as homophobia in order...
to maximise the industry’s export potential, this is contradicted by the government’s refusal to overturn legislation prohibiting open displays of homosexuality (despite protests in Jamaica and internationally against this legislation) on the grounds that, in the words of Golding, this would be to “overturn [Jamaican] tradition and culture.” (cited in *Jamaica Observer*, 2007) In other words, it appears in this case that the concern for the health of the music industry and its ability to realise international economic value in the global cultural economy comes before the kind of other concerns we have seen stressed in the Convention regarding the “universality” of the right to expression. However, we might note again that since this right ultimately rests with the state it is perhaps unsurprising that this has been the order of priority here.

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To summarise, we have seen in this section how the negotiation of the EPA, and the parallel materialisation of the Convention at UNESCO, have begun to reorient and intensify the attention given towards the cultural domain as a problem of government in the Caribbean as cultural forms that have hitherto been neglected by policy have come to be identified as key strategic resources in the region’s search for a new base of comparative and competitive advantage in the post-Lomé global economy. Alongside the provisions that have been secured in international trade and development assistance, a series of regional initiatives on the part of the CARICOM Secretariat and in cooperation with international agencies and assistance are also now underway in an attempt to bring about a radical reorientation of cultural policy in the region. The onus has therefore fallen on Caribbean governments and the corporate sector, as well as the wider population, to adapt to the challenges and opportunities presented by the post-Lomé global economy by recognising, managing and exploiting the potential value that is contained in the region’s substantial cultural resources. In the example of the Jamaican music industry we have also seen how the attempt to cultivate a particular set of cultural expressions requires a tricky balancing of national and international concerns and requires the generation of socially and commercially useful modes of subjectivity: outward looking, entrepreneurial exploiters of intellectual property and bearers of carefully managed expressions of the region’s internationally marketable cultural forms. It would be wrong however to view this example as necessarily representative of any wider trend across the region: as we will see in the following section the responses across the region to the EPA, and to the
new strategy of cultural development that has been set out by regional and international agencies, have been mixed.

6.3. Cultural diversity and cultural indifference in the Caribbean: mixed responses to the EPA and the new strategy of cultural development

As we have seen above, with the coming of the EPA negotiations the potential of culture as a resource for addressing some of the most pressing problems facing the governments in the Caribbean has begun to be noted and acted upon by the region’s policymakers. However, the most striking feature of the various measures now being introduced is that they are proceeding slowly and largely remain in an embryonic, draft stage with relatively little support outside of a vanguard of policymakers and regional and international agencies. The first stage of reforms being developed by the RTFIC in response to the EPA, which at the time of writing are due to be unveiled in late 2010, are set to be a defining moment in this respect.

However, the tentative response in the region so far is not only a reflection of the fact that the strategy is in its early stages but is also, and more fundamentally, indicative of the fact that it has been the CARICOM Secretariat and regional negotiating machinery, in response to the EPA negotiations and in cooperation with international and European development agencies, that have carried the cultural diversity agenda to the region. This point is significant because it causes us to reflect on the chasm that has generally characterised the relationship between agencies such as the CRNM, the European Commission and UNESCO on the one hand, and the region’s governments and cultural producers on the other, most of whom have had little prior investment in the international cultural diversity agenda (in contrast to the kind of roles we have seen played by a number of industry organisations in the previous chapter, such as SAGIT and the CCD in Canada for example). Not only do some territories in the region have more developed cultural sectors and longer connections with export markets than others - notably Jamaica, Barbados, Trinidad & Tobago and St.Lucia (in contrast to Guyana, Suriname, Haiti and the other six members of the Organisation of Eastern Caribbean States that come under the CARIFORUM grouping) - but export capacity is further restricted to a few sub-sectors (music, book publishing, visual arts and film/television) which are better placed for development since they are, as the report commissioned for the CRNM pointed out, “more commodified or commercialised and have had a longer experience of exporting goods, services, and intellectual property.” (Nurse et al, 2006: 6) For
these reasons, the call for regional consolidation and adjustment in the cultural sector has found resonance among a relatively small group of countries and well-positioned cultural producers and professionals. We can bring these points out by considering a number of examples, beginning with Barbados and Trinidad and Tobago, and then moving on to some of the other responses in the region.

6.3.1. Barbados and Trinidad & Tobago

Alongside Jamaica, which we considered briefly in the previous section, it is useful to consider some of the responses taken in Barbados, where the government has taken a lead in responding to the work of the CRNM and the EPA negotiations over the last decade, notably following the establishment of a *National Task Force on Cultural Industries* (NTFCI). In 2004 the NTFCI recommended an overhaul of “the entire environment within which the cultural industries subsist in the country” and stressed the need for active involvement on the part of the Barbadian government to preserve policy space and seek forms of international assistance through the new cultural diversity Convention being drafted at UNESCO (NTFCI, 2004). The government’s commitment to this strategy was symbolised by the role that was played by a Barbadian delegate as part of the intergovernmental Drafting Committee that prepared the text of the Convention for adoption between 2004 and 2005 (UNESCO, 2004c). The trajectory of the National Cultural Foundation (NCF) of Barbados is also indicative of the shift underway in the management of the cultural sector: established as a statutory body in 1983 to “oversee the cultural landscape of Barbados” and initially focussed on community engagement and development through seven community centres around the island, its management structure and the focus of its activities have become increasingly entrepreneurial and commercially focussed - now managing and promoting many of the island’s major cultural events and festivals for example - in order to reflect what it refers to as “the new role and expanded focus on the business of culture” in national and international policy (NCF, 2010). As such, it describes its mandate today as to “Fuel the development of culture through training, research and the creation of opportunities in cultural industries” while supporting festivals and events that are deemed to be simultaneously “economically viable” and “socially acceptable.” (ibid) A number of areas are seen as particularly ripe for export development: notably fashion, the visual and performing arts and musical and audiovisual production, particularly as these can be developed through spin-offs from the annual Crop Over Festival. Originally held to
celebrate the end of the sugar cane harvest during the colonial period, Crop Over has been transformed since the 1990s to become a significant source of revenue in its own right, estimated to have earned the island $50 million in a four week period in 2001 (ibid; Walcott, 2007). This broad recognition of the need for policy to evolve with the accelerated transformation in culture’s role as an economic resource is therefore seen to have blurred the distinction between the formulation of national cultural and industrial policy:

[A] fundamental characteristic of cultural goods and services is that they are the constituents upon which national identity is based. As culture is being transformed from an internal domestic concern into an external security/sustainability issue involving national identity, sovereignty and survival, it is critical at this point to recognize that Barbados (as a country with limited natural resources) must recognize and nurture human creativity and expression (cultural capital), as one of its most valuable assets/resources worthy of significant and long term investment. (NTFCI, 2004:69)

Made alongside the EPA negotiations, such arguments have begun to gain some hold in government. In 2009 the Barbadian Prime Minister announced the completion of the drafting of the country’s new cultural policy by noting that its central objective is to cement the role of culture as a pillar of economic development - “just like you have the sugar industry or manufacturing sector, international business or the tourism sector” - that can support the work of the administration’s youth projects and the broader efforts now underway to develop post-Lomé generators of income, employment and foreign exchange (Prime Minister David Thompson, cited in Lashley, 2009; Goodman, 2009). The focus of the policy and its accompanying Cultural Industries Bill is on generating domestic cultural entrepreneurship through a variety of measures in education (developing creativity, awareness of issues related to intellectual property and cultural enterprise management, careers in the cultural sector), legal and tax incentives (notably the removal of certain duties and taxes on inputs into the cultural industries, particularly where these result in the generation of foreign exchange earnings) and the encouragement of private sector support (in particular through seeking co-productions and making better use of diasporic linkages, particularly in the UK). 24 The Minister responsible for the development of

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24 The key provisions of the Bill were outlined by the Minister of Culture and Community Development: to “provide incentives for persons in the cultural industries, allowing practitioners to be able to more readily acquire selected operating supplies considered as tools of the trade and relevant capital assets to be utilised in pursuing or developing of particular cultural activities or programmes”; the budget statement for 2010 set out how the new Bill for Cultural Industries would include import duty reductions and corporation or income tax relief for approved projects. (Barbados Advocate, 42009)
the cultural sector has elaborated one of the key shifts that is required in this strategy: in diversifying from tropical agriculture, the cultural industries can provide a conduit for an “innate, distinctive and creative capacity” to be found among the young and the working class, who should no longer be motivated “[only] to make a living or to survive and especially in a seasonal context, but they need to be motivated to think in terms of wealth creation.” (Atherley, 2006:5) At the same time it is this focus on acknowledging and harnessing the immaterial and creative potential of hitherto neglected and marginal activities that poses one of the most difficult challenges for those now tasked with the cultivation of the cultural sector; indeed, this focus is seen to set the cultural industries apart from other sectors of economic activity such as insurance, banking or construction:

[In these industries] enormous levels of capital are necessary when you come to the table; and therefore the class which is allowed to benefit with respect to those areas of economic enterprise and endeavour is the capital class, those who have it. With respect to the cultural industries the story is different… when we talk about the development of cultural industries, we need to speak in terms of wealth creation at the level of the working class.

(Atherley, 2006: 4-5)

It would be easy to look for confirmation in such statements of the kind of observations made by Yúdice (2003) regarding the role that the contemporary discourse of cultural diversity has come to play as a point of reference in neoliberal globalisation, emerging as a response to the effects of trade liberalisation for those bearing the brunt of restructuring whose value has come to be measured in terms of their cultural identity (Yudice, 2003:251; chapter two). The new cultural policy also appears to reiterate the contemporary emphasis on the expansion of those technologies of government aimed at transforming conduct from “passive” labourers (or potential burdens on the state through unemployment and crime) to “active” entrepreneurs of the self, requiring policy frameworks, incentives and interventions in order to more effectively realise an “innate” capacity for expression and wealth creation. However, we should also note that, despite such shifts now underway in policy, international and national observers such as the Commonwealth Foundation and the NCF have pointed out at the same time that very few of the initiatives underway in Barbados since 2004 have actually been translated into substantive

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December 2009). At the time of writing the Bill is waiting to go before parliament and the policy is expected to come into effect in 2010, although after the on-and-off proposals of the previous five years stakeholders in Barbados are not holding their breath over this.
action on the part of government, the cultural sector or civil society (for example see Commonwealth Foundation & NCF, 2008). Meanwhile, culture remains heavily under-prioritised in relation to other sectors, and critics point out that this will continue as long as measures directly targeting the industrial development of the sector are prevented by the continued inclusion of the culture portfolio with the community development portfolio in the administrative structure, since this prevents culture from being managed in a way that is necessary for it to be targeted as a factor in the nation’s economic development (ibid). Such slow progress on the part of government has been compounded by a generalised indifference in Barbadian society towards the development of a new cultural policy to respond to the EPA, with the NCF and Commonwealth Foundation leading calls for public awareness campaigns to address the general lack of knowledge and interest that there has been for the Convention and the cultural diversity agenda more broadly.

Nevertheless, in the developments that we have examined above it is clear that a change is underway in the role of cultural policy and the work of agencies such as the NCF. To put this change into perspective it is useful to briefly consider the ways in which previous measures in post-independence cultural reform had attempted to bring about the kind of “democratic expansion” of the fields of activity brought within the ambit of government that we earlier saw Bennett identify as one of the defining features of cultural policy as it developed over the second half of the twentieth century (see chapter two; Bennett, 1998). Such measures sought as their primary aim to address biases of symbolic representation in the conventional theatres and “contact zones” of national cultural formation - museums, art galleries, radio broadcasting, and so on. As an example we might refer to the measures taken at the National Museum in the 1980s after the Barbadian government required it to improve its function as what it described as “an instrument of national identity” and an “institution in the service of national development”: alongside changes to make administration and staffing policy more representative of the makeup of Barbadian society, the key emphasis of this policy was to reorder the museum’s privileging of the lifestyles and paraphernalia associated with the European merchant and plantation class by increasing the visibility of previously overlooked and marginalised stories and artefacts in the national historical record: survivals of African material culture; the historical records of slaves, plantation workers, peasant farmers and fishermen; traditional and vernacular crafts, architecture and means of transportation, and so on (Barbados Ministry of Information, 1982; Cannizzo, 1987). These measures were
also to be taken beyond the museum through public mobile exhibits, radio broadcasts and school tours, and therefore overlapping with the earlier work of the NCF in the island’s community centres.

If we follow the analysis of these measures in the terms used by Cannizzo (1987), cultural policy here sought to operate on the cultural as a distinct plane or arena for assembling an authoritative “ideology” and “visual schematic image” of the Barbadian social order consonant with the national developmentalism of the era. We have seen above that the measures being introduced today seek to operate on a number of different planes: they not only seek to give governmental and commercial attention to a wider field of cultural activities but also to dissolve traditional boundaries between industrial, trade, human resources and cultural policies in order to harness the potential of those activities as a source of comparative advantage and capital accumulation for the challenges posed by the new global economy. In the process, it is hoped that this can contribute to broader social aims by boosting revenues and providing new sources of employment and productive activity, particularly among the young and the working class whose situation in the process of restructuring and the ongoing demise of the traditional plantation economy has emerged as a particular concern. There is also a broader international concern, expressed in the discourses and ideologies of cultural diversity and cultural development, to expand the representation of Barbadian culture within the international marketplace and to add to the momentum of the broader cultural diversity agenda.

A similar pattern and rate of progress is evident in the steps that have been taken in Trinidad and Tobago, which is one of five ACP countries (along with Fiji, Mozambique, Senegal and Zambia) taking part in a pilot project for cultural industry development, funded by the European Commission as part of the EPA adjustment and implemented jointly by the ILO, UNCTAD and UNESCO. The aim of this project is to strengthen the trade and employment contributions of the cultural sector through policy guidance and entrepreneurship training - what UNESCO has described as “the first large-scale poverty-reduction initiative targeting the creative industries in developing countries.” (UNESCO, 2010b) As one observer reflected on a series of consultations held as part of this project in 2009, the key message for Trinbagonian policymakers and stakeholders is the need to build a sustained advantage in sectors such as film production, music and tourism by deploying their “biggest asset [which] is our rich, diverse and warm culture”: “One point made by [UNESCO’s Dr Boafo]
was that…a sustained advantage could only come from promoting something truly unique, such as our culture.” (Joseph, 2009) This work has been undertaken alongside export diversification strategies drawn up by the government’s Standing Committee on Business Development for the film industry (SCBD, 2005), the music and entertainment industry (SCBD, 2006) and culture and tourism (Nunez-Tesheira, 2009; Joseph, 2009) in light of the expiration of Lomé and the country’s dependence on depleting reserves of oil and gas. 25 Again, the emphasis is on the ways in which these sectors are poised to capitalise on what has come to be identified as the country’s “main strengths of having talent and creativity that holds tremendous international appeal, and having expanding participation by youth in various aspects of music and entertainment.” (SCBD, 2006:8-9)

So far, however, there are few measures comparable to those that have been developed by Barbados, although responses by the Trinbagonian government - such as the formation of the Trinidad and Tobago Film Company (TTFC) in 2006 - have had some success and led to the country’s strategies being referred to by analysts as a potential model for wider adoption across the region (see for example Nurse et al, 2006: 8; 65-67; Farrell, 2010). In contrast to Barbados however, where measures are aimed at developing domestic capacity in production, the Trinbagonian strategy is aimed more at developing an incentives regime to attract international producers (the introduction of the TTFC’s Production Expenditure Rebate Program for example provides cash rebates of up to 30% for expenditures accrued while filming in the country). 26 A similar set of fiscal incentives in the audio-visual sector are offered to international producers by Jamaica, and have recently been drawn up by the Dominican Republic. It should be emphasised however that capacity in audiovisual production generally remains thin and concentrated among a handful of countries, a

25 The guiding rationale of these strategies is set out as follows:

Petroleum is a diminishing resource. Trinidad and Tobago must take the necessary action to develop the motion picture industry as part of its effort towards diversification. This would allow the non-petroleum sector to make a greater contribution to job creation and to the Gross National Product and allow the nation to reduce the rate at which it is exploiting its petroleum reserves.

(SCBD, 2005:10)

The principal aim is to formulate a strategic framework for the Trinidad and Tobago entertainment industry to contribute significantly towards the country’s diversification efforts away from the oil and energy sector, and at the same time encourage and promote artistic endeavour and creativity throughout Trinidad and Tobago.

(SCBD, 2006:2)

26 For more information on the work of TTFC, see www.trinidadandtobagofilm.com
factor which is likely to be important when it comes to seeking international co-productions and assistance, which naturally favour more established operations: of the three awards that went to the Caribbean region under the recent EU-ACP Film Fund for example, it is indicative that these went to proposals from partnerships involving groups working across Jamaica, Trinidad & Tobago, Barbados and the UK (Caribbean Export Development Agency, 2009).

6.3.2. Industry and civil society responses
The ambivalent status of the cultural diversity agenda as it has been introduced in the Caribbean more widely can be brought out well by considering the response of the region’s cultural sector, where a vanguard of well-positioned producers and professionals have sought to position themselves as key advocates for the new cultural policy across the region. There was in fact little domestic pressure on the part of the cultural sector in the negotiation of the EPA: most of the major Caribbean industry practitioners have based themselves in the OECD countries and the negotiations largely proceeded without consultation with the domestic cultural sector. Even in Jamaica, it has been the government that has taken the lead as part of the EPA adjustment process, organising meetings with the island’s musicians and producers to encourage them to seek out export opportunities and, as the Prime Minister Bruce Golding emphasised during the final stages of the EPA negotiations, “sensitise the players in the industry as to what the EPA means for them.” (cited in Trade Updates, 2008) This is in contrast to the role that has been played by industry stakeholders in Canada or Europe for example, which have worked closely with their respective governments over the last decade to advance their position in international trade negotiations, most notably through the campaign for the Convention at UNESCO.

Nevertheless, two region-wide industry lobby groups have formed in the Caribbean in response to the strategy that has unfolded alongside the EPA negotiations: a Caribbean branch of the IFCCD (“the Caribbean CCD”) and the Caribbean Cultural Industries Network (CCIN, now referred to as the Caribbean Creative Industries Business Network, CCIBN). The Caribbean CCD was a latecomer to the IFCCD network, reflecting the relatively minor role that the region has had in the formation of the wider cultural diversity agenda centred on UNESCO: at the time of writing, only eight out of the fifteen Members of CARIFORUM have ratified the Convention; of these, six have done so since the conclusion of the EPA in
October 2008 (the other two being Jamaica and St.Lucia). It was out of concern for this slow pace of ratification of the Convention in the region that the Caribbean CCD formed at the end of 2009, following a series of meetings between regional cultural professionals that began a year earlier in collaboration with the IFCCD, the Canadian CCD and funded under the Commonwealth’s new Culture Programme (CCD, 2009b; IFCCD, 2008a; IFCCD, 2009b). While its founding members claim to be more geographically representative than the CCIBN, the Caribbean CCD shares their principal concern over the general lack of support across the Caribbean for the development of the cultural industries, emphasising the need for “quickly reaching out to colleagues across the region from the sectors of books, music, drama, television, film and new media” and for wider ratification of the Convention among the region’s governments (IFCCD, 2009b). In this way their objective is to widen and deepen awareness of the cultural diversity agenda among government and industry in pursuit of more favourable regulatory reforms that address, in particular: broadcast regulations; excessively high customs duties and tariffs on materials used in cultural creation and production; piracy and copyright issues; and most importantly the “general lack of public awareness and appreciation of newer dynamics within the global cultural arena.” (ibid)

The CCIBN, formed in response to the CRNM meetings in 2004, is led by a steering committee comprised of entertainment and copyright professionals from Jamaica and Trinidad & Tobago and works to provide industry advocacy for the kind

27 The eight CARICOM Members (in chronological order of their ratification) are: St.Lucia, Jamaica, Barbados, Grenada, Dominican Republic, Saint Vincent and the Grenadines, Guyana and Haiti. UNESCO representatives in the region have recently expressed concern that most of the states that have ratified the Convention since the EPA have done so out of a concern only to access any funds that may become available under the IFCD, without taking any steps to reform their cultural policy (OneCaribbeanLtd, 2010).

28 The Culture Programme was established by the Commonwealth’s civil society arm the Commonwealth Foundation in 2005 in light of the adoption of the Convention at UNESCO and now accounts for about a quarter of the Commonwealth Foundation’s total programme and grants spending. See: www.commonwealthfoundation.com/culturediversity/

29 At the launch of the Caribbean CCD, the CEO of Barbados’s Copyright Society of Composers, Authors & Publishers, Inc. (COSCAP) noted how she had been working with the IFCCD to establish the Caribbean and by having a Caribbean Coalition that is truly representative of the diversity of cultural participants in the region, civil society has a voice to push our agenda which is to develop and promote an enabling environment.” (CCD, 2009b) The founding organisations of the Caribbean CCD are: Barbados’s Copyright Society of Composers, Authors & Publishers, Inc. (COSCAP); Grenada Musicians Association; the Grenada Drum Festival Committee; Dominica’s Association of Music Professionals; the Network of NGOs of Trinidad & Tobago for the Advancement of Women; St. Lucia’s Professionals in Action for Creative Enterprise; the Eastern Caribbean Collective Organization for Music Rights, Inc. and the St. Kitts & Nevis Association of Artists and Performers.
of reforms, in particular those related to regional intellectual property recognition and enforcement, that will enable the region to enter what it refers to as “this new world order driven by knowledge and intellectual property.” (CCIN, 2007) While welcoming the initiatives of the CRNM and CARICOM Secretariat it has generally expressed scepticism over the extent to which the necessary measures will be taken seriously by the region’s policymakers (reacting for example to the claims by the Barbadian Prime Minister in 2007 that the cultural industries were now a “top priority” for the Caribbean by noting that this had “come as quite a surprise to many in the entertainment and cultural spheres”; CCIN, 2007). Such scepticism is reflective of the frustration that the cultural and creative industries have felt with the way in which the EPA negotiations and the work of the RTFCI have proceeded without consulting them (ibid; CCIBN, 2008). Responding to the cultural measures included in the EPA the founder of the CCIBN similarly noted that although the efforts of the region’s negotiators in the EPA meant that the region was now engaged in “earnest debates about quality and quantity of local audio-visual content”, there still remained far too little initiative amongst the region’s governments and those involved in the cultural sector for the Caribbean to be able to capitalise on the opportunities that had been opened up by the EPA (Leonard, 2009). Still, the formation of the Caribbean CCD and the CCIBN have marked the emergence of a more coherent and focussed regional lobbying capacity on the part of the cultural sector, and they are keeping their side of the bargain by applying pressure on governments to accelerate the process of reform in response to the EPA and the opportunities now becoming available in the global economy.

The work of the CCIBN and the Caribbean CCD in providing a focus for industry support behind the cultural diversity agenda and responding to the EPA has complemented longer-standing efforts by several of their members who are also part of the Caribbean Copyright Link (CCL). This is an umbrella organisation for the region’s copyright management that was founded with the assistance of WIPO in 2000 by the Caribbean’s four major CMOs - from Trinidad and Tobago, Jamaica, Barbados and St.Lucia - concerned in particular to establish some form of region-wide collective management infrastructure in the music industry.30 Although the

30 These four are: the Copyright Organisation of Trinidad and Tobago, the Jamaica Association of Composers, Authors and Publishers Ltd, the Copyright Society of Composers, Authors and Publishers, Inc. (COSCAP, Barbados), and the Eastern Caribbean Copyright Organisations for Music Rights Inc. (St.Lucia). It is estimated that the CCL’s members now represent approximately 5300 writers, performers, producers and publishers (CARICOM, 2010).
formation of the CCL and subsequent efforts between WIPO and the CARICOM Secretariat have brought some success in raising awareness and use of intellectual property among producers in the region (the royalty collections of CCL members for example increased from US$1.2million before its foundation in 1999, to $2.3million in 2004 and $4million in 2008) it is still widely acknowledged that poor intellectual property recognition, regulation and enforcement are responsible for the most significant hindrances on local entrepreneurship and the collection of regional and international royalties (CARICOM, 2010). This is also despite a spate of new or amended legislation over the last decade as countries have acceded to the TRIPS Agreement (in Barbados alone, there were at least five new Acts addressed to improving intellectual property regulation between 1998 and 2001; Smith, 2004). For these reasons a Caribbean Music Industry Networking Organisation (CaMINO) was also assembled at a meeting of stakeholders on the EPA in 2009, aimed at working with the CCL and with the backing of CEDA to pool industry efforts across the region in order to achieve greater international market penetration and royalty collection, particularly in the EU. Again, it is worth taking note of the makeup of the organisation, as expressed by the co-chairman following its inauguration in 2009: although in principle it is “open to everyone that has a stake in the music industry,” he qualified this by adding that “it is more focused on entrepreneurs and business people.” (Jamaica Gleaner, 2009) The EPA has also prompted the establishment of the region’s first network of representatives from the audiovisual sector, the Caribbean Audiovisual Network (CAN), which formed along similar lines at the invitation of CEDA in 2009 and with the support of CARICOM and the EU.31

Summarising these various initiatives on the part of the cultural sector, we can say that their overarching concern has been to develop regional organisational capacity and to increase pressure on the region’s governments to follow through with policy measures that will better position the sector to capitalise on the international opportunities that have been presented over the last decade. They have also reflected the efforts of a vanguard of relatively established industry professionals and organisations who have come to hold a stake in the widening of industry and civil society support behind the international cultural diversity agenda and the

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31 At the time of writing CAN remains in its early stages and it was difficult to source information on its work. Its objectives seem to be less concerned with lobbying for regulatory reform than with securing funding and improving industry capacity, training and distribution (including, notably, extending membership beyond the CARIFORUM countries to tap into the expertise and co-production possibilities in the nearby French Territories and Cuba) (see PACE St.Lucia, 2009).
implementation of the EPA. In this respect they have not only positioned themselves as models of reform for the kinds of subjects and organisations that are now required as part of the reordering of the Caribbean political economy, but they have also brought into relief some of the features of a new cultural politics in the region as the cultural domain is being redefined and subject to intensified political and commercial attention. In this context a political opening has been created for hitherto neglected cultural institutions and practitioners articulating claims to recognition through the discourses of accelerated internal restructuring and reform, intellectual property formation and entry into international circuits of production and distribution. However, if these are symptoms of the emergence of a regime of “cultural power” in the region, as we earlier saw formulated by Yúdice (see chapter two), then they need to be put in the context of what is otherwise a general indifference towards its realm. Cultural power as it is formulated by Yúdice as a performative field of force can only extend as far as the call to perform, and so far this has barely carried beyond a relatively small group of regional and international agencies, political representatives and industry stakeholders clustered around the cultural provisions that formed part of the pact between the CRNM and the European Commission in the EPA.

The relative isolation of these groups in this respect might be considered in the context of the opposition to the EPA across the region that we considered earlier in this chapter. For those involved in the Bare APE (“Block the EPA”) coalition in Haiti for example - where worker and peasant organisations were joined by groups such as the Dahomey Dance Troupe, the peasant musical group AWOZAM, artists from the Chandèl organisation for popular education and awareness, musicians from the popular protest group Boukman Eksperyans - the cultural provisions contained in the EPA were not even the “fairy tale” referred to by the founder of the CCIBN but were received instead as part of the ongoing bid to reassert imperial authority in the region. As they have sought to point out in their campaign, for all the EPA’s gestures towards cooperation (many of which are not backed up with substantial provisions), its basic contribution to the region has been to continue the aggressive international strategy of liberalisation that has been pursued in the neoliberal period (Haiti Support Group, 2007). Memories of the disastrous effects of the reforms of the 1990s are still very strong here: the international programme of restructuring in Haiti in the 1990s was framed and implemented as a classical task of colonial political economy: how to reconfigure the country to fit into the new global division of labour by transforming a largely self-sufficient peasantry into labourers for commodity
production, in this case low-cost workers for assembly plants and sweatshops - which like culture today were then hailed as Haiti’s, and the Caribbean basin’s, new “competitive advantage” (Shamsie, 2009; Heron, 2006; Edmonds, 2010). This goal was achieved by what former US President Clinton has referred to in retrospect as the “devil’s bargain on rice” that was struck in the Haiti programme in the 1990s: a combination of an influx of subsidised rice (much of which came from Clinton’s state of Arkansas, the largest producer in the US) and inward investment into Export Processing Zones which, as was foreseen by many, together produced the collapse of whole sectors of the peasant economy and led to 76% of the Haitian population sliding into the category of “extreme poverty” (followed by widespread hunger, food rioting and threats to the legitimacy of the neocolonial administration in Haiti, prompting a familiar process of counterinsurgency led by the US, with support from France and Canada) (Hallward, 2008; Haiti Support Group, 2007). These experiences over the last two decades have been a driving influence on those involved in the Bare APE protests, and as they set out in their joint statement:

We cannot accept a continuation along the same path. Agreements like the EPA will accelerate the destruction of our economy…It is clear that this agreement represents a threat to food sovereignty of ACP countries by leading to an extension of the practice of large monoculture plantations. The brutal proletarianization of an important part of the small peasantry will cause social problems on a large scale. Why jeopardize the future of more than 60% of the Haitian population to satisfy the desire of the European powers?

(Haiti Support Group, 2007)

The Bare APE protest helps put the cultural provisions in the EPA into perspective here. Precisely by including the cultural sector as part of the bargaining repertoire in the EPA negotiations (in which it has held out the promise of market access and assistance to what is so far a very small group of interests in Caribbean) it has become part of such struggles and calculations over who will bear the brunt of economic restructuring and liberalisation. In this sense we might say that the expediency of culture as it has been written into the framework of the EPA lies most significantly in the role that it has played in forging a new sphere of mutual political and economic interest between the EU and the CARIFORUM as the traditional colonial linkages and alliances based on tropical commodity preference have been phased out. A core-periphery alliance appears to be in the making here regarding the preferential treatment for the cultural sector. For European negotiators the cultural provisions have functioned as a bargaining chip gaining significant market access in
other areas and securing liberalisation precedents for future negotiations, while also widening the formal legal and political recognition of the exceptional place of the audiovisual sector in international trade (which was, after all, the objective that has been set out in the Directive for the EPA negotiations that was approved by the European Council in 2002; see chapter five). For the CRNM the cultural provisions have presented an opportune solution to the contemporary imperatives of diversification and the search for new domestic levers of wealth creation and social management, as well as offering a trophy concession that could be presented in the face of the widespread criticism and hostility in the region directed at the agreement and its implementation. Unlike in China, where the contemporary industrialisation of culture is part of a strategy to put the country on a level footing with the imperial states, in the Caribbean it is more of a reflection of the region’s ongoing subordination in the world order.

More broadly we might note that by offering preferential treatment to the region’s cultural industries while subjecting most of the other sectors of the Caribbean political economy and population to some extremely harsh trade winds, the EPA highlights the profoundly asymmetrical way in which the cultural development agenda has come to be applied in this case. Again, we should stress here that there is no reason why activities that will be affected such as subsistence farming, fishing or the management of land should not be accorded special treatment on “cultural” grounds. This has been an argument made by many in the Caribbean, particularly those peasants and Creole communities at the bottom of the hierarchy who stand to lose most from the EPA and the ongoing process of neoliberal restructuring: their problem is particularly acute here, because their claims can fall back on little that is recognised in authoritative terms as “distinctly” theirs or that has significant value for protection or development for export. As WIPO pointed out in its survey of “traditional knowledge” holders in Trinidad & Tobago, Guyana and Jamaica, the organisation has found it problematic even to develop the kinds of frameworks of recognition that it is now extending to indigenous populations in the South for the protection and international exploitation of ICH or biodiversity (see chapter five), because most people in the Caribbean trace the source of their culture and traditions outside of the region and not come under this category:

Most Caribbean people have their origins in Africa, Asia and South America. The discussions on this point centered around whether the Caribbean people could lay claim to benefits accruing from the use of knowledge which they brought with them
from their countries of origin. The arguments were skewed in favor of the true beneficiaries being the source communities from which these knowledge systems originate…To compound the issue, most of this knowledge is communally held. The extent to which community based rights can be protected and managed for the benefit of all especially in cases where the knowledge can be found in many countries was at the heart of the debate in every country visited.

(WIPO, 2001:194-195)

WIPO’s difficulty here in fact raises a much wider issue. The implication of the framework of cultural recognition now being developed by organisations such as WIPO is to marginalise the overwhelming majority of the world’s population who depend on natural resources (agriculture, land, sea, rivers, and so on) for subsistence and other uses, because their experience is characterised precisely by an inability to trace a lineage to an “authentic” present homeland or reserve of traditional knowledges and practices deemed worthy or capable of being accommodated within the authoritative epistemologies of international or national development. As Farhat (2008:218) has pointed out, the indigenous people of the world that are now finding it possible to articulate meaningful claims to recognition within WIPO’s implicit focus on “premoderns” constitute an estimated 4% of the global population: the majority of the global population that are characterised as the global poor generally cannot draw a lineage to any authentic present homeland in such a way, since their experience is one which is characterised precisely by displacement under modernity or, in the case of the Caribbean Creole communities, often openly embody “inauthentic” and “inalienable” knowledges and practices. This is the flip side of viewing the Caribbean’s diasporic heritage as part of a strategy for cultural development: if this is something to be pursued through the export of cultural industries, festivals and carnivals (while leaving much of the rest of the economy exposed to the trade winds), then it is unclear how exactly most of the Caribbean population are supposed to fit into this picture.

Summary
In this chapter we began by putting the cultural provisions to be found in the EPA in the context of the asymmetry that characterises the relations between the EU and the CARIFORUM. The special measures reserved for culture sit alongside a range of provisions in a way which is clearly reflective of the strategic priorities of European negotiators, who have effectively determined which sectors are legitimate areas for liberalisation and which are not - indeed the special place reserved for culture (and in particular the audiovisual sector) in the EPA has been a reflection of the EU’s wider
concern with the cultural exception. Nevertheless, backed up with the provisions provided by the UNESCO Convention, the EPA negotiations have also provided an opportunity for Caribbean negotiators to extract some concessions from the EU on this point. In this context a vanguard of regional and national administrations, professionals and industry representatives in the region, working closely with international agencies and assistance, have sought to sensitise the region to the potential of culture as a resource and begun to develop measures that can be used to manage it as a viable, outward-looking sector as part of the search for a solution to some of the problems now associated with the demise of the plantation economy and heightened international competition in other areas.

As the contemporary problems of the reform of the cultural domain have been formulated in this way we have seen some indications of a shift in culture’s role in administration in a way that is broadly consistent with the episteme of culture as resource: less concerned with the modern project of forming civilised subjects of the nation (although this of course remains important, as we have seen in the case of Jamaica for example) than with the formation of entrepreneurial and carefully managed marketable identities and intellectual property. As a concern of government the cultural field has tended to lose its distinction here as it has become part of the expertise and repertoire of the new political economy which, while seeking to overcome some of the limitations of modern/colonial attitudes towards cultural development in business and government, also of course draws up its own hierarchies and grids of value setting out which kinds of conduct are to be assigned a reforming role and which are to be targeted as objects of reform. The key motifs are familiar: enterprise and production.

However, as a concluding note we should consider that these developments have ultimately been contingent upon the strategic priorities of the EU as well as wider changes in the international political economy: the new strategy of culture as a resource for development appears precarious in the region due not only to the relative lack of enthusiasm with which it has been taken up but also because the message of the EPA is that development strategies can be blown away at any moment by a new round of trade winds or by shifting priorities amongst the imperial states. It is worth remembering that only a decade ago the future “competitive advantage” of much of the Caribbean basin, reinforced by international advice, was seen to lie in its ability to provide attractive regulatory environments and low-cost labour for assembly plant sweatshops servicing the globalising textile and garment industries: a strategy which
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has proven increasingly futile given the combination of the phasing out of the Multifibre Agreement and intensified international competition from East Asia. Given the largely symbolic, unbinding nature of many of the measures for cooperation and development assistance that are set out in the EPA, combined with the growing preoccupation within Europe with the state of economic “crisis management” that has followed the recent blowouts and bailouts in the banking sector, there are grounds to question how widely or deeply the regime of “cultural power” will take root in the Caribbean. Since the completion of the EPA the EU has already reneged on commitments made to the CARIFORUM in assisting with major adjustments in agriculture and concessions in areas such as rum production, while striking deals with Peru and Colombia that, in the words of one former ACP negotiator, simultaneously completed the European Commission’s’s cynical manoeuvre to “sell the Caribbean banana industry down the river.” (The Guardian, 18th May 2010)32 In response a number of governments and stakeholders in the Caribbean - including those, such as the Director of the Caribbean Council, that had formerly highlighted the potential that the cultural provisions in the EPA had for transforming the basis of the region’s political economy - are now expressing doubts over the substance of the EPA’s provisions on development and cooperation and the EU’s commitment to see them through (Inter Press Service, 2010a; 2010b).

In this context it is unsurprising that doubts are also emerging about the utility of the cultural provisions in the EPA: it remains unclear for example how exactly the co-production arrangements that form the centrepiece of the Protocol can bring any substantially new gains in this context. Confusion on these points arose during a CARIFORUM-EU business forum responding to the conclusion of the EPA, where it was pointed out to the region’s producers by one European delegate that co-productions in the cinematographic and audiovisual sector are not a European competence since they are bilateral agreements “under which a state gives advantage to another state and vice-et-versa. A co-production agreement is sometimes settled for political reasons and their ‘raison d’être’ is therefore sometimes mysterious.” (Thiec, 2009) In practice, this is likely to mean that any co-production arrangements will likely come with certain strings attached (at the time of writing the only existing

32 This looks likely to be the first of a series of similar deals aimed at gaining a foothold in Latin America. As the former Caribbean diplomat Ron Sanders has noted: “Informed observers in Europe are convinced that the European Commissioners believe that Caribbean governments are supine and therefore the EU can carry on stitching-up deals with Latin America that leave the Caribbean on the sidelines.” (Sanders, 2010)
co-production arrangement between the regions, which involves Jamaica and the UK, in fact predates the EPA: the original advantage of this arrangement was that Jamaican producers would be able to benefit from international cooperation and market access while being eligible to access British funds such as those available from the Lottery Fund and the Film Council; however, some of the funds in the Jamaica-UK agreement subsequently became restricted to acquiring British goods and services as well as requiring the filming to be done in England; Nurse et al, 2006:69-70). In light of the way in which the Convention’s provisions have been used in the EPA by the EU, UNESCO representatives have also now begun to express unease over the way in which the region’s governments have, in the words of UNESCO’s Caribbean Culture Consultant Kris Rampersad, had “the wool pulled over their eyes.” (cited in OneCaribbeanLtd, 2010)

Finally, we should also take note of the fact that the original aims of those who initialled the campaign at UNESCO have taken an unintended turn in the EPA. Although the leaders of the international cultural diversity agenda in Europe and Canada have generally welcomed the progress that has been made in the EPA in recognising some of the provisions of the Convention, they have also expressed concern over the way that culture has been used as a “bargaining chip” for progressing with trade deals (IFCCD, 2008b; CCD, 2009a; European Coalitions for Cultural Diversity, 2009; IFCCD, 2010). The French government and lobby groups for the European audiovisual and cultural sector in particular have expressed concern over the way that forms of international co-production, cooperation and preferential market access have been held out to producers of audiovisual goods and services in bilateral and regional trade negotiations in exchange for market access in other sectors: this is seen, firstly, to carry the risk that the EU could subsequently come under pressure to make similar commitments in a multilateral context (specifically, at the WTO), and secondly it is feared that access to European broadcast quotas could be given to countries with more developed audiovisual sectors than exist in developing regions such as the ACP - an issue that was raised for example during the negotiations over the EU-South Korea FTA (signed in October 2009) and has prompted calls for the new blueprint of cultural development to be revised accordingly so as not to leave Europe’s producers exposed to further concessions that give international access to the European market (IFCCD, 2010; European Coalitions for Cultural Diversity, 2009). In other words we can see that for some of the key architects and sponsors of the principles that have now been extended to the
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Caribbean through the cultural provisions of the EPA, there is a limit to how far cultural development cooperation and support should go: it should neither challenge the fundamental goal of widening the legitimacy of the cultural exception, nor should it aim at developing the cultural sectors of other countries to the extent that they could pose a challenge to the international position of European cultural production. As the negotiations with the other ACP regions continue to run into difficulties it is therefore unclear whether the new blueprint for cultural development will take off much beyond the CARIFORUM EPA: it has already begun to lose support among the key actors in Europe, and if the Protocol was intended as a “showcase of implementation” of the Convention, as the European Commission suggested, then so far it has hardly offered much of an attractive proposition for the other regions looking to squeeze something out of the negotiations.
7 Conclusion

To begin to put the analyses presented over the previous chapters into perspective it is useful to take a step back and return briefly to the situation at the end of the 1990s. Although there was a widening sense of unease and controversy over the pace and direction of globalisation, there was also little international political agreement about how to move forward. On most questions of trade and development, the 2000s have been characterised by deadlock and disagreement: after the WTO Ministerial Conference was forced to be postponed by the protests in Seattle in 1999, the Doha “Development” Round of multilateral negotiations that finally got underway in 2001 has stumbled from one collapsed talk to another, with North-South differences over agriculture remaining the major obstacle and the process of liberalisation proceeding through a select series of bilateral FTAs. Cultural diversity has been one of the few issues on which a broad international political consensus on trade and development policy has been forged in this time: an agreement amongst governments regarding the “exceptional” role of the cultural sector in the new global economy.

The Convention’s key contribution has been to extend the validity of the cultural exception and to reassert the sovereignty of national cultural policy. Many of the Convention’s other provisions are less well defined and it remains unclear whether they will have much significant impact or maintain sufficient international political support to make them operational. Nevertheless, cultural diversity has offered a productive formula for broadening the international legitimacy of the cultural exception as a principle of international development, generating and reinforcing regional and national development strategies aimed at competitive enterprise formation in the cultural sector, whilst providing a basis for renewing North-South cooperation at UNESCO in a way that has helped to overcome some of the political differences of the 1970s and 1980s. With the rise in the commercial and governmental significance of the cultural and creative industries in the new economy of intellectual property and content creation over the 1990s and 2000s, UNESCO has also recovered some relevance as a point of reference in the global debate over cultural regulation, paralleled by a new protagonism for the “anthropological” concept of culture and the claim to difference as a warrant to economic development and political recognition.

The effect has tended to be to reinforce the ways in which culture is being defined as a resource for trade, privatisation, industrialisation, development and
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political recognition in the contemporary context, simultaneously loosening the hold of the notion that culture should serve a “higher” purpose as a medium of national civic or ethical formation (along with some of the contradictions and elitist biases that are contained in such a notion). However, we can also elaborate on some of the more general claims made by Yúdice about this development. We have seen how an attempt has been made at UNESCO since the 1990s to create a new framework of international cultural regulation aimed at restoring an ethics of cultural diversity for the era of neoliberal globalisation, and how this was subsequently achieved through the recognition of the role that national cultural policy has to play as a site for the shaping of cultural enterprises capable of participating and competing in the international order of commercial exchange and expression. Yúdice’s account tends to underplay the ways in which culture has come to perform this ethical role in contemporary capitalism (he argues for example that “It is not so much that power dispenses with culture, but that it no longer needs it to shape ethical subjects of the nation. Culture is ‘freed’, so to speak, to become a generator of value in its own right;” Yúdice, 2003: 336); rather, we might take note of the ways in which enterprise and production have taken on an ethical force in their own right as they have become concerns of national cultural policy and the contemporary tasks of securing policy space, implementing reform, maintaining social cohesion and accelerating the process of industrialisation in the cultural sector. In these ways the assertion of the contemporary protagonism of the cultural sector as a source of development has been made possible by recognising not only its contemporary contribution to capital accumulation and economic development but also by invoking its contribution to what the cultural diversity campaign has sought to frame as the ethical imperative to protect and promote the “dignity of humanity” and the “heart” and “soul” of peoples through national and international efforts at cultural enterprise formation: this second set of claims has in fact been a powerful source of protagonism for the governments and stakeholders involved in the cultural diversity campaign and has been a necessary condition for generating the kind of international support and legitimacy that is needed to approach UNESCO with a proposal for an international treaty. We might also note that, while UNESCO has certainly been an important forum for articulating the episteme of culture as a resource over the last decade, in doing so it has also revealed some of the tensions over how to give it political and legal form, expressed most clearly in some of the conflicts with the US regarding the most appropriate set of rules for governing the cultural marketplace.
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One of the other claims that has often been made about UNESCO’s work on culture, and one of the major concerns expressed over the Convention, is that it reinforces the ability of national representatives and elites to pursue restrictive, authoritarian and enclavist cultural agendas (see chapter two). This observation is partially true, but should also not detract from the fact that those groups that the new framework of cultural development appears to be proving most useful to are not so much conservative cultural nationalists as those that seek to align cultural policy with the paradigms of the new global economy and the spirit of neoliberal reform: cultural modernisers, entrepreneurs in the cultural industries and new media, copyright professionals and collection agencies, and so on. These groups are as much concerned with securing mechanisms of national protection as with promoting greater domestic and regional liberalisation while opening new market opportunities overseas and tapping into international flows of expertise, technology and finance.

The recent uncertainty over the future of the globalisation project also offers a useful backdrop against which to reflect on the new framework of cultural policy being developed at UNESCO, because following the financial crises and bankruptcies that sent the global economy into tailspin in 2007 and 2008, there was initially some doubt over whether the international political interest in the role of the cultural sector that has been generated over the previous decade at UNESCO would be sustained. After all, culture has tended to be one of the first areas identified for belt-tightening in the era of fiscal retrenchment and crisis management, and in the context of the biggest contraction in trade since the Second World War and a simultaneous collapse in aggregate demand across all the major world economies (with major implications for all the others), it also appeared that the growing demand for cultural goods and services that had characterised the previous two decades would fall away to leave the cultural sector suffering along with everything else. However, at the UNESCO General Conference in October 2009, the first findings of an international study into the impact of the economic crisis on the cultural sector were circulated to delegates to note that the demand for cultural goods and services had in fact bucked the general trend: worldwide, visits to live performances, exhibitions, museums, trade shows, art and book fairs and heritage sites had all increased over 2008 and 2009, matched by sustained demand for products such as films, books and music. Reflecting on this correlation, the authors of the study emphasised that:
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We cannot help but note that the two phenomena are simultaneous and that the severe global economic crisis has not had a negative impact on demand within the cultural sectors...The conclusion, which appears to have emerged from the overall vitality demonstrated by the cultural sectors, by the public authorities and by the general public, is that beyond the figures presented, there is a new awareness of the importance and the place that culture must occupy within society.

(UNESCO, 2009c)

These findings were subsequently taken note of by the European Commission, with one report highlighting the analysis that had been presented at UNESCO and seeing in it an occasion to reiterate the contemporary value of the cultural and creative industries in development:

In the harsh, unforeseeable international economic context, where failure and mutations of the system have largely blurred the traditional patterns of development, a fairly large consensus seems to emerge around the concept that a 'knowledge-based and creativity-based economy' is one of the fundamental pillars for sustainable economic development of humanity in the near future...In this context, the question is what would be the role of culture and cultural sectors of activity within this 'knowledge-based economy’, where creativity, communication and intangible content are in the foreground. Intuitively, one concludes that activities relating to culture, in all its diverse forms and expressions, are tightly linked to knowledge and to the growing need of people to have access to forms of socialisation and ‘consumption’, where intangible content and value are predominant.

(Jeretic, 2009:44-45)

Regardless of the validity of the figures on which these analyses are based, the more significant point to note here is the way that they have been interpreted to reinforce the basis of the political consensus around the role of culture as resource in the new global economy of content production and intellectual property. In this respect we can use the crisis as a point of reference to draw out three broad observations. First, it seems likely that the downturn will place an extra squeeze on funds for the arts in particular national contexts (evidence has also already been gathered on this; see IFACCA, 2009b),1 and as institutions and practitioners in the cultural sector jostle for position and stake claims for a shrinking pot of public funds it is also therefore reasonable to expect that there will be little room for claims that do not articulate their public remit in the kind of terms that we earlier saw outlined by Yúdice (in which the notions that there should be such a thing as support for culture

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1 The International Federation of Arts Councils and Culture Agencies conducted an international survey in 2008/2009 amongst national ministries and stakeholders on the expected impact of the economic crisis on the arts; although responses on precise points were mixed (“Government policies, sources of revenue, levels of debt and, for individuals, level of education will all play a part in who is affected and the degree of impact”), there was also general agreement that the downturn will have “strongly negative impacts” on funding for the arts. (IFACCA, 2009b)
“for culture’s sake” or for aesthetic and civilisational “edification” have come to resemble something of an archaism). In the UK, one commentator lamented the government’s and public’s lack of sympathy for the position of the country’s arts institutions in the austerity measures by complaining that they have lost touch with the idea that culture should represent more than simply an adjunct to the new knowledge based economy, accusing the public of failing to recognise that national cultural institutions “rely absolutely on public funding to sustain their immense civilising benefits.” (Jones, 2010) In the context of swingeing cuts and reforms to public services and benefits reminiscent of the Thatcher governments it seems extremely unlikely that such arguments can hold any credibility, either with government or with the public: polls taken in advance of the British government’s spending review, which at the time of writing is scheduled for October 2010, showed that 66% of the public agreed with arts funding reform and that the majority of funding should come from corporate sponsorship and private donations, while only 16% thought that public funding should provide the majority of support (BBC News, 2nd September 2010). In this context the kind of laments that we have just considered regarding arts and culture policy appear more out of touch than a decade ago, not only from the perspective of policymakers seeking ways to pass on the burdens of deficit reduction and financial misdemeanour to public institutions, but also from the point of view of populations faced with more austerity.

Secondly, we can see in the responses that we considered above how the crisis has highlighted the way in which the episteme of culture as a resource and a particular account of cultural diversity (the international multiplication of the enterprise form in the cultural sector) have come to be presented as one of the few secure routes for those states and populations seeking to develop competitive strategies of economic development in a context of ongoing crisis, uncertainty and restructuring. The EU-CARIFORUM EPA that we considered in chapter six offers some insights into how it is envisaged that this will work: cultural development is effectively offered as a form of compensation through which the general process of economic liberalisation and dislocation can proceed on terms largely set by Europe, reinforced by international development agencies and expertise and a vanguard of regional bodies, governments and professionals. The EPA episode illustrates how far the contemporary consensus over culture at UNESCO is removed from the kind of politics of the NWICO era, where the expansion of the concept of culture and the assertion of cultural sovereignty was inseparable from the attempts to develop a
“New International Economic Order”. However this case also illustrates the relatively narrow basis of the consensus and some of its fragilities: on one hand, it remains unclear how exactly the new strategy that is being developed can benefit the region beyond a relatively small group of countries and well positioned producers and professionals; on the other, the EU’s commitments to cooperation and assistance appear to be contingent on its particular priorities (overall, the provisions on cultural development in the EPA are backed up with little substance and they have already raised concerns amongst the key actors in Europe regarding the level of market access that European negotiators have been prepared to grant to third countries). It may well be here that, by holding out the potential of cultural development and preferential treatment as compensation to the Caribbean for the loss of trade privileges and the ceding of significant chunks of policy space, European and Caribbean elites have potentially found a new area of neocolonial alliance that can maintain European hegemony over the process of development in the post-Lomé Caribbean. It is by no means clear however how deeply this alliance will take hold or whether this pattern will carry much beyond the Caribbean to the other ACP regions, who so far have been unconvinced by the EU’s proposals in the EPA negotiations (and, as we saw in the particular case of Morocco, particular governments may have other priorities that bring them into closer alignment with the US). At the same time, the case of China demonstrates that the new strategy of cultural development can equally become part of an attempt to upset some of the old imperial hierarchies - the major difference between China and the Caribbean being that the Caribbean has turned to the strategy out of a decreasing range of policy options and the ongoing erosion of its comparative and competitive advantages, whereas China has done so in a way which has reflected its ability to maintain closer control over the project of global integration and market reform.

A third point that the economic crisis can help to illuminate here is how the new framework of cultural development has tended to naturalise the way in which particular sectors of activity have been deemed worthy of exceptional attention by policymakers and analysts (“intuitively”, goes the analysis we considered above, the crisis has confirmed the value of cultural expressions understood as works of the new, “knowledge-based economy” of content production and intellectual property creation). The contemporary attention to the potential developmental value contained in hitherto neglected cultural forms is creating room for the recognition of previously marginal groups within national and international development strategies as they have
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become identified by governments, industries and development agencies as potential areas of industrialisation, enterprise formation and development assistance. Paralleling the mechanisms created by the Convention on Biological Diversity, this offers some leverage for those that are able to organise and come forward as bearers of alienable and internationally valuable and marketable cultural expressions. However we have also seen how the attempt to give recognition to a wider range of “ways of life” in the framework created by the Convention has tended to be delimited by the authoritative modalities and development strategies of states and international development agencies, particularly given that alternative claims to cultural recognition and rights find relatively little protagonism elsewhere or through alternative frameworks and instruments of lower political stature (such as those aimed at recognising the value of “intangible” culture or the right to land, tenure and place). The emphasis on the new economy has tended to validate a particular concept of cultural development and to raise the currency of the creative, content and cultural industries within development strategies, while devaluing alternative claims to cultural recognition within the increasingly high-stake processes of determining which sectors and populations are eligible for exceptional protection from the trade winds and for promotion within the processes of restructuring and reform.
Conclusion
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