Resolution on working towards a Convention on the protection of the diversity of cultural content and artistic expression

2005/2528(RSP) - 14/04/2005 - Text adopted by Parliament, topical subjects

The European Parliament adopted a resolution tabled by the Committee on Culture and Education on working towards a Convention on the protection of the diversity of cultural content and artistic expression. It refers to the decision of UNESCO's General Conference on 17 October 2003 to launch work towards the elaboration of a draft Convention on cultural diversity for the next session of the General Conference in 2005. Parliament points out that the Convention must be a tool of international cooperation in favour of cultural development. It believes that the draft Convention represents a serious attempt to address the challenges posed to cultural diversity through globalisation and international trade policy and welcomes the process of establishing a binding standard-setting instrument for the protection of cultural diversity. Member States must make every effort to coordinate their positions, among themselves and with the Community. Parliament expresses its **concern that any lack of unity will undermine the Community's position** and credibility in the negotiations. It stresses the importance of EU unity and the need for Parliament to be fully involved in defining a clear mandate, as well as taking into account the views expressed by civil society. Members insist that the Commission should not only provide the Council with updates on the negotiations within UNESCO, but must also ensure that Parliament is kept fully informed.

With regard to the Convention itself, Parliament believes the following:

- the proposed UNESCO Convention must very clearly underline the right of States Parties to develop, maintain and implement policies and laws designed to promote and protect cultural diversity and media pluralism. The latter must be a fundamental principle of the Convention;

- it is essential to strengthen the rights enshrined in the Convention and that any attempts to dilute or weaken these rights in any way through the Convention must be resisted;
- the Convention must recognise the important role played by public services, notably public service broadcasters, in safeguarding, supporting and developing cultural diversity and identity and access for all citizens to quality content and knowledge;
- it must guarantee transparency, the principle of proportionality and democratic principles;
- it must be based upon the principles of individual human rights as laid down in international instruments, including the right to freedom of information and opinion, and to intellectual property;
- the issue of the relationship between international trade law and the future UNESCO Convention is a key aspect, which should best be approached in such a way that the protection of cultural diversity is given at least the same priority as other policies, and on no account a lesser priority;
- the Convention must provide for a simple, single, binding mechanism for settling disputes, in order to develop, in international law, case-law relating to cultural diversity;
- any definition of cultural industries in the Convention should include not only the production but also the creation, publication, promotion, distribution, exhibition, provision, sale, collection, storage and preservation of cultural goods and services;
- the Convention should recognise the importance of both direct and indirect public financial aid and that States Parties may determine the nature, amount and beneficiaries of such aid;
- States should retain the right to organise, fund and define the remit of public service institutions devoted to safeguarding cultural diversity and media pluralism, notably that of public service

broadcasters, in order to ensure their democratic and social relevance for their societies, and that this must also apply in the digital knowledge age;

- the Convention must protect the rights of States Parties to extend their cultural policies to new media content and new means of distribution and that the principle of technological neutrality must be explicitly mentioned in the Convention.

Parliament welcomes the proposal for a Cultural Diversity Observatory within UNESCO, which must operate in collaboration with the professional organisations. It insists that the EU and its Member States should do nothing in the process of the negotiation and conclusion of this Convention to compromise cultural diversity or undermine the ability of governments to support cultural diversity and identity.