



# **CAMPUS EURO-AFRICANO DE COOPERAÇÃO CULTURAL**

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**Plenary Session: The Place of Cultural Diversity in Euro-African Cultural  
Cooperation**

**THE RELEVANCE OF THE CONVENTION ON THE  
PROTECTION AND PROMOTION OF THE DIVERSITY OF CULTURAL EXPRESSIONS  
TO AFRICA**

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*“Things only have the value that we give them.  
Knowledge is of no value unless you put it into practice”.*

My presentation seeks to stress on the vital concept of values and the use of knowledge. In this context I refer to the value Africa gives to culture and creativity; the value African countries place in UNESCO's Conventions and their principles and how such sources of knowledge are used in practice.

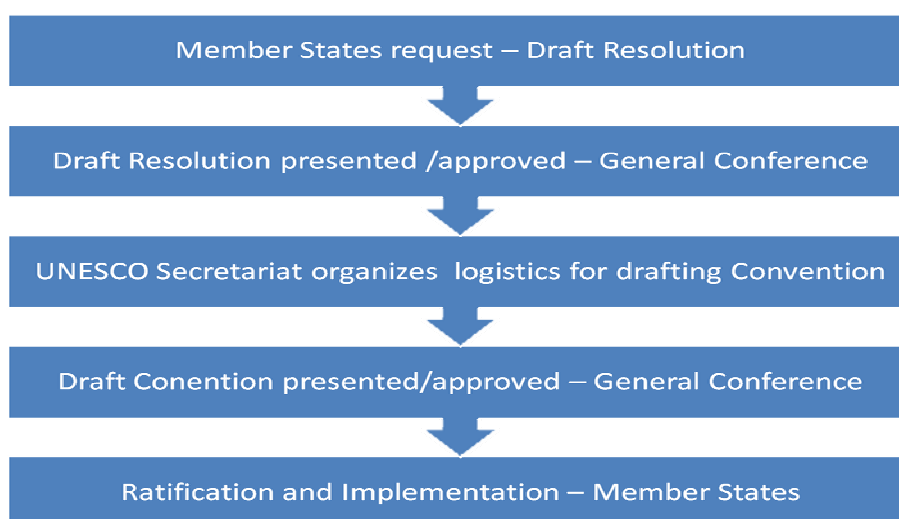
First of all I will touch on what a convention is, from UNESCO's perspective, then go into a discussion of the Convention on the Protection and Promotion of the Diversity of Cultural expressions. Finally, I will talk about the value placed by African Member States in the ratification and implementation of such an instrument and the practical use of the knowledge therein.

## 1. WHAT IS A CONVENTION ?

It might seem rather elementary to start with this question. But it is at once a simple and complex one and I do believe it essential that we have a shared understanding before going further to discuss the value of a convention.

- The word convention is synonymous with treaty. It refers to any agreement concluded by two or more States. Such an accord implies the joint will of the parties upon whom the convention imposes binding legal commitments.

Now, how do UNESCO Conventions come about? Let us all first recall that UNESCO is an intergovernmental organization, directly answerable to its Member States and, as such, the elaboration of any legal instrument has to be requested for by the Organization's Member States. In fact, UNESCO executes the wishes of its Member States, fulfilling its role as the Member States' Secretariat.



It is the Member States that request UNESCO to elaborate a legal instrument. A Convention comes into being, usually starting with the preparation of a draft Resolution by Member States. The Draft

Resolution then has to be approved by UNESCO's supreme body - the General Conference. Once approved, the Secretariat commissions relevant experts to start preliminary reflections on the content of the Convention. The Secretariat manages all the substantive, consultation and logistical work involved. After the consultative process of drafting the Convention is ended, it is then presented to Member States for adoption by the General Conference. Once approved, UNESCO follows up with Member States for its ratification and implementation ("Ratification" designates the international act whereby a State or regional economic integration organization affirms its consent to be bound by a treaty of the Convention).

This now brings me to discussing Convention on the Protection and Promotion of the Diversity of Cultural Expressions, its objectives, its beneficiaries and its value to African Governments.

## **2. THE CONVENTION**

The Convention on the Protection and Promotion of the Diversity of Cultural Expressions was adopted at the 33<sup>rd</sup> session of UNESCO's General Conference in October 2005. It entered into force on 18 March 2007. As of June 2009 it counts 98 States Parties and the European Community as a Regional Economic Integration Organization. Such a rapid entry into force is unprecedented for standard-setting instruments in the field of culture. This Convention has enabled culture, for the first time in the history of international law, to find its rightful place on the political agenda out of concern to humanize globalization. In this proactive context, culture has become a genuine platform for dialogue and development, thereby opening up new areas of solidarity.

Through its main objective – the protection and promotion of the diversity of cultural expressions – the Convention strives to create an enabling environment in which the diversity of cultural expressions may be affirmed and renewed for the benefit of all societies. At the same time, it reaffirms the ties that bind culture, development and dialogue and establishes an innovative platform for international cultural cooperation.

The Convention aims to:

- strengthen the five inseparable links of the same chain; namely, creation, production, distribution/dissemination, access and enjoyment of cultural expressions conveyed by cultural activities, goods and services – particularly in developing countries;
- create conditions for cultures to flourish and to interact freely in a mutually beneficial manner;
- give recognition to the distinctive nature of cultural activities, goods and services as vehicles of identity, values and meaning;
- identify new modalities of international cooperation, which is the keystone of the Convention;

- reaffirm the sovereign right of States to maintain, adopt and implement policies and measures they deem appropriate for the protection and promotion of the diversity of cultural expressions on their territory, while ensuring the free flow of ideas and works

The core messages of the Convention are:

- Cultural creativity, which constitutes one facet of cultural diversity, has been bestowed on the whole of humanity. It paves the way to strengthening human relations in a globalized world.
- Cultural goods and works – local and international - should be enjoyed by as many people as possible with as much choice as possible.
- Cultural wealth which draws its capacity to interact, to be renewed and be transmitted from both its internal and worldwide sources, should be protected
- Creative diversity – from internal or external sources - bringing cultural and social advantages, should be disseminated.
- Promotion and protection of the diversity of cultural expressions.
- International cooperation is strongly encouraged particularly to assist developing countries.
- Fostering of genuine exchanges between the cultural expressions of all peoples and to enhance the diversity of such expressions nationally and internationally thus helping to strengthen links between “culture and development”, the latter term being understood in its material as well as its symbolic sense: referring to, on the one hand, economic growth, and, on the other hand, the fulfillment of human beings enjoying their fundamental rights, open to the world without losing their own points of reference.
- Recognizing and establishing as a right new forms of dialogue resulting from cultural goods and services that disseminate cultural expressions and make them available to all.

A political tool for Parties and an advocacy tool for civil society, the Convention allows the rehabilitation of public action in favor of cultural diversity. Its approach integrates the perspective of openness to other cultures and the expansion of exchanges. States Parties therefore acknowledge the fundamental role of civil society in protecting and promoting the diversity of cultural expressions and are expected to encourage their active participation efforts to achieve the Convention’s objectives.

#### WHO BENEFITS FROM THE CONVENTION?

In the context of globalization, the merit of the Convention lies in the place it assigns to creativity. The overall effect of its provisions is to benefit individuals and societies as a whole by guaranteeing them the enjoyment of a diversity of cultural expressions in a spirit of openness, balance and freedom.

- Foremost among the beneficiaries are countries lacking the capacities for the production and dissemination of their cultural expressions, particularly developing countries.

- The Convention also has positive effects for artists and culture professionals and practitioners, i.e., all those involved in the process of creating, producing and disseminating cultural expressions, whether individually or collectively.
- Other beneficiaries are institutions and cultural enterprises, both public and private, including those belonging to the informal sector as well as non-profit organizations engaged in the same process
- Although the creative sector has been taken to levels of industrial production in places like India - for filming - and in Asia for handicraft production - most African countries generally yet to cross the bridge from small-scale artisan work to industrial production. With the possible exception of the Nigerian video filming industry, most sectors of the creative industries in Africa are small -scale thus closer to the grassroots level than more traditional industrial development. This means that cultural industries may consequently be more effective in reaching yet another category of beneficiaries: the most traditional, widely known as “non-formal”, parts of society where poverty is deeply entrenched.

## RELATIONSHIP WITH OTHER INSTRUMENTS

With other normative instruments, the Convention has a relationship of (i) mutual supportiveness; (ii) complementarity; (iii) non-subordination and (iv) international consultation.

### 3. VALUES

Despite it being clearly stated in the convention - in fact in six of its Articles - that it particularly caters to the needs of developing nations, less than half of UNESCO’s Member States in sub-saharan Africa have ratified this convention. The question that is now to be asked is WHY?

- One explanation could be linked to the concept of values and the African perception of creativity. Things only have the value that we give them. What value do Africans place in their creations? How many languages, for instance among the Bantu languages even have the word “create” associated to human interventions? Only God creates, not man. Man builds; tirelessly replicates and reproduces copies of that which has already been created. Creativity is within the realm of the divine. However, this notion is changing with modern times, and today, the African artist more and more sees her or himself as a creator.
- Another explanation might be found in the remarkable contradiction in values often observed in African attitudes towards heritage – Africans deeply honour and revere their ancestors but generally, it is a real uphill struggle for them to preserve and protect the physical manifestations of these valued ancestors. After all, as the Nigerian saying goes *“If the owner of a calabash calls it a worthless calabash, others will join him to use it to pack rubbish”*.

- Another explanation is that there might have not been sufficient advocacy within the Member States. UNESCO, as a matter of course, organizes series of sensitization meetings and seminars in the different geographical regions upon the adoption of a Convention. Considerable advocacy has been undertaken in Africa and elsewhere, for instance, for the 2003 Intangible Cultural Heritage convention and the 1972 World Heritage Convention by inviting government authorities, especially the ministries of culture to designate culture experts and/or practitioners to such sensitization forums. However, the knowledge acquired by the people trained is rarely or never rolled out within their individual constituencies. The knowledge acquired often remains frozen in the hands of these few individuals rather than having the snowball effect originally intended.

The theoretical principles of a Convention need to be understood and translated into practice for the Convention to be of any use to anyone. Both public authorities and private agents, including civil society organisations, have a role to play in this participatory and inclusive process so that there is an optimum sense of ownership by the greatest number

Despite the constant political rhetoric in Africa on the importance of culture in sustainable development, few governments really invest in practical measures to reflect this perceived importance.

WHAT THEN SHOULD STATES AND CIVIL SOCIETY DO TO ENSURE THAT THIS KNOWLEDGE BECOMES VALUABLE PRACTICE?

- At the African Union level, the continent has gathered together to prepare valuable frameworks such as the:
  - 1992 Dakar Plan of Action
  - Plan Of Action For Development of Endogenous Cultural Industries in Africa
  - 2005 Nairobi Plan of Action and the
  - Charter for the Cultural Renaissance of Africa.

These are precious frameworks and guidelines which could help African countries to steer the course, keeping the big picture firmly in mind.

- Sustainable development may only be fully realised if resting on an enabling environment, which is premised on a balanced relationship between states and non-state actors. It is therefore of utmost importance for national authorities to support civil society in creating this much needed enabling environment.
- Government should have a more integrated approach to national development planning. Cultural expressions in the endogenous cultural industries should be given priority in light of their potential of alleviating poverty. Required national capacity should be built to do this.

- Aggressive educational and public awareness initiatives should be undertaken in all countries to encourage and promote the understanding and the importance to protect and promote the diversity of cultural expressions.
- Countries should support the building of partnerships at local, national and international levels, which will enhance social and civil society movements across nation states. Africa should be able to benefit from its human capital, securing economic returns for its cultural heritage and creativity through its cultural practitioners and industries. Specifically, initiatives should be made to fight against piracy and to enforce copyright and intellectual property regimes that protect the art of the creator.
- National authorities should intensify support for the organisation of various platforms and forums for dialogue and development, involving different levels of stakeholders for information sharing networking, partnerships, advocacy, policy formulation, evaluation and critical assessment of creative industry programmes and policies in order to stimulate more action avoid duplication. Such forums would also work on how to sustain Africa and its stakeholders' engagement in the implementation of actions within the various frameworks.
- Civil society should work closely with national governments, intergovernmental bodies and other actors with clear roles for each party in planning and implementation of the different frameworks into every day practical measures.

It goes without saying that all this requires investment in time, effort, human and financial resources.

#### WHAT DOES UNESCO DO TO SUPPORT ITS MEMBER STATES IN THIS FIELD?

##### A Few Examples of UNESCO's Past and Current Actions in The Field of Cultural Industries

- Projects under the UNESCO Global Alliance (strongly supported by Spain)
  - Training of Trainers in Anti-piracy
  - Creative Cities Network - the Creative Cities Network launched by UNESCO's Global Alliance's connects creative cities in order that they share experiences, know-how, best-practices, training in business skills and technology on a global level as a means to promote and sustain local economic and social development through creative industries
  - creating public-private partnerships for the mobilization of resources including technical expertise
  - support to creative projects large and small at the local level
  - support consultations between national authorities and private stakeholders to develop suitable sector policies and legislative frameworks to promote cultural industries reinforce the international protection and respect for copyrights.
- Support and promote African festivals, fairs and shows in sectors such as cinema (FESPACO), handicraft (SIAO) artistic shows (MASA), fashion (FIMA) and music (FESPAM).

- Develop partnerships programmes with the support of the Spanish Ministry of Foreign Affairs and Cooperation such as the UNDP-Spain MDG Achievement Fund (MDG-F) for Culture and Development.
- Promote West African music in regional and international markets e.g. by supporting the recently established African Music Export Office (BEMA) in its capacity-building activities.
- Promoting the preservation and restoration of heritage sites and promotion of sustainable tourism
- Promoting and assisting in the development or strengthening of cultural policies
- Integration of culture and cultural industries into economic development plans of
- Promoting the preservation and restoration of heritage sites and promotion of sustainable tourism
- Studies in the field of traditional textile techniques
- Strengthening the Creative Industries in Five ACP Countries Through Employment and Trade Expansion:

#### **4. CONCLUSION**

It is vital that African national authorities enhance the value of their countries' creative industries and have their discourse on culture and development translated into practical measures.

To conclude, I reiterate that as long as Africa does not have a profound understanding of the conventions that they task UNESCO to prepare; as long as Africa does not value its creative industries, it will be hardly significant for African States to ratify, much less implement such conventions. It is thus crucial for policy makers, their cultural technicians and civil society to have a thorough appreciation of culture conventions and push to disseminate the knowledge for their practical implementation.

I thank you.