



United Nations  
Educational, Scientific and  
Cultural Organization

Organisation  
des Nations Unies  
pour l'éducation,  
la science et la culture

Organización  
de las Naciones Unidas  
para la Educación,  
la Ciencia y la Cultura

Организация  
Объединенных Наций по  
вопросам образования,  
науки и культуры

منظمة الأمم المتحدة  
للتربية والعلم والثقافة

联合国教育、  
科学及文化组织

# Diversity of Cultural Expressions

1 IGC

**Distribution limited**

**CE/07/1.IGC/INF.6**  
**Paris, 20 September 2007**  
**Original: English**

## INTERGOVERNMENTAL COMMITTEE FOR THE PROTECTION AND PROMOTION OF THE DIVERSITY OF CULTURAL EXPRESSIONS

**First session**  
**Ottawa, Canada, 10-13 December 2007**

### INFORMATION DOCUMENT

## **Civil Society and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)\***

This report, commissioned by UNESCO Secretariat, offers a synoptic overview of the term civil society, existing definitions, functions of civil society organizations, measurement of civil society capacity and modalities of interaction and coordination.

\* This study was drawn up at the request of the Secretariat by Mr Helmut K. Anheier, Center for Civil Society, School of Public Policy Affairs, University of California, Los Angeles; Professor of Sociology, University of Heidelberg. The opinions expressed herein are not necessarily those of the UNESCO Secretariat.

The notion of civil society is deeply embedded in the 2005 Convention. Implicitly or explicitly, reference to civil society and its institutions is made in several articles of the Convention. Taken together, they are testimony to the importance attached to civil society both for the constitution of cultural diversity itself and for its protection and promotion through cultural policies and measures. Specifically (emphases added):

- Article 11 acknowledges the fundamental role of civil society in protecting and promoting the diversity of cultural expressions, and calls on parties to encourage the active participation of civil society in their efforts to achieve the objectives of the Convention.
- Article 6 states that Parties to the Convention may adopt measures aimed at protecting and promoting the diversity of cultural expressions within their territory that, among others, include measures aimed at encouraging non-profit organizations to develop and promote the free exchange and circulation of ideas, cultural expressions and cultural activities, goods and services, and to stimulate both the creative and entrepreneurial spirit in their activities.
- Article 7 calls for the promotion of cultural expressions by encouraging the contributions of social groups, cultural communities, and organizations that support their work.
- Article 12, in addressing the promotion of international cooperation, call on parties to reinforce partnerships with and among civil society, non-governmental organizations and the private sector in fostering and promoting the diversity of cultural expressions.
- Article 15, too, encourages partnerships, between and within the public and private sectors and non-profit organizations for development cooperation and for the enhancement of capacities to protect and promote the diversity of cultural expressions.
- Article 19, relating to the exchange, analysis and dissemination of information, calls on UNESCO to establish and update a data bank on different sectors and governmental, private and non-profit organizations involved in the area of cultural expressions.

The importance of civil society for the implementation of the Convention and for achieving its objectives was also emphasized and reiterated by delegates from various member states at the First session of the Conference of Parties to the Convention, held in Paris in June 2007.

Clearly, while the civil society and civil society organizations feature prominently in both text and spirit of the Convention as well as in follow-up conferences and activities, it is useful to clarify definitions and terminology, to look into civil society roles and functions (in particular in relation to Article 11, but also 7, 12 and 15), explore aspects of measurement and statistics (Article 19), and provide guidance to policy measures (Article 6). Note that the relevant articles in the Convention use somewhat different terms when making reference to civil society, as illustrated by the emphases added above.

## **Definitions and Roles**

Civil society is primarily about the role of both the state and the market relative to that of citizens and the society they constitute. The intellectual history of the term is closely intertwined with the notion of citizenship, the role and limits of state power (in particular also in relation to the legitimate use of violence), and the foundation as well as the regulation of market economies. The prevailing modern view sees civil society as a sphere located

between state and market—a buffer zone strong enough to keep both state and market in check, thereby preventing each from becoming too powerful and dominating. Civil society is self-organization of society outside the stricter realms of state power and market interests. However, civil society is not a singular, monolithic, separate entity, but a sphere constituted in relation to both state and market, and indeed permeating both.

The term civil society was rediscovered in the 1980s among Eastern European and Latin American intellectuals and civil rights activists, who were looking for an alternative public realm outside that of a dominating, autocratic state. The basic insight of these intellectuals was that society needs ‘space’ for citizens to engage with each other, and that this space or sphere should be respected and not controlled by the state in any autocratic manner.

Today, the term has become a successful shorthand for the broader context of civic actions for the common good, values such as tolerance and respect for others, and philanthropy and voluntarism. It has also become seen as the context in which nongovernmental or nonprofit organizations operate and in which organized citizen interests are expressed and exchanged.

### **Different Definitions**

Many different definitions of civil society exist, and there is little agreement on its precise meaning, though much overlap exists among core conceptual components. While civil society is a somewhat contested concept, definitions typically vary in their emphasis on some characteristics of civil society over others; some definitions primarily focus on aspects of state power, politics and individual freedom, and others more on economic functions and notions of social capital and cohesion. Nonetheless, most analysts would probably agree with the statement that modern civil society is the sum of institutions, organizations, and individuals located between the family, the state and the market, in which people associate voluntarily to advance common interests.

Gellner (1994:5) sees civil society as a countervailing force keeping the forces of market and state in check: “That set of nongovernmental institutions, which is strong enough to counterbalance the state, and, whilst not preventing the state from fulfilling its role of keeper of peace and arbitrator between major interests, can, nevertheless, prevent the state from dominating and atomising the rest of society.” Similarly Keane (1998:6) defines civil society as “a complex and dynamic ensemble of legally protected nongovernmental institutions that tend to be non-violent, self-organizing, self-reflexive, and permanently in tension with each other and with the state institutions that ‘frame’, constrict and enable their activities.” By contrast, Anheier, Glasius and Kaldor (2001) propose an abstract definition similar to the structural-operational definition of nonprofit organizations to facilitate cross-national comparisons: “a sphere of ideas, values, institutions, organizations, networks, and individuals located between the family, the state and the market.”

The various concepts and approaches emphasize different aspects or elements of civil society: values like tolerance and respect for others; the role of the media and the intellectual; the connections among people and the trust they have in each other; the moral dimensions communities create and need; and the extent to which people constitute a common public space through participation and civic engagement.

Applied to the Convention, the definition suggested by Anheier et al (2001) would emphasize the role of ideas and values (e.g., civility, democracy, human rights), institutions (philanthropic support of culture or civic engagement), organizations (NGOs in the field of culture), networks (advocacy alliances for cultural diversity), and individuals (cultural

activists) to produce, promote and protect cultural diversity outside the realm of the state and the market.

The Convention makes repeated reference to nonprofit organizations and social groups, and seems to emphasize the institutional and organizational aspects of civil society. These typically include:

- Nonprofit organizations, also called voluntary organizations or nongovernmental organizations, e.g., nonprofit theatres, literary guilds, museums, the International Music Council, the World Monuments Fund etc;
- Foundations and philanthropic institutions (e.g., the Gulbenkian Foundation in Portugal, the Foundation Cartier in France, or the Foundation of Prussian Cultural Heritage in Germany, The European Cultural Foundation, or the Getty Trust in the US);
- Cooperatives and other collaborative groups among cultural producers and consumers (e.g., self-help groups among artists); and
- Advocacy groups and alliances such as the Global Alliance for Cultural Diversity or the European Forum for the Arts and Heritage.

We will refer to these institutions and organizations as civil society organizations or CSOs. In the context of the Convention, and especially the calls upon Parties to engage civil society, it is important to have an understanding of the functions and roles played by CSOs in creating, protecting and promoting cultural diversity.

### Functions and Roles

Functions or contributions are the normal tasks or roles organizations can be expected to perform. The World Bank's *Participation and Social Engagement Group* has identified six contributions CSOs make to poverty reduction, and they are useful when applied to the field of culture as well:

- ***“promoting public consensus and local ownership*** for reforms and for national poverty reduction and development strategies by creating knowledge-sharing networks, building common ground for understanding, encouraging public-private cooperation, and sometimes even diffusing tensions;
- ***giving voice to the concerns of primary and secondary stakeholders***, particularly poor and marginalized populations, and helping ensure that their views are factored into policy and program decisions;
- ***strengthening and leveraging impact of development programs*** by providing local knowledge, identifying potential risks, targeting assistance, and expanding reach, particularly at the community level;
- ***bringing innovative ideas and solutions to development challenges*** at both the local and global levels;
- ***providing professional expertise and increasing capacity*** for effective service delivery, especially in environments with weak public sector capacity, in post-conflict situations or in humanitarian crises; and
- ***improving public transparency and accountability*** of development activities, and thus contributing to the enabling environment for good governance.”

These functions can be stated more generally as they coalesce into five major roles for CSOs: the service-provider role, the innovator role, the value-guardian role, the advocacy role, and the accountability role. Specifically:

### **Service-provider Role**

Since government programs are typically large-scale and uniform, CSOs can perform various important functions in the delivery of collective cultural goods and services, particularly for minority preferences. They can also be the primary providers, where neither government nor business is either willing or able to act. They can provide cultural services that complement the service delivery of other sectors, but differ qualitatively from it. Or they can supplement essentially similar cultural services, where the provision by government or the market is insufficient in scope or not easily affordable. CSOs perform a cultural as well as economic role. Note that this role is closely related to two principles of the Convention: the Principle of the Complementarity of Economic and Cultural Aspects of Development, and the Principle of Sustainable Development.

### **Innovator Role**

CSOs innovate by experimenting with, and pioneering new approaches, processes or programs in service delivery in the cultural field. Less beholden than business firms to the expectations of stakeholders demanding some return on their investment, and not subject to the electoral process as are government entities, CSOs can, in their fields, serve as cultural change agents. If innovations prove successful after being developed and tested by CSOs, other service providers, particularly government agencies with broader reach, may adopt them, or businesses might turn them into marketable products. Article 11 of the Convention evokes the innovator role of CSOs in acknowledging their fundamental role promoting the diversity of cultural expressions.

### **Value-guardian role**

Governmental agencies are frequently constrained—either on constitutional grounds, by majority will, or other political preferences—to foster and help express diverse cultural and other values that various parts of the electorate may hold. Businesses similarly do not pursue the expression of such values, since this is rarely profitable. CSOs are thus the primary mechanism to promote and guard particularistic values and allow societal groups to express and promulgate religious, ideological, political, cultural, social, and other views and preferences. The resulting expressive diversity in society in turn contributes to pluralism and democratization. The Convention's Principle of Equal Dignity of and Respect for All Cultures, and Principle of Respect for Human Rights and Fundamental Freedoms directly support this role.

### **Advocacy Role**

In the political process that determines the design and contours of policies, cultural as well as other needs of groups are not always taken into account to the same extent. CSOs thus fill in to give voice to such interests and the values they represent and serve in turn as critics and watchdogs of government with the aim of effecting change or improvements in social and other policies. The Convention's Principle of Equitable Access relates to this role, as does the Principle of international solidarity and cooperation.

### **Accountability Role**

Accountability in this context refers to a broad range of actions and mechanisms citizens, communities, independent media and civil society organizations can use in a broad range of policy fields, including culture, to hold public officials and civic leaders accountable. Such mechanisms include participatory budgeting, public expenditure tracking, monitoring of public service delivery, investigative journalism, public commissions and citizen advisory boards. They complement and reinforce conventional mechanisms of accountability such as political checks and balances, accounting and auditing systems, administrative rules and legal procedures. CSOs become 'watchdogs', and contribute not only to greater transparency and accountability but ultimately to better governance. Note that the accountability role speaks to the Principle of Openness and Balance in the Convention.

### **Enabling environment**

Of course, not in any institutional environment will CSOs be able to perform these functions equally well, if at all. In other words, certain conditions must be present for CSOs to develop capacity and perform, and for civic engagement and CSO activities to take place in support of cultural diversity. Under such conditions, CSOs can indeed serve as key agents for development and as vehicles of cultural diversity, and hence become, potentially, valuable policy tools achieving enhanced service provision, better self-organization of society, and improved accountability in and through cultural fields.

Here, it is important to refer to Article 13 of the Convention which states that parties shall endeavor to integrate culture in their development policies at all levels for the creation of conditions conducive to sustainable development and, within this framework, foster aspects relating to the protection and promotion of the diversity of cultural expressions.

The sustainable development called for by the Convention requires an enabling environment to make cultural civic engagement, the constitution of civil society and social accountability possible. This environment is a set of interrelated conditions that foster the capacity of citizens and CSOs to engage in influencing cultural policies, strategies, and projects at both national and local level, in a sustained and effective manner. These conditions foster the growth of civil society and strengthen its capacity to participate in cultural policy dialogue and program implementation. Yet how do we know that such conditions have been met, and to what extent are CSOs capable of fulfilling the roles allocated to them in the Convention?

### **Assessment of Civil Society Capacity**

To answer these questions, we turn to measurement approaches and ways of gauging the capacity of civil society to generate, protect and promote cultural diversity. First and foremost, the complexity of civil society and the many relations and intersections it has with the economy, the state and institutions like the family, the media or cultural traditions generally make it not only possible but almost necessary to examine the concept from different perspectives and orientations. Some analysts adopt an abstract, systemic view and see civil society as a macro-sociological attribute of societies, particularly in the way state and society relate to each other. In this case, civil society would be seen almost in a Civilizational context as part of a larger system of meaning. Others take on a more individualistic orientation and emphasize the notions of individual agency, citizenship, values and participation, using econometric and social network approaches in analyzing civil society. In this case, the assessment of civil society capacity would look at indicators of cultural participation and value disposition that are appreciative of cultural diversity. There is also an institutional approach to studying civil society by looking at the size, scope and structure of organizations and associations and the functions they perform. This perspective examines the capacity of CSOs to achieve the objectives of the Convention.

Note that the different approaches to assess civil society capacity are neither necessarily contradictory nor rival; to the contrary, they are often complementary as they differ in emphasis, explanatory focus and policy implications rather than in principle. One methodological tool that achieves a high level of integration of these different approaches is ARVIN, a tool developed by the World Bank's *Participation and Social Engagement Group*, and already applied in a number of countries in Latin America, Asia, and Africa.

## ARVIN

The acronym ARVIN stands for a measurement system that looks at civil society capacity with an emphasis on civic engagement, social accountability, service delivery and the factors that influence the effectiveness and sustainability of CSOs like NGOs or citizens groups (World Bank, 2007; Anheier, 2007). It can be applied to specific foci such as culture, and adapted to fields (arts education), topics (inter-culturality), and policy issues (enhance cultural diversity).

The tool defines four dimensions that should be taken into consideration in assessing the environment for CSO capacity to help protect and promote cultural diversity: the legal and regulatory framework, the political and governance context, the socio-cultural characteristics, and the economic conditions in a given country. In addition to these 'external' conditions, there are factors 'internal' to civil society: organizational capacity, inter-organizational relations and forms of cooperation. Together, these internal and external conditions influence the strengths of enabling elements that are seen as essential to civil society effectiveness to protect and promote cultural diversity. These enabling elements are referred to by the acronym ARVIN.

Specifically:

<b>Association:</b>	Freedom of citizens to associate & Institutional legitimacy of civil society and CSOs
<b>Resources:</b>	Ability to mobilize resources for organizational objectives & Presence of organizational endowments and resources
<b>Voice:</b>	Ability to formulate, articulate and convey opinion & Internal governance of CSOs
<b>Information:</b>	CSO access to information & Accountability and transparency of CSOs to stakeholders
<b>Negotiation:</b>	Existence of spaces and rules of engagement for public and internal debate for and by CSOs

Specifically, internal factors of civil society for influencing cultural diversity, and for demanding accountability from government and business institutions are:

- the capacity of civil society to voice its demands and concerns, and to negotiate them with the state and other relevant stakeholders, with a special emphasis on CSO capacity to generate, analyze, use, manage and disseminate information on government performance;

- the organizational capacity of CSOs in terms of technical, human resource and financial capacities; for effectively demanding accountability from the state and business, CSOs require financial and human resources, and adequate skill levels;
- the internal governance of CSOs, in particular the existence of effective boards, internal codes of conduct, and periodic financial audits; and
- the strategies that CSOs use for achieving their goals, including engagement with the state, the media, and other stakeholders.

Thus, the capacity of CSOs to contribute to the protection and promotion of cultural diversity is influenced by the environment they operate in. Specifically:

- the legal and regulatory framework for citizen participation and access to information, the social and political rights of citizens to participate in the democratic process, to associate, and to express their opinions freely;
- spaces provided by the state for citizens to engage in policy making and in monitoring public actions, including government's ability and willingness to respond to civil society oversight;
- systems and mechanisms for citizens to access public information, in order to provide the information base needed for civil society to effectively engage with the state and monitor its actions; and
- effectively functioning, independent and impartial judicial institutions that ensure the predictable and effective application of laws and regulations and that effectively channel citizen demands.

The regulatory framework for CSOs is of central importance here. Obviously, without any legal space for organizing and associating, and without basic laws guaranteeing freedom of opinion, expression and association, CSOs would be few in numbers and extremely limited in their operations. A central condition is the extent to which a legal and regulatory 'space' for CSOs exists, and what laws, rules and regulations enable or prohibit them. This includes constitutional provisions of civil liberties and the rule of law, and also regulations on incorporation, tax treatment, and permissible purposes for CSOs as associations and corporations. There are four broad groups of conditions in the regulatory framework that are important for assessing CSO capacity:

1. Basic conditions
  - Right of association
  - Right of incorporation
  - Specification of allowable CSO purposes
  - Specification of allowable political and economic activities
2. Formation
  - Choice of legal forms available for CSO
  - Membership requirements
  - Capital requirements
  - Governance requirements
  - Incorporation and registration procedures
  - Governmental discretion and appeal procedures
3. Operations and financing
  - Tax treatment and exemptions
  - Tax benefits to donors

- Fund-raising regulations
- Regulation of related and unrelated business income
- Contract regimes
- Employment and volunteer regulations

#### 4. Oversight

- Regulation of non-distribution constraint
- Personal benefit restrictions
- Governance
- Accountability and reporting requirements
- User voice and consumer protection

The enabling environment for CSO is understood as a set of interrelationships between the external and internal conditions on the one hand, and enabling elements on the other. These interrelationships shape the capacity of civil society, in particular CSOs, to engage in cultural policies, strategies, programs and projects concerning cultural diversity. The enabling environment is not a constant feature across time and space; it is an ever-changing environment that can be culturally diverse across settings, and it is closely linked to economic and political performance at the macro and micro level.

### **Modalities**

In terms of modalities of interaction and coordination, as regards the purposes of the Convention, between civil society, and the public and private sectors, at both the national and the international level, there are three major areas of policy interventions. Each capitalize in various combinations on the roles CSOs can play, as service provider, innovator, value guardian, advocate and accountability enforcer:

#### **Building CSO Capacity**

In situations where CSOs at local and national levels lack capacity to engage effectively in contributing towards the objectives of the Convention, UNESCO and other relevant international organizations and Parties to the Convention, may identify and implement remedial measures. Depending on the assessed capacity weaknesses (i.e., the result of ARVIN), this could include improvements in the legal frameworks (see above) governing CSOs, governance and management training to enhance leadership, building diversified resource bases for CSO operations for greater sustainability, or encouraging volunteering and civic participation for arts and culture to increase popular support.

#### **Public-Private Partnerships**

The essence of private-public partnerships is that both public and private sector can capitalize on their strengths and develop synergetic relationships. In situations where CSOs capacity at local and national levels is strong but governmental capacities in the field of culture and cultural policy remain weak or underdeveloped, UNESCO and other relevant international organizations and Parties to the Convention, may explore innovative ways of private-public partnerships based on synergistic relations between CSOs and public agencies. Examples could include arts education (funded by private philanthropy but implemented by public schools), exhibitions (mixed funding, involvement of local arts community, and use of public space) etc.

#### **Awareness Building**

There may also be situations where CSO have the expertise and capacity to operate at local and national levels, but may be unfamiliar with the world of international cultural policy and

related fields. They may be unaware of their potential influence or shy away from international advocacy work for a variety of reasons. Here, UNESCO and the advocacy coalitions already working with the international community could play a major role in building awareness and encouraging interested CSOs to engage in a policy dialogue about the Convention, its implementation etc. In particular, UNESCO's Global Alliance for Cultural Diversity could play a major role in promoting a better international understanding of cultural diversity, and its relation to economic development.

## **Conclusion**

CSOs and civil society more generally are part of complex transitions from developing to developed economies, from industrial to post-industrial society, and from nation states to transnational policy regimes. In societies with different views of the public good and of what constitutes the common interest, heritage and future, CSOs can add to institutional diversity, contribute to innovation and prevent monopolistic structures by adding a sphere of self-organization next to that of state administration and the market. Civil society can become a field of experimentation, an area for trying out new ideas that may not necessarily have to stand the test of either the market or the ballot box. In this sense, CSOs, by both promoting and protecting the cultural diversity of societies that are becoming more complex and heterogeneous, contribute to one additional yet equally significant aspect: they add to the problem-solving capacity of modern societies.

## **Key references**

Anheier, Helmut (2007). *Arvin: A Civic Engagement and Social Accountability Framework*. The World Bank: Social Development Department.

Anheier, Helmut (2005). *Nonprofit Organizations. Theory, Management, Policy*. London and New York: Routledge.

Anheier, Helmut K., Marlies Glasius and Mary Kaldor (eds.) (2001). *Global Civil Society 2001*. Oxford: Oxford University Press.

Clark, J. (2003). *Worlds apart: civil society and the battle for ethical globalization*, London: Earthscan and Boomfield, Conn.: Kumarian.

Edwards, Michael (2004) *Civil Society*. London: Polity.

Gellner, Ernest. (1994). *Conditions of Liberty: Civil Society and Its Rivals*. London: Hamish Hamilton.

Glasius, Marlies, David Lewis, Hakan Seckinelgin (eds.) (2004). *Exploring Civil Society. Political and Cultural Contexts*. London and New York: Routledge.

Keane, John. (1998). *Civil society: old images, new visions*, Polity Press, Cambridge, England.

Putnam, Robert. (ed) (2002). *Democracies in Flux*, New York and Oxford: Oxford University Press.

The World Bank (2007). *The ARVIN Framework: A Way to Assess the Enabling Environment for Civic Engagement*.

<http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTSOCIALDEVELOPMENT/EXTPCENG/0,,contentMDK:20529003~pagePK:148956~piPK:216618~theSitePK:410306,00.html>

Permanent URL: <http://go.worldbank.org/378AB9OH00/>