

"Globalization and Diversity, UNESCO and Cultural-Policy Making: Imperatives for U.S. Arts and Culture Practitioners and Organizations"
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Indigenous peoples have been active participants in recent global policy-making, with the goal of securing their cultural autonomy. This is particularly evident in their engagement with the different parts of the UN system. The UN's decade of indigenous peoples, which ended in 2004, establishing a Permanent Forum on Indigenous Issues, and has been extended for another decade to continue work on a Draft Declaration of the Rights of Indigenous Peoples. Native peoples are also actively working with the World Intellectual Property Organization (WIPO) to move toward a better recognition of the collective sources of traditional creativity and ownership of cultural property, as distinct from the interests of individuals, corporations, and nation-states. While UNESCO has produced a series of landmark declarations and conventions in recent years regarding cultural rights, cultural heritage, and cultural diversity, native peoples are interested but skeptical about such initiatives. While recognizing the goodwill of UNESCO's efforts, advocates of cultural minorities take the long view, while stressing profound differences of viewpoint. For them, this conversation has just begun. How is this conversation reflected in the present draft convention?

Despite a stated "complementarity" of economic and cultural values, the current draft convention does not clearly define cultural values that are separate from "goods and services." This provokes real concern that the draft convention

simply moves us closer to a world where cultural identity, perversely, can be embraced only through the market. We might also ask if the proposed convention takes adequate account of collective sources of cultural creativity in traditional societies, which would require moving beyond protecting the rights of “individual” inventors and entrepreneurs. The efforts of indigenous peoples have mostly been to protect their own cultural heritage from its unauthorized commercial use by outsiders – the adaptation, trafficking, reproduction, or commercialization of the cultural expressions of traditional societies. How would this convention help indigenous peoples to redefine “fair use” that appropriately regulates public access – by corporate interests and others – to their collectively shared expressions of identity?

As peoples historically victimized by nation-states, and given that nation-states have historically translated their sovereignty into ownership, indigenous peoples are understandably concerned about any specific powers over cultural property granted to states. Hopefully this convention will understand cultural diversity as more than simply a means to protect and develop national cultural industries. This draft convention needs to move beyond the concept of “national culture” and direct explicit attention to the internal diversity of nation-states. At present it offers an understanding of cultural diversity that stresses the right of “individuals to choose cultural expressions.” But cultural diversity is not simply defined through individual preferences, such as the maximization of consumer choice. For indigenous peoples, cultural diversity involves the political recognition of collective cultural differences. Any eventual convention must better reconcile diversity as individual choice with diversity as collective differences. In the final analysis, we must ask if the draft convention helps to undermine or to promote the very “distinctiveness” of indigenous cultures, as a fundamental source for their survival as peoples.