

UNESCO Legal Instrument to Promote and Protect Cultural Diversity: Genuine or Not?
James Early

In preparation for a future conference about a proposed UNESCO legal instrument to protect cultural diversity, I recently requested colleagues to comment on how grassroots cultural interests might be situated in this global cultural policy debate. The debate is largely, if not outrightly, motivated by national interests in protecting mass media (cultural) industries from the fierce global audiovisual competition governed by trade liberalization, thereby ensuring local-national cultural content, employment, and market share. Trade liberalization in the media sector is a neo-liberal market policy that has also aroused broad and deep U.S. public concern and debate across partisan lines, especially about how Federal Communications Commission regulations on media ownership affect cultural and political diversity and democracy.

To stimulate responses to my question, I shared that my strategic approach and support for a UNESCO cultural diversity policy is based on inclusion of audiovisual media and protection of the diversity of cultural contents and artistic expressions within the broad rubric of culture adopted by UNESCO in November 2001: "...[C]ulture should be regarded as the set of distinctive spiritual, material, intellectual and emotional features of society or a social group, and that it encompasses, in addition to art and literature, lifestyles, ways of living together, value systems, traditions and beliefs."

I reason that, under this UNESCO definition of culture, diverse local creators, images, stories, epistemologies, languages--the agency of grassroots communities--could be connected to the audiovisual industries and broadly disseminated locally and nationally, and result in a genuine global exchange and communication of cultural diversity. My strategic goals are: (1) a UNESCO cultural diversity policy framework that approaches trade from the vantage point of culture and the manifold ways in which peoples and nations democratically express their creativity and humanity in this new era defined by global corporate-led trade, production of information, and control of the means of communication; (2) a UNESCO cultural diversity policy that recognizes the negative consequences of raw profit market goals and employs the globalization of commerce and communication technologies to facilitate positive democratic opportunities for diverse local-national community cultural ownership of production and dissemination technologies and platforms; and (3) a cultural diversity policy that gives local-national citizenry direct access to fellow citizen media owners and political representatives who argue support for special global trade dispensations and legal agreements for culture in the interest of preserving and promoting diverse local and national culture. Achievement of these cultural diversity policy goals, I argue, will at least give the culturally diverse citizens who make up nations a better chance to influence national cultural industries and foster development of internal cultural diversity leading to a better global exchange and communication in cultural diversity than would unrestricted market driven policies executed under the regime of the World Trade Organization that lead to global conglomerate media ownership and cultural homogenization in public spaces.

One colleague responded with an analysis of the UNESCO cultural diversity deliberations that gives me --and I hope other colleagues and civil society groups engaged in assessing and influencing U.S. UNESCO participation in the outcome of the proposed legal instrument to protect cultural diversity--- reason to pause and to formulate an authentic argument for a global policy that approaches commercial exchange in culture from the vantage point of

culture and not disguised or crafty trade arguments couched in cultural diversity talk. In response to my request this colleague responds: "I fear that this is an impossible task: as long as state media (to which I extend corporate State facilitated media) can arrogate to themselves the mantle of the voices of diversity, rather than allowing real diversity to flourish, they will happily do so. And international instruments that ratify their self-appointed roles as the guardians of diversity are more likely to dis-empower critics from below than to somehow empower them. It's like they've hijacked a perfectly good term, claimed it for themselves, had that claim ratified in international instruments, and then those with a legitimate claim to the term are undercut and excluded. It's like thinking that "no child left behind" is really about children or the Patriot Act is about guarding against terrorism--a clever rhetorical misappropriation that leaves critics without a leg to stand on. But maybe I'm just a pessimist..."

I respond to my colleagues who seek global accords among nations that will effectively advance cultural diversity through trade: "Are we staunch supporters of the UNESCO legal cultural diversity instrument too optimistic and uncritical of what is unfolding in the name of protecting cultural diversity?"

Many speakers stressed that UNESCO should, at the same time, assume a political and legal role, contributing to the preparation of a legal framework or an international legal instrument aimed at ensuring respect for and promoting cultural diversity in the context of trade. To that end, UNESCO should assume the role of leader and "facilitator of negotiations" in order to assist in striking a balance between the promotion of cultural diversity and the laws of the market, which were dictated solely by globalization.