

2005 CONVENTION

HIGHLIGHTS OF THE COMMITTEE MEETING



Mr. TT ©

Introduction

The 14th session of the Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions (IGC) was held online from the 1st to 5th of February 2021. The IGC is one of the governing bodies of the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions. The IGC works to promote and implement the 2005 Convention. The Convention was a milestone in international cultural policy, in which the Parties to the Convention recognised the cultural and economic nature of contemporary cultural expressions produced by artists and cultural professionals. The Convention still shapes cultural policies and supports creation, production and access to cultural goods and services.

The annual IGC meeting is a key occasion for Parties to the Convention as well as intergovernmental organisations, non-governmental organisations, and UNESCO

Chairs to exchange ideas and experiences about the implementation of the 2005 Convention and to examine the application of the operational guidelines. In his opening speech, Ernesto Ottone, Assistant Director-General for Culture at UNESCO, underlined the importance of responding to the new challenges posed by the pandemic, to ensure the full implementation of the Convention. He anticipated that the debates would discuss the disruptions caused by the pandemic, which exacerbated pre-existing vulnerabilities in the culture sector across the world.

The opening also served to launch officially the UN International Year of the Creative Economy for Sustainable Development, which aims to assert the importance of the culture sector in trade and development and make sure that all can profit from the creative economy.

Hereafter, selected topics from the debates will be highlighted in the following articles.

The Findings of the ResiliArt movement

Initiated by UNESCO, ResiliArt was designed as a movement for artists by artists, examining the effects of Covid-19 on the cultural and creative sectors. Its main areas of concern include: the unravelling of the creative value chain, the increased economic precariousness for artists (especially for part-time and freelance workers), the accelerated digital transition, and threats to the diversity of cultural expressions. Increasing inequality within the culture sector is a threat to the ideals of the Convention, and supporting intellectual property and the rights of artists is at the heart of ResiliArt's goals. ResiliArt discussions were conducted between April and October 2020, involving government and cultural actors from across the world including artists, cultural professionals and CSOs.

Parties described ResiliArt as an exceptional platform for generating numerous debates on issues surrounding the 2005 Convention, to encourage a sense of ownership of the Convention for all. Issues highlighted in ResiliArt debates include: the reduced mobility of cultural professionals (particularly from developing countries), the fact that the 1980 Recommendation on the Status of the Artist is not yet fulfilled, and the need to integrate culture into long-term pandemic recovery plans. Overall, Parties were receptive to these findings, and expressed their satisfaction that ResiliArt had summarised the problems of the culture sector. ResiliArt also showed that culture needed to be prioritised by Parties, to protect artists and cultural professionals.



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In its decision, the IGC emphasised the importance of recognising the increased precariousness of artists, and mitigating the pandemic's impacts on the cultural and creative industries. The significance of the 1980 Recommendations on the Status of the Artist was also stated, as this can complement the 2005 Convention particularly concerning fair remuneration and copyright. Parties were also encouraged to build more funding mechanisms for the culture sector, such as tax exemptions to help investment in the arts.

The International Fund for Cultural Diversity

The International Fund for Cultural Diversity is composed of voluntary contributions from Parties to the Convention, individuals, and private enterprises. Its aim is to promote sustainable development and poverty reduction through investing in the creative sector. Public authorities, institutions, NGOs and INGOs can apply for funding for projects running over a 12-to-24-month period. All projects funded by the IFCD contribute to the implementation of the 2005 Convention and pursue goals such as: empowering youth and women, strengthening local cultural policy, creating new business models and reinforcing the creative sector.

A total of 5 agenda items concerned the IFCD at the 14th IGC. Many Parties expressed their concern that there was a rise in applications for IFCD funding in recent years, while the funds available are decreasing. One of the solutions suggested to increase voluntary funding to the IFCD was to allow the earmarking of funds. Many resources, such as from the EU, Sweden and Korea comply with the Convention but are earmarked, and therefore cannot be put in the IFCD according to its regulations. Parties from the Global North were generally favourable to changing the regulations on earmarking, but Parties from the Global South were usually opposed to this. Some Parties prefer the Fund to be free from all interests, and not earmarked. Other suggestions included postponing the next call for projects for one year, to be able to reconsider applications from the last call that had reached the threshold of required points but were rejected because of a lack of funding. Civil society called on Parties to commit further in their contributions to the IFCD



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to secure the legitimacy of the Convention and its tools among other Conventions and international frameworks. CSOs also noted with satisfaction the use of the Fund primarily for projects from Latin America and Africa. They underlined that IFCD must serve the needs of developing countries, and suggested that the maximum amount of funding per project could be reduced to allow more projects to be accepted. the IGC decided to create a mechanism to handle leftover projects in the following year, but the question of earmarking remains on the table as Parties will in the future revise the guidelines for the use of the Fund.

Preferential treatment

Article 16 of the 2005 Convention concerns preferential treatment, which means a binding commitment for developed countries with larger market shares in cultural and creative industries, to benefit developing countries. The application of this article should facilitate the movement of goods, services and people. By helping the mobility of cultural actors, preferential treatment is designed to enhance access to global markets for all, and ensure a greater diversity of cultural expressions. The implementation of preferential treatment requires the principle of non-reciprocity, meaning that developed countries should not expect similar facilitations from developing countries. Sadly, many Parties do not currently implement Article 16 fully in bilateral or multilateral trade agreements.

During the IGC debate, many Parties agreed that implementing preferential treatment would act as a lever for the Convention. Article 16 was described by Palestine as “the spinal cord of the Convention”, as it promotes the protection of artists from developing countries. Work is needed to fully implement it however, and creating an artists’ visa for developing countries was suggested for the future. Parties were strongly encouraged by civil society to undertake preferential treatment measures, and Germany was congratulated for implementing article 16 in trade deals, and for their work on a study on ‘Fair Culture’. Civil society appealed to developed countries to ensure increased implementation.

The advocacy work of IMC and civil society as a whole allowed for some crucial changes to be made in the draft decisions. The UNESCO Secretariat “strongly encourages” Parties, in consultation with civil society and cultural professionals, to implement preferential treatment measures. The Secretariat took note of the challenges faced by all due to the Covid-19 pandemic, but said that preferential treatment remains an obligation of developed countries towards developing countries.



Jeremy Lishner©

Collaboration with civil society to implement the 2005 Convention

In the Convention and its Operational Guidelines, Parties recognised the fundamental role of civil society in implementing the Convention, a role that includes: closely monitoring the Convention's implementation, relaying the concerns of citizens, associations, and enterprises to public authorities, and acting as a 'watchdog' to uphold cultural values around the world. The Rules of Procedure of the IGC allow for non-governmental organisations with interests and activities relating to the 2005 Convention to participate as observers to IGC sessions. Many NGOs are members of the Civil Society Global Coordination, which enables a more united approach by CSOs, to maximise the impact of their contributions to IGC discussions. IMC takes on a special role as member of the Steering Committee of the Global Coordination and during the IGC, IMC Secretary General Silja Fischer made a number of presentations on behalf of CSOs. The document for the relevant agenda item provided an overview of the collaboration between civil society, the UNESCO Secretariat, and the governing bodies of the Convention. It also provided ideas on how to optimise this relationship. Finally, it stated that the Covid-19 pandemic has made funding less accessible and secure for CSOs, which means that an unprecedented mobilisation from Parties is required to protect CSOs.

During the IGC discussions, all Parties described the important resources and expertise provided by CSOs on the ground, which helps to make the 2005 Convention a reality. The ability of CSOs to reach the most vulnerable regions and communities was observed by Parties as a significant part of their role as well. Many CSOs intervened in the discussions, and the issue of networking between CSO observers was raised, as a meeting platform for them would facilitate cooperation between civil society. Civil Society Global Coordination mentioned the importance of creating a greater space for discussion between CSOs and Parties also, to properly value CSO recommendations, and to foster more contribution to the Convention. The IGC decided to request Parties to provide financial or in-kind resources to support the sustainability of CSO activities, and to enable CSO participation in the 2005 Convention's implementation. The process of admission for civil society representatives to IGC meetings will also be facilitated, and existing CSO observers will be working in closer cooperation with the Secretariat. The Secretariat will also work closely with civil society organizations to support the organization of the third edition of the Forum.

Personal Impressions

On a personal note, following the discussions of the Intergovernmental Committee was an invaluable experience for me. The analysis of the working documents, prepared by the UNESCO Secretariat for each agenda item, gave me a sense of the issues at stake, and the measures that need to be taken to fully implement the 2005 Convention. Some issues remained unresolved though and will certainly be relevant in the IGC meetings of upcoming years.

One such issue includes the question of earmarking funds for the IFCD. There seemed to be a divide among the State Parties: between mostly developed countries who wished to have a say in where their voluntary funds were to be allocated, and developing countries who preferred an impartial allocation of funds to be enforced. The IFCD is clearly in need of financial support to survive, so how this aspect develops will be crucial to the implementation of the 2005 Convention.

The role of civil society in implementing the Convention needs to be greater in my opinion, as CSOs in particular could provide more knowledge to Parties to inform future policies. Overall, Parties seemed favourable to giving civil society a greater space, and recognised the unique expertise of NGOs gained on the ground and in their particular sectors.

However, it struck me that not enough time was provided to discuss the points raised by CSOs, and I understood that CSOs repeated many points made at IGC meetings of previous years. Meanwhile, Parties' interventions were at times irrelevant to the issues at hand, focusing on national and sometimes political priorities rather than the Convention itself.

Certain Parties were particularly receptive to the contributions of CSOs however, such as Austria and St. Vincent and the Grenadines. Austria requested changes to the Draft Decision on civil society involvement based on requests by CSO present in result of the coordination by the CSO Steering Committee, therefore enabling a more participatory process for the organization of the next Civil Society Forum. The representative of St. Vincent and the Grenadines explained the civil society comments made previously to their speech, and also took up points made by CSOs during the meeting of CSO with the Bureau (prior to the IGC) on reducing the ceiling of IFCD funding to enable the acceptance of more projects. Overall, all Parties were relatively receptive to the points made by CSOs, which bodes well for future meetings of the Intergovernmental Committee, and for the interests of civil society as a whole.

This report was prepared by Sam King in the framework of his internship with the International Music Council between October 2020 and March 2021.