

Reconcilable Differences: North American Negotiations On Cultural Diversity

By Aimee Fullman

Reconcilable Differences¹

On October 20, 2005, the United States led a duo of dissent as the 33rd General Conference of UNESCO voted² to approve the *Convention on the Protection of the Diversity of Cultural Contents and Artistic Expressions* (Convention). The Convention's subsequent adoption was a victory for Canada and its decade-long diplomatic offensive to win international support for an international instrument on cultural diversity (IICD). Cited successes by Canadian negotiators included the promotion of cultural policies, support of nascent industries in developing countries, and reinforcement of states' rights to implement protective action in the promotion of cultural goods and services.

Although the outcome indicates that the Convention itself was not able to reconcile North American perspectives on the potential impact of this treaty, shared U.S. and Canadian values including cultural diversity, human rights, and freedom of expression indicate that cooperative support for cultural diversity initiatives is very possible.

Setting the Stage

Despite the many similarities that the U.S. and Canada (as two democratic and multicultural nations) share, each has its own distinct cultural differences which manifests in each nation's approach to managing culture; Canada has consciously and aggressively developed cultural policies while the U.S. has not actively developed a national cultural identity, or policies effecting culture.

Primary North American actors in cultural diversity debates include: the United States, perceived worldwide to be culturally aggressive and guilty of dumping inferior cultural products resulting in saturated markets; and Canada, the self-perceived primary victim of aforementioned cultural imperialism due to its free trade agreements, and shared border and language with the U.S. The Canadian view was best represented by its former Minister of Culture, Sheila Copps and expert Ivan Bernier while the U.S. position was led by Ambassador Louise Oliver and supported by Tyler Cowan's theories on diversity. Both negotiating teams represented international cooperation, economic and trade and cultural perspectives. Secondary actors include the Canadian-based International Network for Cultural Policy and the International Network for Cultural Diversity that participated in preliminary efforts to raise the debate and frame the issue, along with the Coalition for Cultural Diversity and La Francophonie. Within the United States, debate was framed through consultation with industry (MPAA, RIAA), civil society and non-profit arts and cultural representatives.³

¹ These views are those of a private American citizen and are based on the research and findings of a Masters Thesis completed in 2005 entitled: [Reconcilable Differences: The United States Versus Canadian Perspective Towards UNESCO's Convention on the Protection of the Diversity of Cultural Contents and Artistic Expressions.](#)

² Final vote tally was 148 to 2 with four abstentions

³ Over 15 U.S. cultural and civil society organizations were consulted through a July 2004 meeting .

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Dueling over Diversity

The United States and Canada each entered negotiations in good faith with the intent of successfully completing them. However, the U.S. had rejoined UNESCO in 2003 and was unprepared to negotiate such an instrument. Contrary to global opinions, the United States' objections to the Convention were not limited to concerns over Article 20 and potential conflicts with pre-established trade treaty commitments. Rather, U.S. reluctance was also based on its inability to reconcile the language and commitments of the document with its own strong moral commitment to freedom of cultural expression and the free flow of goods as perceived through a distinct American cultural lens: that of a nation reluctant to give its government free rein to interfere in a domain it considers to be individual and protected through rights articulated in its Constitution.

However, there has been a small but important American paradigm shift. The U.S. focus on the entertainment aspect of the creative industries that neglected cultural value has shifted to appreciate the intellectual property and creative content implications of the "copyright industries." Furthermore, the U.S. understands that motivations for "shelf space" are not limited to trade interests and is becoming more aware that it needs to more effectively explain its positions and motives in international arenas.

The Silver Lining

The Convention on Cultural Diversity has increased awareness of the saliency of cultural diversity and cultural trade issues and has elevated these discussions to an international level. Convention negotiations have further led to increased dialogue and mutual respect between North American actors. Despite the fact that the United States was unable to sign the Convention, it has participated as an observer at subsequent inter-governmental meetings related to its implementation. In the future, there are many areas where the United States may be able to cooperate in supporting aspects of the Convention by: participating in the collection of data to inform smart cultural diversity practices (Article 19), promoting diversity (Article 7), exchange, international cooperation and sustainable development (Articles 9, 10, 11, 12, 13, 14). Furthermore, discussions about how policies and commitments affect access to cultural expression remain relevant to domestic United States cultural policy conversations.