

Regulating Culture?

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The overwhelming vote by member states of UNESCO adopting the Convention on the Protection of the Diversity of Cultural Contents and Artistic Expressions over the strong objection of the US government is an attempt by most of the world's national governments to exert regulatory power over cultural activity in the face of the perceived global economic domination of US-based cultural industries. When ratified by 30 nations within the next year or two, the convention will become international law and its aspirations will be tested on the battleground of trade and commercial negotiations. Such is likely to enlist cultural communities, producers, workers, scholars and advocates, and affect the ways in which their practices are framed and articulated.

governments can, by invoking the convention, declare their own cultural goods or services to be endangered and thus restrict the importation of outside products and practices seen to threaten the ongoing viability of home grown ones. Hence, to preserve "cultural diversity" a nation can stop television programs, radio broadcasts, books, magazines, newspapers, Internet

nities. Instead, it is a convention that invests the state with power to regulate cultural activity.

Advocates for this convention hope it will help nourish home grown cultural industries and provide opportunities for many, diverse people throughout the world to economically benefit from their cultural produce. But will government subsidies, programs, promotional activities and legal protective mechanisms actually achieve this desirable result? Detractors

Regulatory Tension

Given that UNESCO is an organization of nation-states it is no surprise that the convention reinforces the power and authority of the state. The vote could be read as a statement of national self-interest—each government choosing to back its own cultural industries and ganging up to oppose global corporate capitalism supported by the US government. But the almost lone stance of the US government reflects a deeper philosophical and historical reality. In the US, federal, state and local governments have little power to regulate cultural activity. Most of that activity is found in communities, among voluntary, non-governmental groups and in the private sector. Regulating culture skirts the idea of infringing upon individual freedoms of speech, religion and association.

Unlike many nations, the US does not have a minister of culture and indeed, most citizens would find that concept "foreign." Other nations, which see the regulation of culture as matter of government responsibility and even pride or duty, do have ministries of culture and see their role as normative in supporting some activities and discouraging others. For them, government is a friend of local culture and the big, global cultural industries are the foreign enemy. For the US government, global businesses and corporations are seen as drivers of democracy, individual rights, liberal societies and economic regimens; other governments are often seen as the enemy—more chauvinistic, more likely to favor repressive rule and narrow interests, or simply inept at providing what free associations of individuals can do better.

Who's right? The proof will be in the actual policy and programmatic practice generated by this convention. Given the data collection envisioned, we should, over the course of the next decade, be able to assess how well governments actually do in encouraging and nourishing cultural diversity. At the same time, it will be interesting to see how cultural communities, workers and advocates use the treaty to advance their own claims to exert themselves, both culturally and economically. ☐

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French champagne, Cuban cigars and Ghanian kente cloth patterns: protected by UNESCO?

VIEWS ON POLICY

What Does the Treaty Have Governments Do?

The convention makes explicit what most nation-states have by now largely assumed—that the regulation, support and protection of culture is a responsibility of government. It asserts the right of member nations to make their own cultural policy in order to protect and promote their cultural expressions. Governments are charged with defining tangible products as cultural goods and intangible social traditions as cultural services and assembling inventories of such cultural goods and services so they may be subject to national ownership, guardianship or stewardship. Government actions should then encourage forms of cultural production at home through programs and subsidies, thus resulting in a richer, more culturally diverse world. French wines, Canadian magazines, Ghanaian *kente* cloth patterns, Bollywood films, Russian literature, Cuban cigars and Bolivian music can all be supported and subsidized by their respective governments and even an international fund administered by UNESCO.

Furthermore, beyond the "cultural exceptionalism" currently allowed under world and many bilateral trade agreements, national

sites, music recordings and other cultural items from entering its territory. Nations and UNESCO would establish cultural observatories and an international committee to monitor the results of all the cultural policies. The convention provides a procedure for setting up commissions to mediate bilateral disagreements over the cross-border regulation of cultural goods and services.

Efficacy and Issues

This is not a humanitarian convention. No new rights are granted to individuals or communities, nor are any programs or procedures put in place to assure the lawful and respectful treatment of minority, oppressed, disenfranchised or marginalized populations within nations. The treaty will not assure that, for example, the Chinese government enacts policies more respectful of the culture of its Tibetan population, nor will it provide the means for Hutus and Tutsis, Serbians and Albanians, Brazilians and the Amazonian Indigenes to reconcile cultural differences in a more humane manner. Unlike even the International Convention for the Safeguarding of Intangible Cultural Heritage, it lacks a strong provision for consultation and power-sharing between governments and cultural commu-

argue that the convention may instead promote larger, more elite nationalized forms of cultural enterprise and could even undercut internal diversity by encouraging its own forms of standardized national culture.

Further, the convention could spawn a series of cultural protectionist measures, whereby the movement of cultural goods and services around the world, among diasporic, refugee and emigrant populations, and even among unrelated cultural others, becomes restricted. Austria might find its national cuisine threatened by Turkish food, and thus undertake policies that encourage the former and discourage the latter. Saudi Arabia might restrict the importation of feminist novels and studies believing they compete with locally produced literature, while also undermining national values and practices. The treaty could even become a cultural excuse for getting around trade agreements. Imagine Ford and GM claiming that the automobile is an American invention, plays a distinctive role in US culture and is economically endangered. Under the convention, the US government could then restrict Japanese, Korean and other imports on the grounds that if it did not do so, the diversity of cultural products would be diminished.