



## U.S. Opposes "Deeply Flawed" U.N. Cultural Diversity Convention

**Ambassador Oliver says convention could block free exchange of ideas**

Posted: October 21, 2005

The United States strenuously opposes the United Nations' newly approved convention on cultural diversity because it could be manipulated and abused to undermine -- rather than promote -- cultural diversity, says Louise Oliver, U.S. ambassador to the U.N. Educational, Scientific and Cultural Organization (UNESCO).

In a statement issued October 20, Oliver described the United States as "the most open country in the world to the diversity of the world's cultures, people, and products."

She explained U.S. concerns about the document's defects, arguing that ambiguities could be used "to undermine UNESCO's constitutional obligation" to promote the free flow of ideas by word and image.

Perhaps most important, "this text could be misused to legitimize actions by governments to deny human rights and fundamental freedoms," she added. "Anyone who looks around the world today will understand that such concerns are not unfounded, and can entail the possibility of grave consequences in some societies."



Ambassador Louise V. Oliver

She also alluded to "disturbing statements" by some government leaders "who have indicated a clear intent to use this convention to control -- not facilitate -- the flow of goods, services, and ideas." This is another reason the United States opposes the draft convention. By attempting "to block the import of agricultural and other products from the developing world and others," those leaders would extend the convention's reach into trade matters, for which there is no justification, she said.

The United States believes "it is critical that this organization and global leaders make clear that this convention will not become yet another tool for major world markets to shut out goods and services from developing and other markets," said Oliver, adding, "The goal of the United States is to ensure the free flow of diversity in all its forms -- cultural, informational, and trade."

The United States cannot support the convention because it "remains too flawed, too open to misinterpretation, and too prone to abuse for us to support," she concluded. As currently formulated, the document "could be used by states to justify policies that could be used or abused to control the cultural lives of their citizens," she said. "We believe -- in keeping with existing conventions -- that the world must affirm the right of all people to make these decisions for themselves."

As expected, UNESCO -- with 154 member states -- overwhelmingly adopted the new convention. The pact's advocates, notably Canada and France, are accused by some analysts of promoting a form of cultural protectionism that misguidedly seeks to restrict U.S. cultural imports.

Voting took place October 20 at UNESCO's Paris headquarters. The result was 148 in favor, two opposed (the United States and Israel), and four abstentions (Australia, Nicaragua, Honduras and Liberia). The convention must be ratified by 30 countries for it to take effect.

Following is the text of Oliver's statement, as submitted for inclusion in UNESCO's permanent record:

*(begin text)*

Permanent Delegation of the United States of America to UNESCO  
[Paris, France  
October 20, 2005]

Explanation of Vote of the United States on the Convention on the Protection and Promotion of the Diversity of Cultural Expressions

Statement by Louise V. Oliver  
U.S. Ambassador to UNESCO

Mr. President,

The United States is the most open country in the world to the diversity of the world's cultures, people, and products. It is not only a part of our heritage but the essence of our national identity. It is therefore with regret that we stand in opposition today to this Convention because of those who have indicated a clear intent to use this convention to control -- not facilitate -- the

flow of goods, services, and ideas.

As strong advocates of cultural diversity, the United States had high hopes that these negotiations would produce a Convention that promoted this goal. Unfortunately, our hopes have not been realized, and instead we have before us a hastily drafted text which is subject to misinterpretation and abuse in ways that could undermine, rather than promote, cultural diversity. Just this week there have been disturbing statements by some government leaders of their intent to use this convention to block the import of agricultural and other products from the developing world and others.

The United States has achieved the vibrant cultural diversity that so enriches our society by our commitment to freedom and our openness to others, and by maintaining the utmost respect for the free flow of ideas, words, goods and services. We believe it is critical that this organization and global leaders make clear that this Convention will not become yet another tool for major world markets to shut out goods and services from developing and other markets. The goal of the United States is to ensure the free flow of diversity in all its forms -- cultural, informational, and trade.

In addition, this Convention as now drafted could be used by states to justify policies that could be used or abused to control the cultural lives of their citizens -- policies that a state might use to control what its citizens can see; what they can read; what they can listen to; and what they can do. We believe -- in keeping with existing conventions -- that the world must affirm the right of all people to make these decisions for themselves.

We have said from the beginning of this discussion that we would gladly support a Convention that truly promotes cultural diversity, that provides tools and mechanisms to foster a free flow of cultural exchange, and that encourages opportunities to nurture and enhance local cultures. Instead, the ambiguous text lends itself too easily to being used as a tool to undermine UNESCO's Constitutional obligation to promote "the free flow of ideas by word and image." And this text could be misused to legitimize actions by governments to deny human rights and fundamental freedoms. Anyone who looks around the world today will understand that such concerns are not unfounded, and can entail the possibility of grave consequences in some societies.

We deeply regret that the flawed process that produced this Convention was driven by unnecessary haste. The document's ill-defined terminology and internal inconsistencies do not demonstrate the respect that this important subject matter deserves or the rigor that should characterize a legally binding document. Yet we have been told repeatedly, since June, that the text is firm, that we could not even establish a working group to review our concerns. We have received repeated assurances from other delegations that the Convention is not intended to permit any restrictions or limitations on human rights and trade openness, but neither the time nor the opportunity was provided to clarify fully the intent of the text.

We have been clear that the Convention cannot properly and must not be read to prevail over or modify rights and obligations under other international agreements, including WTO Agreements. Potential ambiguities in the Convention must not be allowed to endanger what the global community has achieved, over many years, in the areas of free trade, the free flow of information, and freedom of choice in cultural expression and enjoyment. We have been assured by a number of other delegations that the Convention is not intended to modify or prevail over the rights and obligations of Parties arising under other international agreements. We sincerely hope and expect to observe over time that the actions of governments that ratify the Convention will be consistent with these assurances, and not in line with the troubling public statements of officials of some governments.

For these reasons, the United States has requested clarity of language as to this Convention's relationship with other international instruments. The rights and obligations found in such instruments provide the legal foundation for increases in trade that have brought greater prosperity to billions of people around the world. Will the Convention place these other rights and obligations at risk? We regret that this Conference has not taken the time to fully clarify this intent in the text itself.

This instrument remains too flawed, too open to misinterpretation, and too prone to abuse for us to support. Because our position on this instrument is based on principles that we hold dear, and not on the basis of pressure to do what is politically popular, we cannot in good conscience subscribe to this Convention. You can be assured that we will continue the effort to promote genuine cultural diversity. We will do so by continuing to work for individual liberty and the ability of people around the world to receive and impart diverse cultural influences, including the right to enjoy cultural expressions of their own choosing, not those prescribed by their governments.

For these reasons, the United States voted 'no' on the adoption of this Convention.

Mr. President, I would like this statement entered into the permanent record.

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