

**Speech
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**Symposium: UNESCO's Convention on Cultural Diversity:
The Future of Cultural Policies
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Thank you very much. Please let me take this opportunity to extend my thanks to both the Canadian Coalition for Cultural Diversity and York University's John P. Robarts Centre for Canadian Studies for inviting me here today to speak to you on the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions.

As Canada's chief negotiator for this Convention, it is my pleasure to share with you some thoughts on the development of the Convention. I will talk about what we have accomplished so far. Why did we want to have such a Convention in place and how we did it. This is by itself quite a story and we can be proud of it. There are several lessons learned. I will underline the important role that partnerships played in this regard. And finally, I will say a few words about the task that lies ahead.

Perspectives canadiennes sur la diversité canadienne

Il y a quelques années, il était devenu évident que la mondialisation offrira d'immenses opportunités à notre société, mais aussi de nouveaux défis. La mondialisation transforme notre monde et nous force à examiner l'impact qu'elle aura sur nos valeurs, notre culture, et même nos communautés.

Avec la libéralisation du commerce, la convergence des médias et l'évolution rapide des nouvelles technologies, il y a un réel débat à savoir s'il y a un plus grand accès à la diversité, ou au contraire, si nous sommes témoins d'une plus grande homogénéité de la culture à travers le monde. Derrière ce débat, il y a une question clairement politique qui est la capacité des pays à prendre les mesures nécessaires pour soutenir leur propre culture.

Le Groupe de consultations sectorielles sur le commerce extérieur (GCSCE) abonde dans le même sens dans son rapport publié en 1999, quand il suggérait que le Canada travaille à la création d'un instrument international sur la diversité culturelle qui :1) permettrait au Canada et à d'autres pays de maintenir des politiques qui font la promotion de leur culture tout en respectant les règles internationales en matière de commerce et en garantissant les marchés pour les exportations culturelles et 2) reconnaîtrait le rôle spécial des biens et services culturels, et le droit des gouvernements à préserver la diversité culturelle et à en faire la promotion.

Cette approche était fondée sur la prémisse que la culture est plus qu'une simple marchandise. La culture est au coeur même d'une nation. Il en va de son identité. Pour ce faire, nous avons besoin de réaffirmer l'importance de notre diversité culturelle, et la capacité de chaque pays de s'assurer que leurs propres récits et expériences soient offerts à leurs propres citoyens, ainsi qu'au reste du monde, pour les générations à venir

Bilateral, Regional and Multilateral Dialogue

Prior to the decision taken by UNESCO Members to develop a Convention, the international community had been engaged in an intensive dialogue on the impact of globalization on cultural diversity. UNESCO, and organizations like the Organization of American States, the Council of Europe, l'Organisation Internationale de la Francophonie, the International Network on Cultural Policy (INCP), among others, discussed how states could maximize the benefits of globalization in a manner that enriches dialogue and cultural expression, while mitigating its culturally homogenizing effects. Canada played a leading role in all of these discussions as did other countries such as France.

The International Network on Cultural Policy

Chief amongst these, the International Network on Cultural Policy, or INCP for short, was founded in Ottawa in 1998. Initially, 16 Ministers of Culture participated in this informal venue to discuss issues of common interest. Since that initial meeting, the INCP has grown to 68 Ministers of Culture, and have met every year for this informal dialogue. Their main topic of discussion has centered around the importance of cultural diversity.

In fact, the INCP's Working Group on Cultural Diversity and Globalization was formed to develop concrete, action-oriented proposals to address the challenges globalization posed to the diversity of cultural expression.

Transition to UNESCO

In early 2003, a number of INCP Ministers of Culture met with the UNESCO Director General, Koïchiro Matsuura, to propose that the development of a Convention on cultural diversity be placed on the agenda for the 32nd General Conference.

This was a natural venue because of the fact that cultural diversity is at the heart of UNESCO – an organization which had already adopted, in 2001, the Universal Declaration on Cultural Diversity, an organization that was already an international forum of discussions on culture, and that had the legal authority to develop legal instruments of this nature.

Partnerships: in Canada and in Negotiations

From Canada's point of view, this Convention is the result of strong partnerships. I just spoke about the international partnerships that the INCP has created. There were other partnerships. The negotiations that we were about to enter were enriched by an on-going and robust dialogue with civil society.

Let me be clear on this. Without civil society, including the Canadian Coalition for

Cultural Diversity or its umbrella organization, the International Liaison Committee for Coalitions for Cultural Diversity, the mobilization in favour of a Convention in countries around the world, would not have taken place. Many of you in this audience – artists, creators, and cultural entrepreneurs – and the associations of which you are members, were key in creating the momentum for a Convention.

Civil society, in essence, laid the groundwork at the grassroots level. As a result of these efforts, it was easier for us, as government representatives, to work at the officials-level to advance our objectives. It was, and continues to be, a mutually beneficial partnership.

At the government-level, many players were involved in the Convention process, including several federal government Departments, such as Foreign Affairs and our International Trade colleagues. We should not underestimate in this file the importance of fruitful discussions and collaboration between the departments of Culture, Foreign Affairs and International Trade.

As culture is a shared jurisdiction in Canada, it also involved continued dialogue with officials from the ten provinces and three territories. Provinces and territories were regularly consulted and updated on the progress of the Convention, and in turn, provided their own input, including formal comments from many of our provincial/territorial partners on the preliminary draft text of the Convention – comments which were incorporated into Canada's formal position on the Convention.

The province of Ontario showed an active interest and continued engagement in the development of the Convention over the years; and Minister Meilleur's presence today is the latest testimony of her commitment towards this issue. The province of Quebec was actively involved in the cultural diversity file from the outset, and worked hand in hand with the Canadian federal Government in promoting the need for a Convention. Quebec officials were also part of the Canadian delegation in all UNESCO negotiating sessions on the Convention.

Without such support from civil society, the provinces and territories, – support which truly demonstrated a “whole of Canada” approach to the Convention and a strong partnership between governments and civil society – Canada would not have been able to deposit its Instrument of Acceptance with UNESCO so quickly, becoming the first country to formally accept the Convention. But as it was clear that the dialogue at the national level was rich, and the support in place, there was very little difficulty in making the case that Canada could, and should, ratify the Convention quickly to demonstrate its continued support and leadership.

This is the experience of Canada, but I know that similar discussions between key partners are happening in several countries around the world.

UNESCO : Réflexion sur les négociations

Mais avant de parler de l'importance de la ratification, peut-être pourrions-nous nous

attarder un peu sur le processus de négociation comme tel. En langage simple : le processus était incroyable. Si vous regardez en arrière, le fait de parvenir, en l'espace de deux ans, à rédiger et à négocier une Convention, montre bien la grande détermination et la volonté politique qu'a engendrées la question de la diversité culturelle.

Avec un avant-projet devant eux - texte élaboré par une poignée d'experts indépendants - incluant l'expert canadien Yvan Bernier (qui est avec nous ici aujourd'hui) - les négociateurs ont commencé leur travail en septembre 2004, quand les experts intergouvernementaux se sont rencontrés à Paris pour la première fois. Ils faisaient face à une tâche énorme. Les participants défendaient différents points de vue sur le contenu de la Convention. À un certain moment, par suite de la présentation des commentaires écrits sur le texte de la Convention par les États membres, il y avait plus de 1000 options de rédaction distinctes pour 34 articles.

Les négociations n'ont pas toujours été faciles. Les points de vue différaient, mais il a été possible d'en arriver à des compromis. Par exemple, à propos des liens avec d'autres ententes, il y avait des points de vue très divergents qui ont suscité des débats très animés durant toute la période de négociations. À la fin, un compromis a été atteint et un article a été rédigé qui a reçu l'appui de presque tous.

Toutes les questions en suspens ont été traitées de la même manière et un texte de convention a émergé, résultat d'un compromis délicat et équilibré, qui a reçu l'appui de

presque tous les participants. Ainsi, la Convention :

- reconnaît la double nature économique et sociale des biens et services culturels;
- réaffirme le droit des États à adopter des mesures pour soutenir la diversité des expressions culturelles;
- réaffirme le respect des droits de l’homme et des libertés fondamentales;
- contient des dispositions sur la transparence et le partage d’information;
- inclut une approche pragmatique de la coopération internationale, y compris un fonds volontaire pour aider les pays en développement;
- et, affirme que la relation de la Convention avec d’autres instruments internationaux est encadrée par des principes d’appui mutuel, de complémentarité et de non subordination, tout en respectant les obligations internationales.

As you know, the successful outcome of the third meeting carried over to the General Conference where the Convention received the overwhelming support of Member States, with 148 voting in favour of its adoption and only two opposed (US and Israel) – not a bad achievement. It reflects the remarkable work we have accomplished all together during these last years.

The Political Will for a Convention

This tremendous victory was the illustration of the political will of countries – the will to recognize that cultural goods and services are not like any other goods and services. That these goods and services are a reflection of the identity of citizens, and that this uniqueness should not only be promoted, but also protected.

Let me be very clear on one point, in no way is this Convention meant to be protectionist – the principle of balance and openness pervades the Convention. The Convention, rather, emphasizes the importance of the diversity of cultural expression. It is about maintaining our domestic cultural policy flexibility.

Moving Forward

The adoption of the Convention is however, merely one step towards the end-goal. The end-goal is to have a Convention that enters into force and is implemented in short order. Then and only then, will it serve as an international point of reference that is respected internationally. Then and only then will it be an international tool that countries can use to ensure the protection and the promotion of the diversity of their cultural expressions.

Already the signs exist that this Convention is having an influence on the way countries are approaching trade and culture. Culture has gained a new place in the international system. There is an increased awareness of the challenges we are facing to ensure the diversity of cultural expression. There is also a clear recognition that cultural goods and services are more than commodities.

But the momentum that the dialogue in UNESCO began, and the political will that the adoption of the Convention demonstrated, must not be lost. Thirty countries need to ratify the Convention before it can enter into force. This is a minimum - this is not the

ultimate objective. A critical mass of countries will be required in order for the Convention to have a real impact.

Canada has formally accepted the Convention, and thus far, is the only country to do so. Other countries have clearly demonstrated a will to follow-suit. We call upon those countries to ratify the Convention quickly. It is not the time to lose the momentum that we worked so hard to build over the past several years.

Next Steps

For Canada's part, we are working towards the promotion of the widespread ratification of the Convention. This involves the promotion of the Convention in our bilateral relations, and working in various multilateral forums such as the Organisation of American States, La Francophonie, the International Network on Cultural Policy, and within UNESCO itself.

We are working to demonstrate the value of this Convention, and in particular, its international cooperation aspects which promote cultural partnerships to help build capacity through a variety of tools including exchanges and the sharing of best practices.

We will continue to work constructively and strategically with civil society as they continue their campaign to encourage the ratification of the Convention. This

partnership is key. The relationship which worked so well in the lead up to the Convention – convincing countries of the importance of the development of a Convention – must continue, as we shift towards promoting its ratification and implementation. And we count on all our friends in other countries to do the same.

We will also continue to work with our partners in the provinces and territories, recognizing that they too have a stake in this Convention.

And we will continue to engage in dialogue with those who are still not entirely convinced of the need for a Convention.

Conclusion

Let me conclude by saying that our work is far from over. Our engagement in, and our commitment to, the Convention remains.

- 1) the Convention that we negotiated will contribute to ensure the diversity of cultural expression at home and in the world;
- 2) without the widespread ratification of the Convention, it will not have the necessary weight to have a significant impact;
- 3) the Government of Canada remains committed to the Convention and we will continue to promote its widespread ratification; and
- 4) the partnerships we have developed with civil society, and with our provincial/territorial partners, are key to continuing to build momentum for the ratification of the Convention. The same can be said for our colleagues in other countries.

We should always remember why we are doing this. Cultural diversity is about ensuring that all of us will continue to have a voice to express our identity. The sharing of culture through films, television programs, music, books and magazines, to name a few, deepens understanding between the communities that make up any country, and particularly a country as diverse as Canada.

It is important for Canadians to hear Canadian stories, and to be able to share these stories with the rest of the world. It is equally important for Canadians to hear the rich and diversified stories that the world has to share with us.

The UNESCO Convention is about our future. With this Convention, we send a clear signal: we are determined to see that the generations that come after us have access to the diverse cultural expressions that so enrich this planet and that make us who we are.

Please let me extend my wishes for a fruitful discussion during the rest of this symposium.

I thank you for your attention.

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