

**Title:** The rules of the cultural marketplace: The rapprochement between culture and the market in UNESCO's *Convention on the Protection and Promotion of the Diversity of Cultural Expressions*

**Author:** Dr Ben Garner

**Affiliation:** Lecturer in International Development Studies, University of Portsmouth (UK)

### **Abstract**

Accounts of the UNESCO *Convention on the Protection and Promotion of the Diversity of Cultural Expressions* have tended to situate it as part of a wider struggle against the effects of US/WTO-led pressures against cultural diversity, and in particular against the global marketisation and liberalisation of the audiovisual sector. Adopted by an overwhelming majority of governments gathered at UNESCO in 2005, and with provisions built around the recognition of the uniquely "dual nature" of cultural goods and services (as carriers of simultaneously commercial and cultural value), the Convention has been regarded to have given international force to a widespread desire to "defend" culture from the logics of the global market and commodification (eg Mattelart, 2005; Moghadam and Elveren, 2008). Similarly, whilst many accounts have also noted the weaknesses of the Convention as a legal instrument, it has nevertheless been regarded as a progressive "first step to filling the existing lacuna for cultural values and interests in international law." (Beat Graber, 2008:157)

This paper adopts a historically and sociologically informed approach to problematise such framings of the Convention, and goes on to look at some of the ways that the Convention's provisions have been put into practice since its entry into force in 2007. It begins by revisiting the processes of coalition building and drafting that prepared the way for the adoption of the Convention at UNESCO in 2005, and sets these developments within the context of longer running controversies at UNESCO regarding the relationship between culture, trade and development in international regulation and policy. The paper then goes on to examine two important cases in evaluating the impacts of the Convention within the international regime of trade and development: firstly, that of the trade dispute at the WTO between the US and China over Chinese restrictions on the import of films, DVDs, music and publications (which became the first time that the UNESCO Convention, and its sister instrument the UNESCO *Universal Declaration on Cultural Diversity*, were cited in a trade dispute at the WTO), and secondly the signing of the EU-CARIFORUM *Economic Partnership Agreement* (which included novel provisions on culture and was described by the European Commission as a "showcase of implementation" of the UNESCO Convention). It is argued that the significance of the Convention on cultural diversity lies less in highlighting the salience of conflicts between culture on the one hand and the logics of the market and global capitalism on the other (as is often assumed), but rather in demonstrating the emergence of a consensus around the management of culture as a resource for trade and development in the global marketplace.