

The making of an international Convention: culture and free trade in a global era

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Abstract. In October 2005, UNESCO's General Conference adopted the Convention on the Protection of the Diversity of Cultural Contents and Artistic Expressions. The intense debates around the Convention, the defeat of the US position, and the compromises reached illustrate the shifting nature of global politics and the importance of the 'culture question' in global governance, but also confirm a hierarchy in the mandates of intergovernmental organisations. In this article we describe the making of this particular international convention, what we define as the 'liberal' versus the 'culturalist' positions among UNESCO's member-state delegations, and the relevance of world polity and world-systems theories with respect to the international order. The article draws on our observations, a close reading of relevant UNESCO documents, and interviews with UNESCO officials and delegates.

Introduction

In October 2005, the 33rd General Conference of UNESCO – the United Nations Educational, Scientific and Cultural Organization – adopted the Convention on the Protection of the Diversity of Cultural Contents and Artistic Expressions, which sets out the rights and obligations of governments with respect to the promotion of cultural expressions. This Convention was preceded by the Universal Declaration on Cultural Diversity in 2001, and was meant to be stronger than the Declaration. The process leading up to the adoption of the Convention included a contentious two-year debate, taking place in some 12 meetings of experts and of UNESCO's Executive Board. According to its supporters, the UNESCO Convention makes it possible to fill a legal vacuum in global governance by establishing a series of rights and obligations, at both national and international level, aimed at protecting and promoting cultural diversity. The instrument should play a similar role for cultural diversity – and at the same normative level – as the World Intellectual Property Organization conventions, World Trade Organization agreements, World Health Organization agreements and multilateral environment agreements do in their respective areas.¹

* We are grateful to Christopher Chase-Dunn and to John Boli for very helpful comments on the first draft of this article (which is based largely on our observations and interviews while employed at UNESCO) – although we could not take all their suggestions into account – and appreciate the comments of the two anonymous reviewers.

¹ From the European Commission website: 'Adoption of a Unesco Convention on Cultural Diversity': (<http://europa.eu.int/rapid/pressReleasesAction.do?reference=MEMO/05/387&format=HTML&aged=1&language=EN&guiLanguage=en>).

It came as no surprise that adoption of the Convention was not unanimous. The United States and Israel voted against it, and there were four abstentions: Australia, Honduras, Nicaragua and Liberia. A total of 151 member-states, however, voted in favour, including the European Union group and the vast majority of delegations from the Global South. This was the first major convention that the United States encountered upon its return to UNESCO following a 19-year departure. It was considered a serious defeat for the United States.

Founded on 16 November 1945 as a specialised United Nations agency, UNESCO is meant to function as a laboratory of ideas and a standard-setter to forge universal agreements on emerging ethical issues. The Organization also serves as a clearing house for the dissemination and sharing of information and knowledge while helping Member States to build their human and institutional capacities in diverse fields. In short, UNESCO promotes international cooperation among its 193 Member States and six Associate Members (as at July 2008) in the fields of education, culture, the sciences, and communication, and facilitates dialogue based upon respect for shared values and the dignity of each civilisation and culture.

The debate around the Convention and its eventual adoption illustrates the shifting nature of global politics. It shows the importance of the ‘culture question’ to global governance but also confirms a certain hierarchy in the mandates of international or intergovernmental organisations. This article describes the making of this particular international convention, what we define as the ‘liberal’ position versus the ‘culturalist’ position among UNESCO’s member-states, and the compromise that was reached. While adoption of this Convention confirms world culture theory concerning the normative role of international organisations toward increasing rationalisation and world values, it is also indicative of the global hierarchies and declining hegemony of the United States emphasised by world-systems theorists. This article draws on our own observations at UNESCO, a close reading of relevant UNESCO documents, and interviews with UNESCO officials and delegates.

Framing the issues: the world order, culture, and globalisation

Realist and neo-Gramscian theories of the international order are relevant and plausible explanatory frameworks, and we have found works by Nye, Keohane, and Cox, among others, to be useful to our understanding of the implications of the contention over the UNESCO Convention.² Here we wish to highlight two sociological theories that offer insights into the nature of international power relations and global culture, and we discuss the relevance of theoretical and policy debates concerning the spread of globalisation, especially with respect to its cultural dynamics.

World-systems theory posits the existence of a hierarchical interstate system with a hegemon (exhibiting ideological leadership as well as military, political, and economic power) and economic zones of core, periphery and semi-periphery. Given

² Joseph N. Nye, ‘Soft Power’, *Foreign Policy*, 80 (1990), pp. 153–71; Robert Keohane, ‘International Institutions: Can Independence Work?’, *Foreign Policy*, 110 (1998); Robert W. Cox and Harold Jacobson, *The Anatomy of Influence: Decision Making in International Organization* (New Haven, CT: Yale University Press, 1973).

that the United States has been the hegemon since the end of World War II, this theory would expect the US to have greater leverage in passage of conventions such as the UNESCO convention. However, scholars regard the world-system to be in crisis, and Immanuel Wallerstein in particular has stressed the historical decline of the US hegemon and the crisis of its legitimacy, ideological leadership, and 'vision of the world'.³ This structuralist theory emphasises the capitalist nature of the world order and therefore intrinsic hierarchies within its system of states, markets, and organisations. Related theories, based on a more strictly Marxian position, analyse the operations of a transnational capitalist class that dominates institutions of global governance such as multinational corporations, banks and trade organisations.⁴

In contrast, world polity theory places primacy on cultural and political institutions and norms, emphasising convergences in political and cultural developments, which is interpreted as a kind of global Westernisation. It posits a tendency toward isomorphism in institutions, values, practices, and norms across the globe, indicated by adoption by states of all manner of international instruments, along with the exponential growth and increased prominence of national and international non-governmental organisations. Theorists argue that there is thus movement toward 'world culture' and a kind of 'world polity'. Neither world-systems nor world polity theory considers states to be independent agents. World polity theory suggests that world culture encourages countries to adopt similar strategies for addressing common problems. World organisations are viewed as 'primary instruments of shared modernity', disseminating standard and practices, and international conventions and treaties often provide declarations of common causes and blueprints for change.⁵

World polity/culture theory, like world-systems theory, acknowledges resistance to world cultural trends, or what some regard as cultural homogenisation. In the broad field of globalisation studies, too, scholars have analysed the cultural dynamics of globalisation in a way consistent with some of the concerns made and positions taken at UNESCO. The technological developments that are said to be sweeping away cultural boundaries and creating the possibility of a global culture through the diffusion of values, norms, and culture tend to promote Western ideals of consumer capitalism.⁶ Scholars have pondered whether local cultures would inevitably fall victim to this global consumer culture, and if English will hold sway over other languages. Or, on the contrary, will a common culture lead the way to greater shared values and political unity, as is posited by world culture theorists? At least three approaches have been discussed in the literature: cultural globalisation as diffusion of Western values and therefore a positive trend; cultural globalisation as imperialism and a negative phenomenon; and cultural globalisation as hybridisation.

³ Immanuel Wallerstein, *The Decline of American Power: The US in a Chaotic World* (New York: New Press, 2003). The quote appears on p. 358. See also Christopher Chase-Dunn, *Global Formation: Structures of the World Economy*, 2nd edn (Totowa, NJ: Rowman and Littlefield, 1998).

⁴ See William I. Robinson, *A Theory of Global Capitalism* (Baltimore, MD: Johns Hopkins University Press, 2004); Leslie Sklair, *Globalization: Capitalism and its Alternatives* (Oxford: Oxford University Press, 2002).

⁵ See John W. Meyer, John Boli, George M. Thomas and Francisco O. Ramirez, 'World Society and the Nation-State,' *American Journal of Sociology*, 103:1 (1997), pp. 144–81. The quote appears on p. 161. See also John Boli and George M. Thomas, 'World Culture in the World Polity,' *American Sociological Review*, 62:2 (1997), pp. 171, 190, and John Boli, 'Contemporary Developments in World Culture,' *International Journal of Contemporary Sociology*, 46:5–6 (2005), pp. 383–404.

⁶ This has been articulated most forcefully by sociologist Leslie Sklair.

In the positive approach, globalisation is assumed to erase differences among societies and create a universal culture, the result of global media, global capitalist monoculture, standardisation, uniformisation of consumerism, and deterritorialisation. This liberal position promotes globalisation as good for cultural exchanges and beneficial to world markets; free trade and free markets can only enhance cultures, it argues. The economist Peter Bauer has written, 'Contacts through traders and trade are prime agents in the spread of new ideas, modes of behavior, and methods of production.'⁷ Another positive line of argument is that American cultural products have had global appeal because they are the result of the United States' own multicultural population. Richard Pell writes that to the extent that US culture has been successful in generating transnational appeal, this may be the result of America's own diverse and immigrant population, which is able to produce entertainment, products and services that appeal to a wide array of tastes and demand.⁸ This argument is similar to the *cultural globalisation as hybridisation* argument, to be discussed below.

In contrast, the negative approach sees globalisation as Americanisation or homogenisation: free trade favours larger economies and the predominant Western influence stifles the cultures and the traditions of the developing countries. As Peter Berger has noted: 'The most important "globalizers" are Americans . . . By far the most visible manifestation of the emerging global culture is in the vehicle of popular culture. It is propagated by business enterprises of all sorts . . . Although control of these enterprises is exercised by elites, popular culture penetrates broad masses of people all over the world. The vast scope of this penetration can hardly be overestimated.'⁹ In this negative view, one consequence of globalisation would be the end of cultural diversity and the triumph of a unipolar culture serving the needs of transnational corporations. This idea is reflected in protectionism against US influence, alternative globalisation movements, and movements defending indigenous people's rights. It is argued that globalisation may marginalise indigenous peoples but also threaten the very foundation of their existence and livelihoods, in part through commercial interests that very often violate indigenous intellectual property rights. In defending cultural diversity, Rodolfo Stavenhagen asserts that 'The idea of cultural pluralism does not imply the artificial preservation of indigenous (or tribal) cultures in some sort of museum, but only the right of every human community to live by the standards and visions of its own culture.'¹⁰

What is more, the diffusion of Western cultural products can be seen as a source of conflict. Here the universalising force of capitalism and the particular force of local cultures clash: Westernisation creates strong reactive movements in local cultures. One proponent of this view is Benjamin Barber, who has famously counterposed

⁷ Peter T. Bauer, 'From Subsistence to Exchange', in Peter T. Bauer and Amartya Sen, *From Subsistence to Exchange and Other Essays* (Princeton, NJ: Princeton University Press, 2000), p. 8. Another ardent proponent of globalisation is the economist Jagdish Bhagwati. See his book: *In Defense of Globalization* (Oxford: Oxford University Press, 2004).

⁸ Richard Pell, 12 April 2002. 'American Culture Goes Global, or Does it?' *The Chronicle of Higher Education*, p. B7.

⁹ Peter L. Berger, 'Introduction: the Cultural Dynamics of Globalization', in Peter L. Berger and Samuel P. Huntington (eds), *Many Globalizations: Cultural Diversity in the Contemporary World* (New York: Oxford University Press, 2002), pp. 1–16.

¹⁰ Rodolfo Stavenhagen, 17 February 2004. 'Indigenous Peoples and Cultural Diversity: a Conceptual Outline and Proposals', UNESCO Website: (http://portal.unesco.org/culture/fr/file_download.php/741b7703fe888c7cccbae7076f0a00baStavenhagen-17Feb04.doc).

jihad to *McWorld*. The anti-globalisation movement has opposed both the economic and cultural aspects of worldwide diffusion, calling it imperialistic or neocolonialist. Groups such as Focus on the Global South, Third World Network, and Diverse Women for Diversity oppose uniformisation of economic models and cultural products, as well as the new global trade regime, calling for biodiversity, cultural diversity, and respect for local communities as well as human rights.¹¹ From a different vantage point, Samuel Huntington assumes that intense and close interaction resulting from the globalisation process leads to conflict among civilisations.¹²

Finally, cultural globalisation can be explained in terms of hybridisation, as sociologist Jan Nederveen Pieterse has posited.¹³ The increasing exchange between cultures suggests that the erosion of the link between culture and place is accompanied by cultural practices producing new complex hybrid forms of culture. Interaction between the local and the global economic and political forces enter into every corner of the world; local cultures reinterpret these cultures and create local forms of global forces. Globalisation and its associated cultural forms are constantly reinterpreted and reproduced in the process, giving way to new hybrid socioeconomic and cultural forms. In this view, American globalisers, in fact, are themselves subject to global forces.¹⁴ Hybridisation is illustrated through transnational communities and identities, and this has redefined the meaning of national identity. ‘While economic globalization . . . is undermining the authority of nation-states by creating “a borderless global marketplace”, cultural globalisation is rendering the idea of national development problematic by giving rise to local reactions that pave the way for the emergence of “alternative modernities” and cultural identity claims.’¹⁵

The conceptual frameworks and political debates sketched above were echoed at UNESCO, where member-states seemed less convinced by the cultural hybridisation thesis and more inclined to view cultural globalisation as homogenisation, uniformisation, and a challenge to their own cultural heritage, identity, and prospects. It should be noted that many countries continue to manage ‘national culture’ through Ministries of Culture. At UNESCO, the member-state delegations based in Paris and the National Commissions based in the home countries include persons associated with culture ministries as well as with educational institutions.

About UNESCO

At the heart of UNESCO’s mission and activities are global visions of sustainable development based upon observance of human rights, mutual respect, and the

¹¹ See Valentine M. Moghadam, *Globalizing Women: Transnational Feminist Networks* (Baltimore, MD: Johns Hopkins University Press, 2005), especially ch. 5.

¹² Benjamin Barber, *Jihad vs. McWorld: How Globalism and Tribalism Are Reshaping the World* (New York: Ballantine Books, 1996); and Samuel P. Huntington, *The Clash of Civilizations and the Remaking of World Order* (New York: Simon & Schuster, 1996).

¹³ Pieterse Neverdeen, *Globalization and Culture: Global Mélange* (New York: Rowman & Littlefield Publishers, 2004).

¹⁴ Davison Hunter, James and Joshua Yates, ‘In the Vanguard of Globalization; the World of American Globalizers’, in: Peter L. Berger and Samuel P. Huntington (eds), *Many Globalizations: Cultural Diversity in the Contemporary World* (New York: Oxford University Press, 2001), pp. 324–5.

¹⁵ Ergun Özbudun and E. Fuat Keyman, ‘Cultural Globalization in Turkey: Actors, Discourses, Strategies’, in: Peter L. Berger and Samuel P. Huntington (eds), *Many Globalizations: Cultural Diversity in the Contemporary World* (New York: Oxford University Press, 2001), p. 296.

alleviation of poverty. Peace is a longstanding preoccupation, stated in the Preamble to its Constitution, as are education for all, ‘the unrestricted pursuit of objective truth’, and ‘the free exchange of ideas and knowledge’.¹⁶ Officially, the Organization exists to foster multidisciplinary exchange and mutual understanding, working towards universal agreements on these issues, defining benchmarks and mobilising international opinion. UNESCO undertakes its action in the fields of education, the natural sciences, the social and human sciences, communication and information, and – most pertinent to this article – culture. At this writing, UNESCO’s programmatic work was carried out in five sectors named after their domains of competence.¹⁷ The work of the Culture Sector entails preserving and respecting the specificity of each culture, while ensuring that it preserves and respects the specificities of another culture, and involving it in an approach that bring them together and extends beyond them in a more interactive and interdependent world.¹⁸ UNESCO’s cultural priorities consist in:

- Promoting cultural diversity, with special emphasis on the tangible and intangible heritage
- Cultural policies as well as intercultural and interfaith dialogue and understanding
- Cultural industries and artistic expressions.

Throughout its activities and projects, UNESCO performs and assumes a range of functions corresponding to its role as the international lead agency for education, the sciences, culture, and communication. It launches and coordinates regional or worldwide networks serving a threefold purpose: research, exchange of research results, and training. At international conferences, experts formulate new and common approaches to the major issues confronting UNESCO and Member States.

An intergovernmental organisation, UNESCO functions through 191 member-states and six associate members that govern the organisation through the 50-member Executive Board, which meets annually, and the General Conference, which meets biannually. The main decision-makers are the national delegations, the Director General and his team, and the Secretariat. NGO representatives and the professional staff across the Sectors play less decisive roles in decision-making. A member-state’s influence is usually determined by the following: the size of its contribution to UNESCO’s budget; maintaining a permanent delegation; the size of its delegation committed to the General Conference; and its delegates’ links to strategic bureaucracies in the home country.¹⁹ These attributes enhance a member state’s capacity to mobilise votes and to secure strategic or high posts within the Secretariat, such as the Bureau of the Budget and Human Resources Management, along with a number of highly placed professional staff. The status of a member state within the Organization is usually consonant with its status in the world-system. This allows the stronger and richer states to control the decision-making processes or, failing that, to veto an action or decision.

¹⁶ UNESCO, ‘Constitution of the United Nations Educational, Scientific and Cultural Organization’, 1945; Article I [1]. See <http://www.unesco.org>.

¹⁷ See the UNESCO website for more information on each Sector’s mission and activities.

¹⁸ See, for example, *Rapport mondial sur la culture 2000: Diversité culturelle, conflit et pluralisme* (Paris: UNESCO, 2000).

¹⁹ Ironically, given the central objectives of the Organization, ties to ministries of foreign affairs are considered more prestigious than ties to education or culture.

Member-states are divided into a number of groups: the European Union, the Arab Group, the Africa Group, the Latin America Group, Francophonie, and Asia and the Pacific. In addition, the Geneva Group, comprised of the fifteen richest countries that control about 92 per cent of UNESCO's budget (including the USA, Japan, Switzerland, Canada, Italy, France, Germany, and Spain), holds meetings on financial issues and makes recommendations.²⁰ In 2005, the largest single UNESCO financial contributor was the United States (22 per cent of the budget), followed by Japan (19.6 per cent) and Germany (8.7 per cent).

When Member-States agree to common rules, they can draw up an international instrument, such as an agreement or convention – both of which are legally binding – or a recommendation or declaration. UNESCO helps to draw up or revise the instrument, works towards its adoption or revision, sees that it is respected and, occasionally, assists Member States in putting it into practice. The Executive Board's Committee on Conventions and Recommendations may also act upon violations of human rights in UNESCO's fields of competence.

Debating the Convention

The origins of the Convention on Cultural Diversity lie in the World Conference on Cultural Policies (in Mexico City in 1982), the World Decade for Cultural Development (1988–1997), the work by the World Commission on Culture and Development (which produced *Our Creative Diversity*, 1995) and the Intergovernmental Conference on Cultural Policies for Development (in Stockholm in 1998). It is important to note that the United States was not a member of UNESCO during most of this period, having departed in 1984.²¹ It returned to UNESCO just as a consensus was developing on the need to maintain cultural diversity in the face of cultural globalisation, and the momentum had resulted in the adoption of the UNESCO Universal Declaration on Cultural Diversity, in November 2001. Koichiro Matsuura of Japan had been selected Director-General, and he made it his mission to secure the return of the United States to UNESCO.²²

In the years leading up to the adoption of the Cultural Diversity Convention in 2005, UNESCO had paved the way for new approaches to understanding, protecting and respecting cultural heritage by the adoption in 2001 of the Convention for the

²⁰ The Geneva Group, created in 1964, is common to all UN agencies and is comprised of countries that each contributes more than 1 per cent of the budget.

²¹ The US under the Reagan Administration left UNESCO on 31 December 1984 and returned on 1st October 2003. The stated reasons for the withdrawal were the alleged bad management of the Organization, the left-wing orientation of the programmes, and the politicisation of debates. The US was particularly opposed to the proposal for a New World Information and Communication Order (NWICO). In 1985 the British government of Margaret Thatcher followed suit, citing similar reasons. In 1997 the government of Tony Blair decided that the UK would rejoin UNESCO after it abandoned the NWICO idea and undertook administrative reforms. For details see Dilek, Elveren, *Le Retour des Etats-Unis à l'UNESCO: négocier entre unilatéralisme et multilatéralisme*. MA thesis submitted to the Department of Political Science, University of Paris Panthéon-Sorbonne, Paris, 2004.

²² His two other objectives have been to recruit and hire more Japanese nationals (to reflect the high Japanese contribution to UNESCO's budget) and to effect management and administrative reform. Personal communication from a high-ranking UNESCO official, 26 February 2006.

Safeguarding of the Intangible Cultural Heritage.²³ This was followed by a number of decisions. In April 2003, the 166th meeting of the Executive Board (166 EX) invited the Director-General to submit to the General Conference a report relating to the preliminary study on the desirability of a new international standard-setting instrument on cultural diversity. That following October, the 32nd General Conference gave the Director-General the mandate to lead consultations with other IGOs on cultural diversity: World Trade Organization (WTO), the World Intellectual Property Organization (WIPO), the United Nations Conference on Trade and Development (UNCTAD), and the World Tourism Organization (WTO). By this time the United States had rejoined UNESCO, and it was faced immediately with the difficult task of reversing the tide with respect to a convention on cultural diversity.

According to one UNESCO official, the United States initially did not appear to take seriously the possibility of a convention on cultural diversity. When it became evident that other member-states were committed to pursuing a convention, the US sent experts to Geneva to analyse the draft convention's relation to WTO and WIPO rules.²⁴

The process leading up to the adoption of the Convention included meetings of independent and inter-governmental experts, a series of reports, preliminary drafts of the Convention, and a draft Convention. December 2003 saw the first session of the Group of Independent Experts, and the second and third sessions met in spring 2004, after which Government experts were consulted. In April 2004, the 169 EX convened meetings of government experts to prepare the preliminary draft convention and report back to the 33rd General Conference. The draft Convention on the Protection of the Diversity of Cultural Contents and Artistic Expressions was discussed by government experts that September. In December 2004, a Drafting Group was established to propose a revised text of the preliminary convention to future sessions of the intergovernmental meeting of experts, taking into account the Member States' comments. In February 2005, the second intergovernmental meeting of experts on the draft convention took place, and in March, a report containing draft texts was submitted to Member States. In April, the 171 EX convened a third session of the intergovernmental meeting of experts to further develop the preliminary draft convention. The draft was debated at the General Conference in October of that year.

In the meantime, meetings and exchanges took place with the World Trade Organization (WTO) and the World Intellectual Property Organization (WIPO), both based in Geneva. These occurred in April 2003, and in June, July, and November 2004. Letters from the Director-General of the WTO provided a summary of views of the heads of delegations to the WTO on the draft convention, and an 'informal exchange of views' took place in August 2005. A meeting in Geneva with the WIPO in June 2005 provided useful comments that addressed the relation between the draft convention on cultural diversity and intellectual property policy and legal issues.²⁵

²³ See UNESCO Website (www.unesco.org); especially the Convention for the Safeguarding of the Intangible Cultural Heritage (<http://unesdoc.unesco.org/images/0013/001325/132540e.pdf>).

²⁴ Personal interview, staff member, Office of International Standards and Legal Affairs, 29 November 2005.

²⁵ As explained by a staff member of the UNESCO Legal Affairs office, the consultations between the secretariats of UNESCO and the WTO were pro-forma and carried no real weight, because it is the member states that decide.

The preliminary draft of the Convention on Cultural Diversity, which was approved in June 2005 by 127 countries (135 participated in the negotiations), had three objectives, agreed to by the vast majority of member states: affirmation of the sovereign right of states to implement cultural policies; recognition of the specificity of cultural goods and services; and reinforcement of cooperation and solidarity in favour of developing countries. The draft was clear in seeking to ground the future convention in existing legal instruments and ensure no conflict with WTO measures. Still, the US was the only member state to express openly a position against the draft convention. Its delegates said that the project was not compatible with the statutory mission of UNESCO which consists in the promotion of the free flow of ideas by words and images; and that UNESCO's reputation could not benefit from it. The US delegation engaged in vigorous lobbying at the Executive Board meetings in September 2005 and the General Conference in October 2005. According to several interviewees as well as our own observations, the United States delegation was visibly and vocally dismayed when a victory for the supporters of the draft convention seemed to be in the offing. A compromise was attempted in the form of a resolution, proposed by the Japanese delegation, stating that the convention should not affect WTO obligations. Although adopted, the resolution in fact did not find its way into the Convention. The final text of the Convention refers only to 'coherence' among different international legal instruments. Ultimately, and after considerable diplomatic wrangling, the Convention was adopted by UNESCO's General Conference on Friday, 21 October 2005.

The dynamics of the negotiations and the vote were explained to us by a member of the Belgian delegation to UNESCO. Voting against the Convention were the United States and Israel. Australia abstained because of Article 20 pertaining to the relationship between the convention and other treaties, while Liberia, Nicaragua, and Honduras abstained because of intense lobbying by the US. The delegate explained that in the first half of 2005, Thailand and South Korea appeared uncertain about the draft convention, and Japan seemed to be siding with the US: 'Before June 2005, you could see the USA and Japan coordinating their position and giving signals to each other'.²⁶

Work on the convention's adoption had proceeded relatively quickly, from early 2003 to October 2005, and a member of the Turkish delegation explained that the making of an international convention usually takes longer. UNESCO officials from the Secretariat and the Culture Sector, as well as several member-state delegations from what we term the 'culturalist camp', promoted the idea of a binding convention on cultural diversity, and tried to convince other member-states through lobbying and negotiating. Many experts on cultural policy worked on the draft convention, our interlocutor said, but he felt that the convention would have been designed on a stronger foundation had more time been spent on involving more jurists and lawyers in the intergovernmental committee work.²⁷

The drafting process was accompanied by animated debates on the meaning and implications of cultural diversity, with UNESCO stakeholders taking varied positions on the matter. Cultural diversity, after all, has different meanings. One refers to a balance between cultures: defending cultural diversity consists in the promotion of

²⁶ Christian Lepage, deputy permanent delegate, Belgium, interview, UNESCO, 17 November 2005.

²⁷ Interview with Aydin Sefa Akay, Legal Adviser, Turkish delegation to UNESCO, 2 December 2005.

actions in favour of cultural minorities. Another implies protection of 'endangered' cultural minorities. In this connection, 'cultural protection' refers to the French concept of 'cultural exception': this establishes a link between a social vision of culture and a commercial vision of its diffusion. Cultural exception promotes the specificity of cultural goods and services, a specificity recognised by the European Union in its Declaration on Cultural Diversity. The objective is to prevent culture from a harmful commercialisation by actively supporting the development of culture. Cultural diversity is also understood to entail the defence of cultural rights and to be linked to human rights.²⁸

In the UNESCO debates – as in the literature on cultural globalisation and the wider political debates – cultural diversity was presented as the opposite of the feared 'cultural uniformity'. Cultural diversity was cast as preventing the vanishing of languages and dialects; respecting populations' concern for the protection of their traditions; and checking the increase of American cultural predominance and the consumption of standardised products. The Convention also was needed, its supporters argued, to give culture a place in international bodies and instruments other than the WTO and trade agreements. The market should not regulate culture, and states should be enabled to support and promote their own artists. As a French delegate noted, cultural products certainly do have a commercial side, but they cannot be regarded as mere commodities or products for sale or trade, for they remain a work of creation – 'production of the spirit'.²⁹ In addition to France, strong support for the adoption of the convention came from Canada, the European Union states, India, China, Latin America, and the African states.

Liberals vs culturalists

At UNESCO, two positions asserted themselves, and for the most part, member-states lined up around one or another of these positions. We call these the liberal position and the culturalist position. The liberal position was largely articulated by the US in favour of the free flow of cultural products and in opposition to protectionism of any kind. Other member-states lining up on the liberal side were Australia, Japan, Thailand, and South Korea. The culturalist contingent was led primarily by France and Canada, countries with strong cultural policies and institutions supporting the arts.³⁰ In what follows we elaborate on each of these two positions. What should be noted is the member-states' strong adherence to the idea of cultural diversity and preservation, and the inability of the United States to influence the normative debate.

²⁸ For more details, see Stephen J. Toope, 'Cultural Diversity and Human Rights' (F.R. Scott Lecture), *McGill Law Journal*, 42 (1997): McGill L.J. 16.

²⁹ Interview with Catherine Dumesnil, second secretary, permanent delegation of France to UNESCO, 21 November 2005.

³⁰ Some have argued that the US is in fact highly protectionist, as its cultural imports represent no more than 2 per cent of their total consumption. See: Bernard Cassen, 'Conférence à hauts risques à Cancun: une norme culturelle contre le droit du commerce', *Le Monde Diplomatique*, Septembre 2003, p. 22. US liberals might counter that the small proportion of cultural imports to the United States merely reflects market demand.

Proponents of the liberal position argued that a convention on cultural diversity was unnecessary, especially as it had been drafted. They maintained that the language of the draft convention was overly flexible and vague, in danger of rendering the convention cumbersome, meaningless, and possibly in conflict with other international laws. A US representative to UNESCO insisted that there was much in the convention that could be misunderstood, especially concerning both human rights and trade. The official emphasised that the United States was justifiably concerned about the effects of the convention on trade, and cited a news report on how the French wanted to classify the French delicacy *foie gras* as a cultural good and a product to be protected. Where, she asked rhetorically, does this list of cultural products end?³¹

This liberal argument included a human rights dimension. Some officials expressed concern about the possible instrumental use of the convention for censorship or to favour some cultural products over others. As one delegate noted: 'This convention is a means to hinder the policy of openness. You cannot stop cultural exchanges to protect your own culture. This is impossible in this era of information and Internet.'³² The US Ambassador to UNESCO, Louise Oliver, stated: 'The Convention, as it is written, could be used by states to justify policies 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 those decisions for themselves.'³³

The US also used a version of the culturalist argument to defend and justify its essentially liberal position. An argument advanced by the US delegation during the debates was that multiculturalism and cultural diversity were defining features of American society: 'Cultural diversity is part of American identity. The United States is not in conflict with the concept of cultural diversity.'³⁴ The argument was that the US is itself the embodiment of cultural diversity but could not support a convention that in its view was possibly 'compromising of freedoms'. Ambassador Oliver pointed out: 'Our concern – and the reason we cannot support this and did not support it – is . . . we could not be associated with a document that could be misused, could be misinterpreted in ways that might have the effect of undermining human rights or getting involved inappropriately in trade negotiations.'³⁵

Those on the liberal side who worried that the Convention's language was too ambiguous, incoherent, and thus ineffective, felt that a case-by-case mechanism referring to the Vienna Convention on the Law of Treaties would have been more acceptable for stakeholders.³⁶ Other delegations were concerned about the

³¹ Interview with a member of the US mission to UNESCO, 30 November 2005. The article cited by the official was: Christine Lagarde, 'Big Cuts in Farm Tariffs Are No Solution to Poverty', *The Financial Times*, 21 November 2005.

³² Interview with Aydin Sefa Akay, Legal Adviser, Turkish delegation to UNESCO, 2 December 2005.

³³ 'US Ambassador to UNESCO Louise Oliver with Foreign Journalists', On-the-Record, Roundtable on the Convention on Cultural Diversity, Paris, France, 21 October 2005, (<http://www.state.gov/p/io/rls/rm/56586.htm>).

³⁴ Interview with a member of the US mission to UNESCO, 30 November 2005.

³⁵ 'US Ambassador to UNESCO Louise Oliver with Foreign Journalists', *ibid*.

³⁶ The Vienna Convention on the Law of Treaties (VCLT), adopted on 22 May 1969, codified the pre-existing international customary law on treaties, with some necessary gap-filling and clarifications. The Convention entered into force on 27 January 1980. The scope of the Convention is limited. It applies only to treaties concluded between states (Article 1), excluding treaties between

Convention's compatibility with certain aspects of international human rights standards and norms, including indigenous and minority rights. Although the Turkish delegation voted with the EU in favour of adoption of the convention, an issue that was raised in the debates concerned minority cultures and their expression. A Turkish delegate explained: 'The Convention on Cultural Diversity allows countries to impose their "national culture" to important minorities such as North Africans in France, who do not really have the status of minorities, whereas they give this status to very little minorities – "museum minorities" – and organise cultural activities for these. In fact, the convention on cultural diversity is a means to reinforce national sovereignty and challenge globalisation. It does not aim at integration of minorities but rather at assimilation.'³⁷

The culturalist position, led by France and Canada, favoured the Convention's promotion of cultural policies. The Convention's overall objective, they insisted, is to take into account cultural diversity when developing other policies, by ensuring that cultural policies support fair access to both local cultures and other world cultures. Quite unlike the liberals, proponents of the culturalist position preferred the vague and flexible language and provisions of the Convention. The Canadian legal experts, in stark contrast to those of the United States, found no problem, inconsistency, or possible contradiction within the convention or between it and other conventions. A Canadian delegate to UNESCO explained that the Convention is an instrument stating general principles to guide national policies, whereas the WTO proposes specific and concrete agreements, conducting its work largely on the basis of bilateral agreements. The Convention's advantage, he stressed, lies precisely in its flexibility.³⁸

The European Union group was in favour of the Convention's common rules, principles and points of reference for cultural diversity at the global level. An official statement by the European Commission asserts that the text of the convention makes a considerable contribution to recognising the role and legitimacy of public policies in protecting and promoting cultural diversity. It recognises the importance of international cooperation and promotes this to deal with cultural vulnerabilities, especially in developing countries. The UNESCO convention is a platform for debates and exchanges on cultural diversity at the international level: it will allow the reality of cultural diversity in the world to be observed and closely monitored, and opinions, information and best practices to be exchanged between the parties. In contrast to the United States delegation's assertion of vagueness and ambiguity, the European Union maintains that the Convention defines appropriate links with other international instruments that enable it to be implemented effectively. And to assuage concerns about a possible conflict with the WTO, the European Union asserts that the Convention does not call WTO commitments into question and does not remove or exclude cultural goods and services from WTO agreements. What the Convention does is to recognise the specificity of cultural goods and services and legitimises domestic and international cultural policies. The Convention is therefore

states and international organisations or between international organisations themselves. These are governed by the 1986 Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, (<http://www.un.org/law/ilc/texts/treatfra.htm>).

³⁷ Interview with Aydin Sefa Akay, Legal Adviser, Turkish delegation to UNESCO, 2 December 2005.

³⁸ Interview with Mme Dominique Levasseur, Political Affairs, Permanent Delegation of Canada to UNESCO, 24 November 2005.

a considerable step forward in protecting and promoting cultural diversity at the international level, including in trade negotiations.³⁹

The culturalist side also consisted of 'semi-peripheral' countries, although the positions of some were initially ambivalent or ambiguous. Brazil and Mexico have built their own national coalitions for cultural diversity, and along with China they take part in the International Network on Cultural Policy and have officials who are members of its steering committee of the International Network for Cultural Diversity.⁴⁰ India joined the growing consensus, too, as described by a French official:

The consensus went beyond the traditionally most active circles, such as the members of the International Network on Cultural Policy and the Francophonie, to embrace the big (and smaller) countries of the South (India, China, Korea, Algeria, Brazil, Argentina, Mexico), Central and Eastern Europe (Poland, Russia, Czech Republic), as well as numerous Anglophone countries (New Zealand, Nigeria) (. . .) The pact for cultural diversity now appears well anchored in a shared diagnostic and a common corpus of values: rejection of hegemony, rejection of standardization, rejection of a 'bulldozing globalization' [*mondialisation-laminoir*], rejection of the separation between culture and leisure, of asymmetrical exchanges, and of hyper-commercialization . . .⁴¹

These countries gave their support to the Canadian-French leading position in favour of an international instrument to protect and promote cultural diversity. For example, Brazil obstructed the American attempt to insert several references to the rights of intellectual property in the draft convention during the negotiations between UNESCO and WIPO. During the second Intergovernmental Meeting of Experts on the Preliminary Draft Convention on the Protection of the Diversity of Cultural Contents and Artistic Expressions, a France-European Union-India-China-Brazil coalition was formed and managed to counter numerous American amendment proposals. Nevertheless, the semi-peripheral countries appeared more divided on the issue of dispute settlement; whereas India was completely against a binding mechanism, Brazil and China remained neutral and adopted a wait-and-see position. This division conveys the complexity of the different political and diplomatic arrangements at stake.

Ultimately, a number of factors converged to trump US hegemony, though they did not undermine the hegemony of the WTO. Factors that shaped the passage of the Convention included UNESCO's organisational imperatives, the line-up of the different member states, and fear of homogenisation. UNESCO's organisational imperatives include the promotion and protection of culture and its human rights mandate. As we have seen, some member states felt that the draft convention pitted these against each other, and that the human rights imperative should prevail. For

³⁹ From the European Commission website: 'Adoption of a Unesco Convention on Cultural Diversity': (<http://europa.eu.int/rapid/pressReleasesAction.do?reference=MEMO/05/387&format=HTML&aged=1&language=EN&guiLanguage=en>), last accessed June 2007.

⁴⁰ The International Network on Cultural Policy (INCP) (http://206.191.7.19/index_e.shtml) is a forum where national ministers responsible for culture can explore and exchange views on new and emerging cultural policy issues and develop strategies to promote cultural diversity in an informal venue. The International Network for Cultural Diversity (INCD) (<http://www.incd.net>) is a worldwide network of artists and cultural groups dedicated to countering the homogenising effects of globalisation on culture. INCD website last accessed June 2007.

⁴¹ Statement by Jean Musitelli, former Ambassador of France to UNESCO, on the Convention on Cultural Diversity: (http://www.planetagora.org/theme2_suj3_note.html). Last accessed June 2007. Translated from the French by the present authors.

others, the question of cultural protection and promotion was paramount, especially in the context of globalisation.

The positions of the different member states also determined the outcome of the debates. The liberal/free trade position of the US and the culturalist position of the EU and the semi-peripheral countries evolved and in the end the liberal position constituted a small minority. Some member-state delegations may have voted in a particular way against their better judgment. For example, the Turkish position was closer to that of the United States (free trade and the ostensible issue of human rights) but Turkey voted with the EU group because of its probable ascension to EU membership. Those member states that consistently had lobbied for the convention since 2003 were Canada, France, Germany, Greece, Morocco, Mexico and the Francophone group.

Member-state concerns over cultural invasion or standardisation clearly favoured passage of the Convention. Around the world, the detractors of the WTO oppose the new global trade regime and its incursion in the domain of cultural products. UNESCO was thus called upon to prevent cultural products from being designated 'tradable goods' like other goods within the WTO mandate. Among other things, this was an opportunity for UNESCO to be recognised globally as an intergovernmental agency that could establish a key international standard and norm. As the Belgian delegate explained, by conferring special status to cultural products, UNESCO could appear to be standing up to the WTO. In fact, any potential contradiction or conflict was avoided by carefully eliminating all language that could suggest a divergence between UNESCO and the WTO. The Convention's language is meant to prevent any challenge to the WTO.

The compromise that was reached to enable passage of the Convention – despite the No votes of the US and Israel – was that it would be non-binding. This makes it more of an ethical/moral standard rather than an enforceable international instrument, and leaves the WTO as the institution that can enforce its rules and agreements. The Convention makes no stipulation for arbitration, only conciliation. Consequently, although the Convention now joins the panoply of international legal instruments, it lacks any mechanism for implementation let alone enforcement. It is more of a guide to countries for their cultural policies. According to Christian Lepage of the Belgian delegation, the significance of the Convention's adoption is that 'for the first time, the international community in a very large majority expresses its will to stop an unlimited liberalization process'.⁴² Nonetheless, one may conclude that although member-states felt it necessary to protect their cultural identity and expressions, they studiously avoided any conflict with respect to international trade and the WTO.

Main elements of the Convention⁴³

The nine objectives of the Convention are delineated in Article 1:

⁴² Christian Lepage, deputy permanent delegate, Belgium, interview, UNESCO, 17 November 2005.

⁴³ All quotations and paraphrased articles are from the *Convention on the Protection and Promotion of the Diversity of Cultural Expressions* (Paris, UNESCO: 20 October 2005), (<http://unesdoc.unesco.org/images/0014/001429/142919e.pdf>).

1. To protect and promote the diversity of cultural expressions;
2. To create the conditions for cultures to flourish and to freely interact in a mutually beneficial manner;
3. To encourage dialogue among cultures with a view to ensuring wider and balanced cultural exchanges in the world in favour of intercultural respect and a culture of peace;
4. To foster interculturality in order to develop cultural interaction in the spirit of building bridges among peoples;
5. To promote respect for the diversity of cultural expressions and raise awareness of its value at the local, national and international levels;
6. To reaffirm the importance of the link between culture and development for all countries, particularly for developing countries and to support actions undertaken nationally and internationally to secure recognition of the true value of this link;
7. To give recognition to the distinctive nature of cultural activities, goods and services as vehicles of identity, values and meaning;
8. To reaffirm the sovereign rights of States to maintain, adopt and implement policies and measures that they deem appropriate for the protection and promotion of the diversity of cultural expressions on their territory;
9. To strengthen international cooperation and solidarity in a spirit of partnership with a view, in particular, to enhancing the capacities of developing countries in order to protect and promote the diversity of cultural expressions.

The guiding principles are that the Convention shall respect human rights and fundamental freedoms; sovereignty; equal dignity of and respect for all cultures; international solidarity and cooperation; the complementarities of economic and cultural aspects of development; sustainable development; equitable access; openness and balance. The scope of application concerns national policies and measures adopted by the Parties to the convention in order to protect and promote the diversity of cultural expressions.

Parties to the Convention are required to share information in transparency; educate and raise public awareness; encourage the participation of civil society; promote international cooperation; integrate culture in sustainable development; support cooperation for development and in situations of serious threat to cultural expressions by taking collaborative arrangements and enhancing preferential treatment for developing countries. Article 20, which was the source of much debate, states that the relationship to other instruments and treaties is to be one of mutual support, complementarity and non-subordination, and it calls for international consultation and coordination:

1. Parties recognise that they shall perform in good faith their obligations under this Convention and all other treaties to which they are parties. Accordingly, without subordinating this Convention to any other treaty,
 - (a) they shall foster mutual supportiveness between this Convention and the other treaties to which they are parties; and
 - (b) when interpreting and applying the other treaties to which they are parties or when entering into other international obligations, Parties shall take into account the relevant provisions of this Convention.
2. Nothing in this Convention shall be interpreted as modifying rights and obligations of the Parties under any other treaties to which they are parties.

As mentioned, the Convention provides for settlement of disputes through conciliation rather than binding arbitration. In the event of a dispute, the Convention calls for negotiation, to be followed by good offices/mediation if no agreement is reached, and finally conciliation. But 'Each Party may, at the time of ratification, acceptance, approval or accession, declare that it does not recognize the conciliation procedure provided for above. Any Party having made such a declaration may, at any time, withdraw this declaration by notification to the Director-General of UNESCO' (Article 25). This weakens the force of the Convention but it also carefully avoids any potential conflict with trade agreements within the framework of the WTO.

The Convention had to be ratified by at least 30 member states before coming into force. There was fear that the US would try to obstruct the process by striking bilateral agreements on free trade. Consequently, France, Canada, Spain and other culturalists mobilised their diplomatic network to prevent the convention from falling into a lengthy ratification process. Moreover, the more ratifications that occur, the more pressure will be placed on Washington. On 23 November 2005, Canada was the first country to ratify the Convention; by September 2006 it had been joined by Belarus, Bolivia, Burkina Faso, Croatia, Djibouti, Madagascar, Mauritius, Mexico, Monaco, Romania, and Togo; the convention entered into force three months after the approval of the thirtieth member state, Estonia in December 2006 (article 29 of the convention). By July 2008, when the first conference of the state-parties to the Convention convened in Paris, there were 83 signatories.

Notwithstanding its importance as an international instrument pertaining to cultural diversity, the Convention is a compromise document that contains weaknesses and elides the most radical positions. The main compromises were on Article 20 (relationship to other instruments) and Article 25 (settlement of disputes). Some of the member states, especially the culturalists strongly in favour of the protection of cultural expression, did not see any contradiction between the Convention on Cultural Diversity and the WTO agreements, and had experts confirm their compatibility.⁴⁴ Others – including Australia, Thailand and South Korea – worried about incompatibility between the convention on cultural diversity and the WTO agreements. When the draft convention came to a vote, Australia, unconvinced, abstained. The mechanism to settle disputes relating to the Convention consists in a conciliation process with few constraints on parties. As Mr Lepage, the Belgian delegate, asserted: 'Article 25 – on the mechanisms to settle disputes – is ridiculous: there is no sanction, and it remains a very soft law. The only operational and effective settlement of disputes is the Dispute Settlement Body at the WTO.'⁴⁵ But it was precisely to avoid challenging the WTO that the Convention was watered down and the compromise position reached.

Dispute settlement is the central pillar of the multilateral trading system, and it is the WTO's unique contribution to the stability of the global economy. Without a means of settling disputes, the rules-based system would be less effective because the rules could not be enforced. According to the WTO, its procedure underscores the rule of law, and it makes the trading system more secure and predictable. The system is based on clearly defined rules, with timetables for completing a case. Rulings are

⁴⁴ For example, Dominique Levasseur of the Canadian delegation.

⁴⁵ Christian Lepage, deputy permanent delegate, Belgium, interview, UNESCO, 17 November 2005.

made by a panel and endorsed (or rejected) by the WTO's full membership. Appeals based on points of law are possible.⁴⁶

By eschewing the possibility of binding arbitration and by keeping 'rights and obligations' vague, UNESCO member states avoided any potential conflict with the WTO and trade agreements. What is more, in order to assuage the concerns of certain member-states regarding conciliation, an opt-out mechanism was integrated: member states can reject the conciliation decision. Even the number of parties needed to ratify the Convention was discussed, whereas UNESCO always requires the same number of parties in order for a convention to be entered into force. Finally, the Convention is also weak in terms of financial means. Article 18 of the Convention establishes an International Fund for Cultural Diversity, but the resources depend on voluntary contributions from member-states.

Some delegates insisted on the absence of a contradiction between UNESCO and WTO. A French delegate insisted that cultural products have a double nature: they are source of wealth with a commercial aspect, but they also represent a 'production of the spirit' with a creative aspect; as such, they need to be considered by the two organisations.⁴⁷ An ideal 'share of competences' – or a division of labour – would be one in which the WTO would deal with their commercial nature and implications, while UNESCO would protect their spiritual or intellectual part. Interviewees also mentioned interministerial coordination as a means to prevent disputes. If UNESCO and WTO decisions conflict, the ministries of economy and the ministries of culture could come to an agreement.⁴⁸ But how realistic is this? After all, states do not simply choose between IGOs in designing the policies they want. There is a hierarchy among intergovernmental organisations and the institutions of global governance. Budgets and areas of competence determine influence and power. Within the system of intergovernmental organisations, UNESCO has one of the smallest budgets and its areas of competence are 'soft' compared to those of the WTO. Thus, in any potential disagreement on cultural products or the exchange of cultural good, it is surely the WTO that would prevail.

Conclusions: culture matters but liberalisation proceeds

This article has examined the making of an international convention in an inter-governmental organisation and has drawn on world-systems and world-polity theories to frame and explain the debates, the outcome, and the implications of the adoption of the Convention on the Protection of the Diversity of Cultural Contents and Artistic Expressions. Academic studies of globalisation have been characterised by, among other things, disagreements over whether globalisation is at heart an economic or a cultural process. The making of the UNESCO convention shows that culture matters, and that member states can go a long way toward addressing liberalisation and cultural invasion. But it also shows that given a capitalist world-system, economics trumps culture – or, to put it less bluntly, cultural concerns end where economic agreements and financial concerns begin. A related conclusion

⁴⁶ From the WTO website (http://www.wto.org/english/thewto_e/whatis_e/tif_e/disp1_e.htm).

⁴⁷ Interview with Catherine Dumesnil, delegation of France to UNESCO.

⁴⁸ Ibid.

is that although the defeat of the United States over the Convention would suggest its declining hegemony, the compromises that were necessary confirm the power that the financial and trade institutions have in the contemporary world-system, and the way the power of capital is reflected in inter-governmental debates within the UN.

The debates surrounding cultural diversity at UNESCO show the prevalence of the negative views of cultural globalisation, as the literature discussed earlier in this article has emphasised. Member-states with cultural policies and their own national cultural interests were keen to prevent cultural standardisation by developing an international convention. The very fact that governments came together to agree on yet another convention – a standard or norm governing relations among states and contributing to ‘universal’ values – certainly would confirm the postulates of world polity/world culture theory. But we also have shown that member-states – whether culturalists or liberals, as we designated the two main positions – appeared aware of the need not to challenge the WTO or the new global trade regime, with its explicit rules and its mechanisms for settlement of dispute. The UNESCO Convention is about general principles to guide governments in the protection of cultural expression and in international cooperation; it is not about binding agreements on exchanges. Even though passage of the Convention marked a major defeat for the Organization’s largest financial contributor, it is not inconsistent with the current global trend in liberalisation of markets. It may be regarded as an affirmation of the French politician Lionel Jospin’s famous statement: ‘Yes to market economy; no to market society.’⁴⁹

While the Convention does not upset in any significant way the structure of power in the world system, it does signify a crisis of legitimacy on the part of the hegemonic power. The US may have its way on many issues within UNESCO and elsewhere, but the workings of intergovernmental organisations can sometimes exhibit dynamics contrary to expectations of hegemonic influence. The compromises and apparent weaknesses of the Convention notwithstanding, its passage was a major defeat for the United States delegation at UNESCO. The long US departure from UNESCO (1984–2003) affected member states’ attitudes toward the US. On the one hand, the return of the US was needed politically and financially; on the other hand, it created some anxiety and not a little resentment among the different actors at UNESCO. After its return, the US needed to gain credibility and build trust by exhibiting a cooperative spirit and avoiding any appearance of bullying or unilateralism. It did not succeed in doing this; moreover, its leverage as leader of the ‘free world’ had declined.

It is an open secret that the United States’ return to UNESCO was conditional on a number of extraordinary concessions and entitlements, which other member-states neither exercise nor demand. In fact the more power a state has or arrogates to itself, the more other states fear a relative loss of influence or attempted domination from the great power. What is more, the United States’ position on the Convention showed its misreading of cultural concerns in the era of globalisation. Despite the American delegation’s statements about the multicultural and immigrant nature of the United States, the delegation showed insensitivity to cultural concerns internationally. Our Belgian interlocutor at UNESCO put it starkly: ‘All is procedure for Americans, and

⁴⁹ Quoted in Martin Wolf, ‘The New Capitalism: How Unfettered Finance is Fast Reshaping the Global Economy’, *Financial Times*, 19 June 2007, p. 13.

also they have significant economic interests.⁵⁰ The ‘historical baggage’ connected with its departure and return, as well as the negative perception of American ‘hyper-power’ in the contemporary international system, played a key role in the overwhelming defeat of the US position on the Convention.

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⁵⁰ Interview with Christian Lepage, Belgian delegation to UNESCO, Paris.

