



## **Consultation on the first quadrennial report of the EU on the implementation of the 2005 UNESCO Convention on the protection and promotion of the diversity of cultural expressions**

### **Contribution of the European Coalitions for Cultural Diversity**

The European Coalitions for Cultural Diversity are pleased to contribute to this consultation and would like to thank the European Commission for this opportunity.

During their last meeting in Brussels on January, the 30<sup>th</sup>, the European Coalitions decided to reply to this consultation not on the online form but by a free contribution. Indeed, they considered that the focus made by this questionnaire on the actions of the civil society for the implementation of the 2005 UNESCO Convention was interesting and necessary but insufficient. The opinion of civil society on the implementation of the 2005 UNESCO Convention by the European Institutions is equally important and should be taken into account in the report to be in full compliance with the “framework for quadriennial periodic reports”<sup>1</sup>.

Consequently, you will find below a presentation of the actions of the European Coalitions relative to the implementation of the Convention (I) as well as its comments on the European Union’s policies in favor of Cultural Diversity (II).

### **I. THE ACTIONS OF EUROPEAN COALITIONS FOR CULTURAL DIVERSITY**

#### **Presentation**

By the end of the 90’s, associations regrouping professional cultural organizations (cinema, television, publishing, music, graphic and plastic arts, multimedia) were established in Europe and Canada in order to defend cultural diversity in the context of international trade negotiations.

They developed advocacy actions so that Member States are aware of the issue of the diversity of Cultural expressions and they adopted an international text to protect the right of every Member State to maintain and develop cultural policies.

In 2005, whereas the UNESCO Convention was to be adopted, Coalitions for cultural diversity in Belgium, France, Germany, Italy, Ireland, Slovakia and Spain decided to create an alliance: the

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<sup>1</sup><http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CLT/pdf/Conv2005-Periodic%20reports-Framework-En.pdf>

European Coalitions for Cultural Diversity (ECCD). Its purpose is to contribute to the Convention's implementation in Europe by keeping the European Institutions informed on the concerns and recommendations of the cultural sector and by monitoring its respect by the European Institutions.

Given the history and actions already carried out by the ECCD in favour of promoting cultural diversity of expression, the ECCD is particularly concerned by this consultation.

## **Activities**

### ✓ **At the European Level**

As indicated above, the action of the alliance of European Coalitions for Cultural diversity is mainly focused on the monitoring of the European Union Institutions activities.

This association remains vigilant on every action or policy which could have an impact on the diversity of cultural expression, be it the trade, the competition, the culture or the internal market policy.

The purpose of the alliance is to act as a watchdog and to fully inform and if necessary alert the opinion, the press, the European Parliament, etc. when it deems a European decision could have a detrimental impact on cultural diversity or is in contradiction with the principles of the UNESCO Convention.

Beyond this role, the purpose of this alliance is to issue recommendations for a better respect and integration of Culture and Cultural diversity into the European Policies and to undertake awareness-raising actions on the importance of the 2005 UNESCO Convention. To this respect, the European Coalitions for Cultural Diversity organized in Brussels on January, the 31<sup>st</sup> a Conference named "*Culture : an added value for Europe*" with authors, cultural experts and MEPs. It put emphasis on five proposals:

- to reinforce the financing of cultural programs initiated by the European Union;
- to ensure cultural priorities are properly observed in European internal market, tax, trade or competition policies;
- to guarantee that the 2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions is respected in the trade negotiations conducted by the European Union;
- to adapt the system of taxation to the digital era;
- to prevent operators outside the European Union from circumventing the national cultural policies set up in Europe.

*The actions lead on behalf of the European Coalitions are completed by the activities of every European Coalition on a national and/or international level.*

### ✓ **At the national level :**

Each of the 13 European Coalitions, grouping cultural associations of their country, remains vigilant on the actions of its government and Parliament on cultural diversity of expression.

As for the European level, the national activities of the Coalitions encompass the collection and analysis of data and policies, the publication of recommendations and information on the implementation of Cultural diversity of expression in their country, the organization of awareness-raising conference or events.

For instance, the following actions could be mentioned:

-**the French Coalition** organized in 2011 a Conference on cultural diversity in the digital era as well as a Prize event to reward actions in favor of cultural diversity lead by a cultural organization as well as by individuals.

-**the Austrian Working Group** organizes annual expert meetings to monitor the implementation of the Convention in Austria; results and recommendations of the expert meeting are made publicly available and function as basis for a follow-up dialogue with the competent authorities.

-**the German Coalition** published a White Paper (2009, English Language Version 2010) on its vision regarding the implementation of the 2005 Convention in and by Germany;

-in autumn 2011, the Kaleidoscope project was initiated, a online- collection of relevant implementation practice by civil society abs by publicly funded cultural and development organizations;

-in 2011, Deutscher Kulturrat, the national umbrella organization for cultural policy and advocacy, launched country wide activities on 21 May, the World Day of Cultural Diversity ('Kultur Gut Stärken'). In 2012, this will be repeated, with the focus theme on the value of creativity.

-**the UK Coalition (UKCCD)** organized several Conferences to publicise the Convention and mobilise stakeholders with partners including *The Commonwealth Foundation, The British Council, Global Policy Institute, London Metropolitan and City Universities, Quebec Government Office*. For instance, *the Forum for Young Leaders on Cultural Policy* (June 4<sup>th</sup> 2010, London)

-It produced submissions representing the objectives of Convention, for instance in March 2011 for the BSkyB Review (OfCom UK).

-UKCCD is also a founding Member of Citizens Coalition for Public Service Broadcasting launched in House of Lords, (November 2009) in order to maintain the idea of public service broadcasting as being essential for the health of civic society in the twenty-first century.

✓ **At the international level:**

At the international level, the 13 European Coalitions usually act separately but exchange information and experience on the projects they lead. These projects are generally dedicated to the countries which have not ratified the Convention or where the cultural sector is not fully organized.

Their purpose is to inform the civil society and/or the Ministries in charge on the content and the assets of the 2005 UNESCO Convention, to provide them with the explanations adapted to their cultural and political context, to assist them with the formation and organization of the cultural sector.

For instance, the following actions could be mentioned:

-**the French Coalition** lead several missions in South East Asia, a continent with a poor number of ratifications: in Vietnam and Thailand (March 2010), Indonesia (December 2010) and in Cambodia (October 2011).

-**the German Coalition** has been in continuous exchange with professional cultural organizations in Turkey, participating as resource persons e.g. in a Workshop on the Convention organized by the Turkish Ministry of Culture, 2009; and at the Symposium on Cultural Diversity and Cultural industries, co-organized by Bilgi- and McGill-University, in July 2011, leading to the initiative to build a Turkish Coalition for Cultural Diversity. In October 2010, an international capacity building conference on the 2005-Convention was organized with Bilgi-University and the U40-Network.

-**the UK Coalition** lead several missions of promotion of the 2005 UNESCO Convention in several countries. For instance, at the Council of Europe Meeting of Experts in Yerevan, Armenia (18.07.2008). Moreover, UKCCD Chair and former MEP, Carole Tongue, promotes the Convention with MEPs and EU Commission officials.

✓ **On the development cooperation policies**

- Since 2010 **the Austrian Working Group** organizes in cooperation with the Austrian Commission for UNESCO and VIDC-Vienna Institute annual policy talks on “Culture and Development”; The policy talks aim to raise-awareness among policy makers, identify possible synergies between the different sectors, foster the exchange between political and civil society level and to promote net-working between the development- and culture-community.

-The White Paper of **the German Coalition** (February 2010) addressed the Issue of ‘Fair Culture’, recommending that the Federal Government should incorporate the objectives of the Convention – with an emphasis on “Culture and Development” – across all ministry programs, including international co-operation and in the political development of culture and education work in Germany (global learning, education for sustainable development).

Also, it advocated for capacity building among the intermediary organisations of foreign cultural and educational policy and the implementing organisations of the development policies: These arms-length bodies should invest in educating their executive staff and employees and in the objectives and orientation of the UNESCO Convention. Where applicable they play a part in raising awareness the Convention by reaching out through their programs and partner countries to their comprehensive international networks in their programs and partner countries.

Funding cultural development: German funding institutions (public and private) that commit themselves to co-operating with developing and emerging markets (North South and South South) should provide more funds for the protection and promotion of the diversity of cultural expressions by paying into the International Fund for Cultural Diversity.

Intensify research: German research facilities of various disciplines were called upon to make the field of action "Protection and Promotion of the Diversity of Cultural Expressions" accessible and to set up

co-operations with research institutes in partner countries (among others network of UNESCO Chairs). To date, implementation has happened in the research field, with the establishment of a new UNESCO Chair. All other recommendations are still to be implemented.

-The consultancy with British Council on future strategy for Culture and Development (February 2012) could be mentioned as an example of actions of the **UK Coalition for Cultural Diversity**.

## II. COMMENTS ON THE EUROPEAN UNION'S POLICIES

In accordance with the framework for periodic reports, the European Coalitions for Cultural Diversity would like to make some comments on two points relative to the implementation of the 2005 UNESCO Convention by the European Union.

- ✓ The first one is **the integration of the cultural diversity dimension into the European policies.**

Despite the commitment of the European Commission to integrate Culture into the other European Policies<sup>2</sup> according to the art. 151 of the Treaty (currently art. 167 TFUE), the announcements, speeches and documents of the DG EAC (mainly) but also of the other DGs of the Commission are not followed by the appropriate actions of the other DGs.

For instance, DG COMP published last summer an “issues paper” on State aids to cinema which includes, for the sake of Competition and Internal Market, proposals which would be detrimental to national support measure for cinema and for the diversity of cultural expression in Europe. Although the document refers to the 2005 UNESCO Convention, it does not trigger any conclusion nor recommendation in favour of culture and the diversity of cultural expression.

Conversely, the European Commission considers that State aids to cinema should be assessed not only on “necessity”, and “proportionality” but also on “effectiveness”. It adds

*“Considering the amount of money Europe has spent over the past years to subsidise the production of more than 1,000 feature films each year, of which only a small minority is ever seen outside their country of origin, it is important to examine whether the public funding is being applied as effectively as possible.”<sup>3</sup>*

The reference to the effectiveness is not adapted to the specificity of the audiovisual and more widely the cultural sector and should be erased in the future communication of the Commission if it wishes to fulfill its commitment in favour of Culture and the diversity of Cultural expression.

Other examples come from DG TRADE which does not take into account the 2005 UNESCO Convention. Since 2008, Cultural Cooperation Protocols (CCP) have been offered to countries without considering their cultural situation (policies/ industries); they have been negotiated by commercial experts, at the same time and according to the same agenda as trade matters. This was in

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<sup>2</sup>Confere the European Agenda for Culture in a globalizing world, communication from the European Commission, 10.05.2007

<sup>3</sup> §22. Page 5 of the issues paper.

contradiction to the 2005 UNESCO Convention principles<sup>4</sup> and presented serious risks for the cultural diversity policy of Europe (the broadcasting quotas of European audiovisual works in the CCP UE-Korea case for instance).

Currently, a CETA (Comprehensive Economic and Trade Agreement) is under negotiation with Canada. The European Coalitions would like to draw the attention of the Commission on the need to fully respect the 2005 UNESCO Convention by completely excluding audiovisual and cultural services from the agreement.

Moreover, it considers that the Preamble of this agreement should refer to the 2005 UNESCO Convention which would send a positive message to the countries who have not committed yet in favour of the Cultural Diversity. One could not expect less from Canada and the EU, both having played a crucial part in the elaboration and adoption of the 2005 UNESCO Convention.

- ✓ The second one regards **the involvement of civil society in the European policies impacting Cultural Diversity**

The alliance of European Coalitions for Cultural Diversity is fully aware of the actions undertaken by the DG EAC in order to create a structured dialogue with civil society. We recognize the importance of this initiative as well as the fruitful work of the European Platforms.

However, as mentioned above, the actions from DG EAC are far from sufficient: Cultural Diversity should be fully mainstreamed in the other EU policies and the cultural sector be properly informed and consulted by the DG responsible. Unfortunately, regarding trade policy, communication to civil society is scarce and consultation absent. For instance, whereas a “concept paper” relative *to the negotiation of the Protocols of Cultural Cooperation in EU trade agreements with third countries* was issued a year ago, civil society has not been consulted yet (despite several parliamentary questions and the following commitment of Karel De Gucht on this issue).

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In conclusion, we would like you to ask the European Commission to fully recognize the action of the civil society in favour of the 2005 UNESCO Convention and to ensure the Convention’s full implementation within every piece of law of the *acquis communautaire*.

The European Coalitions thank you for your attention and remain at your disposal for any further information.

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<sup>4</sup>In particular, Art. 1 g and art. 2.2 of the 2005 UNESCO Convention