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ARTICLE 7: MEASURES TO PROMOTE THE DIVERSITY OF CULTURAL EXPRESSIONS

EUROPEAN APPROACHES*

This paper, commissioned by UNESCO Secretariat, offers a synoptic overview of existing measures to promote the cultural expressions at different stages of the cultural production as specified in Article 7

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The purpose of this paper is to provide a brief overview of existing cultural policies and measures designed to promote cultural expressions at different stages of the cultural production chain as specified in Article 7 of the Convention. They are illustrated with examples from different countries across Europe in a first step to share information, data and best practices. Examples of policies and measures from other world regions are being collected in parallel as part of a wider exercise to promote transparency and capacity-building.

A framework for cultural policy development

Articles 6, 7 and 8 of the 2005 Convention can be viewed as providing the contours of a cultural policy framework aimed at protecting and promoting the diversity of cultural expressions. In short, Article 6 refers to the right of States Parties to adopt cultural policy measures within their territories; Article 7 refers to measures to promote cultural expressions; and Article 8 refers to measures to protect cultural expressions. The reference to measures aimed at promoting and protecting cultural expressions in separate Articles of the Convention is somewhat arbitrary.

According to 'Ten Keys to the Convention' published by UNESCO following the adoption of the Convention:

- the ‘paired terms promotion and protection are inseparable and reinforce each other […] when the term “protection” is used in conjunction with “promotion”, it implies the need to keep alive cultural expressions imperilled by the quickening pace of globalization […] and calls for the perpetual regeneration of cultural expressions to ensure they are not confined to museums, “folklorized” or reified’ (UNESCO 2006: 2).

This means that if cultural expressions materialized as cultural goods such as books or films are to be ‘protected’, i.e. to be preserved or safeguarded against abuse in the market, then policies and measures are needed to create the means and spaces for them to be ‘promoted’.

Article 6 encourages States Parties to recognize:

- The diversity of actors involved in the system of governance for culture including public and private institutions, domestic independent cultural industries, non-profit organizations, artists and other cultural professionals;

- The importance of public funding to support their activities in general and public institutions in particular;

- The need for regulatory frameworks/measures aimed at promoting and protecting a diversity of artistic and other cultural content (including in different languages) which audiences/consumers have access to through diverse distribution channels; and

- The importance of support for diversity in the media, including public service broadcasting.

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Both Articles 6 and 7 recognize the links in the chain from creation to production, distribution and enjoyment of cultural expressions which are to serve as signposts in an integrated cultural policy strategy aimed at the promotion and protection of diverse cultural expressions.

Article 7 can be seen as an extension of Article 6 by encouraging governments to adopt policies and measures which promote the full participation of all of its citizens in the process of creation, production, dissemination and distribution and to provide them with access to their own cultural expressions. Specific emphasis is to be placed on artists, individuals (e.g. women) and social groups (e.g. minorities, indigenous people). Article 7 (b) reminds national policy-makers that their strategies and measures are not only targeted at cultural expressions within their territory but also at opening access to, and encouraging dialogue with cultural expressions from all parts of the world. This is supported by Article 12 which calls for greater international cooperation, co-productions and the promotion of civil society partnerships through new technologies.

Article 8 directs governments to pay special attention and protect those cultural expressions at risk of extinction, under serious threat or in need of urgent safeguarding. Article 4.7 defines protection as ‘the preservation, safeguarding and enhancement of the diversity of cultural expressions’. The Convention does not address the questions of how we are to determine whether a cultural expression is at risk, which cultural expressions governments are supposed to protect over others, or which measures are to be employed in order to protect a cultural expression from extinction. These questions will need to be addressed in the future as there is no common framework, even in Europe, which could shed light on how these three degrees of risk are to be understood or measured.

We can probably assume, however, that it was not the intention of the authors of Article 8 that an endless list of cultural expressions at risk be generated. Seen in the context of Articles 6 and 7, we can imagine that their goal was to encourage States Parties to introduce policies and measures which protect spaces for a diversity of cultural expressions to emerge. This means safeguarding freedom of expression as well as artistic expression against censorship or value-based discrimination. The latter could put creativity at risk by preventing the display or circulation of new cultural expressions which do not conform to mainstream values, artistic ‘norms’, cultural canons or commercial business strategies. Moreover, they could prevent cultural change and development, which are inherent in creativity and are expected from processes of intercultural dialogue. Change and development are also essential for experimentation, which leads to new and diverse forms of cultural expressions.

Policies and measures to promote cultural expressions of individuals and groups

One of the main goals of Article 7 is to encourage States Parties to provide an enabling environment for individuals and social groups to create, produce, disseminate, distribute and have access to their own cultural expressions. Special attention is to be given to artists by directly supporting their creative works and providing them with access to the means of production and distribution. Such policies and measures are to be based on the principles outlined in Article 2 to promote equality, openness, balance and sustainability.

This may be best achieved through the development of integrated policy strategies which address individual sectors as a whole and the various actors involved at different stages of the value chain of cultural production, from individuals artists to production companies to consumers of cultural expressions. Mercer and Bennett argue that ‘from the policy-maker’s point of view this sort of strategic perspective […] has great value in determining if, when, where and how to intervene in an industry to ensure its sustainability’.

Support for the promotion of cultural expressions along the value chain

Creation

At this stage of the value chain, the objective of cultural policies and measures is to provide support for artists to create new works. They are to be developed in an environment where universal fundamental rights and freedoms are guaranteed, such as the freedom of expression and communication and the right to artistic expression free of censorship.

Below is an overview of different types of cultural policy measures which directly support artists in Europe. It is important to keep in mind that the national government is not always the main actor providing support for creative artists and their works. The degree of involvement will depend upon whether responsibility for culture is centralized or decentralized. In the latter case, regional or local authorities play an important role. For example, in Germany, the 16 Länder have historically been responsible for culture and therefore have their own funding systems and support programmes. The contrary is found in the Nordic countries, where the national government plays a key role in creativity funding and has developed a well defined system of support for creative artists. In many Southern European countries, foundations provide the majority of direct support for artists and their projects such as the Portuguese Gulbenkian Foundation.

The system of public funding for creativity in Central, Eastern and South East Europe and in the Baltic States collapsed after the fall of communism. New systems have since emerged including the establishment of sector specific arts councils and funds, e.g. in Estonia and Croatia as part of the government’s strategy to decentralize and democratize public decision-making and administration. In recent years, some countries have stalled the implementation of their strategies to decentralize responsibility for cultural policy due to the lack of resources available on the local or regional levels to finance cultural institutions. A recentralization of responsibilities has occurred in countries such as Hungary. The absence of extensive public support systems for culture in countries of East and Central Europe has led creative artists to seek funds primarily from alternative private sources including foundations, private individuals (patrons) or private companies.

While there are a diversity of public systems and traditions to support creative artists throughout Europe, they have one thing in common: funding for individual artists at the ‘creation stage’ rarely exceeds 1% of the total public expenditure for culture (except for in the Nordic countries where the share is estimated at between 3-6%)³.

Direct funding for creativity in many countries is allocated through arms-length bodies such as arts councils, national endowments or funds rather than through the ministries responsible for culture. Such funds may be derived from the culture budgets of governments, through compensation schemes, e.g. public lending rights, the state lottery, excise taxes on alcohol and tobacco sales, etc. An interesting example is found in Poland where funds to support artistic creation – mainly of young artists – are derived from the income generated on the sale of art works with expired copyrights - the so-called ‘dead-hand’ fund.

A relatively new institutional actor committed to supporting young artists is the ministry responsible for youth. For instance, in Italy, the Ministry for Youth Policies and Sports Activities has identified the promotion of young people’s artistic creativity as one of the goals in its National Plan for Youth.

Some of the main types of measures providing direct support for creation are:

- **Individual artists’ grants**: these grants can be given for a longer or shorter period of time enabling artists to concentrate on the creation of a new idea or work. One- to two-year grants or bursaries are available to writers, visual artists and composers, e.g. in Finland, Hungary, Ireland, Lithuania, the Netherlands, Sweden. Five- or even ten-year grants are part of the public funding tradition in Sweden (taxable) and Finland (tax free).

- **Artists or authors’ salaries** are monthly honoraria or payments given to selected artists to ensure that they have a minimum income – the level of which is determined by the state – for a defined period of time. These are similar to long-term project or work grants which would allow artists to concentrate fully on their work. In Austria, a special fund has been created to provide income supplements to writers and authors who have special social needs, e.g. low pensions, incapacity to work, care of dependants, etc. The Federal Chancellery/Arts Department provide income-related supplements to freelance theatre workers (‘IG Netz’) and musicians (‘social fund for the creators of music’).

- **Project grants**: these are given to both individual artists and arts organizations to undertake a specific project based on an application process. For example, the Arts Council England ‘Grants for the arts’ programme provides support for the production of new works or the promotion of new talents. The Dutch Foundation for Visual Arts, Design and Architecture also provides funds to individual artists for the creation of new works. In some cases, project grants are given within the framework of specific political priorities such as community development and outreach or to support the work of specific groups such as disabled persons.

- **Targeted funding and grants** to support the work of artists with a minority background. For example, the Arts Council England grant programme ‘Decibel – raising the voice of cultural diverse arts in Britain’ aimed to increase the number of ‘ethnically diverse artists’ among the recipients of Arts Council funding. More recently, the Flemish authority introduced measures to ensure that 10% of the cultural budget is allocated to the works of ‘non-indigenous arts and artists’.

- **Awards and prizes** given as a result of a specific competition which is organized by the Ministry of Culture for different sectors. For instance, in Croatia public competitions are held to stimulate contemporary playwriting, to support modern compositions, filmmaking and publishing. The winners of these competitions are given a monetary prize and in the case of playwriting, a Croatian theatre will stage the premiere of the prize-winning play.

- **Public commissions** for new works of art. For example, in France, the ‘1% for art’ programme is based on the principle that 1% of the total budget on the construction or renovation of a public building must be reserved for a new work of contemporary art. This measure is applied in many European countries.

- **Artist-in-residency programmes**. Artists are given free studio space and a monthly allowance or small grant to concentrate on a specific work, e.g. the Nordic Artists’ Center in Dale, Norway. Other types of residency programmes offer subsidized rents and provide assistance to help artists find funding to cover the costs of their stay. Some simply provide unique spaces for artists to stay for pre-determined periods of time. In the latter case, artists are responsible for covering all of their own costs.

- **Subsidises for rehearsal or studio space**. Governments provide subsidies to cultural institutions or centres which offer artists spaces to work at a reduced price or for free.
For example, the St James Cavalier Centre for Creativity in Malta allows artists, especially young artists or those embarking on innovative projects, to use its rehearsal spaces for free.

- **Support for formal and informal arts education and training.** Nurturing creativity at the earliest stages of development is a policy priority for most governments.

**Production**

The objective of cultural policies and measures at this stage of the value chain is to provide support for the means of production and access to institutions of production.

Many countries, regions and cities in Europe are undertaking cultural or creative industry mapping exercises as a first step in the process of developing *sector specific strategies to support local cultural production*. Strategies have been produced in Austria, Estonia, Finland, France, the Netherlands, Poland, Spain, Switzerland, and most famously, in the UK. They have also been prepared for local regions/cities such as North Rhine-Westphalia, Flanders, Ile de France, Plovdiv and Split.

There are a range of economic measures which governments have adopted to provide support for artists as entrepreneurs operating in the cultural industries. They are designed to help them set up their own companies, find capital and negotiate loans from the bank. Some measures found across Europe are:

- **Reduced interest rates on loans:** In Hungary, the Ministry of Education and Culture offers subsidies to cover 50% of the interest on loans taken out by book production companies. This scheme is jointly managed with a private bank which is selected through a tendering process;

- **Loans and lines of credit:** The Austrian Labour Service runs a start-up programme which provides lines of credit to new entrepreneurs, including those from the culture sector;

- **Capital investments:** In the UK, the Creative Advantage Fund West Midlands provides investments in the form of seed capital;

- **State acts as a credit guarantor:** In France, the Institut pour le financement du cinéma et des industries culturelles (IFCIC) was created in the early 90s to act as a credit guarantor and investment promoter for various companies working in the cultural sector. It works mainly in cooperation with private banks;

- In Flanders, the government supports CultuurInvest, a *semi-public body* which provides short-term and bridge financing for specific projects as well as growth capital and loans to cultural entrepreneurs. It also cooperates with the Vlaams Innovatiefonds-Flemish Innovation Fund, which invests risk capital into innovative, start-up enterprises. The capital basis of CultuurInvest is derived from public funds (50%) and private investors from the banking and insurance sectors.

Other types of measures providing support for local production are:

- **Direct subsidies to local production companies:** Several countries throughout Europe provide direct subsidies to cultural industry producers such as book publishers;

- **Production quotas** imposed on public broadcasters, for instance, to allocate a certain share of their budget to programmes created by local independent producers: Some
countries have actually increased their level of state support for domestic cultural productions such as films or other audiovisual productions and have set targets for domestic production as part of a strategy to diversify the supply of cultural content, such as in Norway;

- **Public purchases grant schemes** as a means to support local production: These schemes guarantee the purchase of works of art or literature to be publicly displayed or distributed. For example, in France, the art purchasing grant scheme, funded equally by the State and regional councils, is distributed via the FRACs (Regional Fund for Contemporary Art). Over 14,000 pieces of work have been purchased from ca. 3,000 artists by the FRACs since the creation of the programme in 1982. In Austria, the scheme is managed by Artothek, which has to date acquired about 24,000 works of art;

- **Management support, coaching and/or mentoring programmes** for new cultural entrepreneurs in the UK and in Flanders;

- **Cultural management modules** are emerging at many arts, theatre and music academies across Europe.

**Distribution/dissemination**

The objective of cultural policies and measures at this stage of the value chain is to provide support for the distribution of diverse cultural expressions in the marketplace. There are various channels which can be used to distribute these works, for example: **public cultural institutions** (e.g. theatres, concert halls, museums and exhibition halls); **privately owned cultural enterprises** (e.g. book and music stores, private galleries); **professional festivals** (local or transnational); **open public spaces** (streets, parks, city centres); **channels of mass communication** (e.g. radio, television, cinema, Internet). Public support for these channels varies, yet is much larger and more extensive than the means available to support creation, for instance. A review of the budgets of the ministries responsible for culture across Europe show that an overwhelming majority of funds are invested in creating, maintaining and preserving large-scale **public cultural and media institutions**.

While public subsidies to support **independent distribution companies** are not usual, there are some exceptions, for example in Spain, Sweden, or Germany. In the latter case, public subsidies have been provided to film distribution companies over the past 20 years. Support for these enterprises is considered extremely important in the context of diversity as it enables the distribution of cultural goods which may not otherwise make it past the gatekeepers located in the buying departments of major distribution companies. On the European level, some smaller countries find it difficult to enter neighbouring markets. According to 2003 figures published by the European Audiovisual Observatory, only about 30% of all European films were distributed beyond their national borders. This figure drops dramatically when examining the figures for films produced by new member states of the EU; only 18 films produced by these countries were distributed throughout Europe, accounting for 0.01% of the European admissions in 2003. New films from these countries, for example, will either not find a distributor or will enter the market in a small number of copies and be distributed only to selected art house cinemas in big cities and beyond the reach of the majority of European audiences. Initiatives such as the EU supported **Europa Cinemas** or state supported **regional film centres** (e.g. in Finland) are working to diversify the supply controlled by a small niche of distributors.

**Festivals** are extremely important venues for artists to distribute and exhibit their work among colleagues as well as to the larger public which may not otherwise have access via the
mainstream marketplace (including mainstream public cultural or media institutions). Direct public support for festivals is usually given in two ways:

- **sponsorship** to the organizers of the festivals or
- **travel grants** to enable a wide base of participation for artists from different locations.

**Content regulations** in the form of quotas, for instance, are proactive measures which are implemented to restore competition in the marketplace by increasing the opportunities for domestic productions to be distributed within their own country. There are many different kinds of quotas which regulate the share of domestic, foreign, cultural and linguistic content of film, television and radio programmes, and which are distributed through the national broadcasting systems.

**Cultural content quotas** also regulate the type of programmes broadcast, stipulating that a certain share of time is to be reserved for theatrical performances or music concerts. While these quotas are mainly aimed at public broadcasters, some countries have included such public service obligations in the licensing requirements of commercial broadcasters. For example, in the UK, all commercial broadcasters have to respect strict quota regulations on regional and independent productions. The same approach has been adopted in France and Slovenia where commercial broadcasters must respect public service quotas. Promoting the diversity of cultural content is one of the main priorities set by the *Network of Broadcasting Regulations and Cultural Diversity* through its Barcelona Declaration 2004. Among the members of the network are regulatory authorities, broadcasting and independent film councils, universities and research institutes from across Europe.

Direct public support is also given for the **distribution of artistic works in public places**. This can be in the form of grants (given through urban renewal funds) to display large works of art permanently or present temporary installations. Funding comes either from the state or from the budget of local municipal offices which are earmarked for these purposes. Direct support is also given to the organization of live events, such as the ‘Fête de la musique’ street festival in France which gives artists and musicians access to the public which they would not otherwise have outside of mainstream radio stations, bars or clubs (to which access may be limited).

**Access and enjoyment**

Cultural policies and measures to promote access to diverse cultural expressions have traditionally been constructed around the goal to increase the public’s participation in cultural life as a means to enhance their overall quality of life. Mercer and Bennett further qualify participation as:

- Freedom from oppressive restraint (liberty to exercise cultural choice including non-participation);
- Real possibility (actual capacity for choice, action, participation);
- Knowledge of those possibilities (intellectual access);
- Confidence to act upon them (opportunities for the accumulation of cultural capital through education, the family, networks, etc.);
- Physical access through distribution of infrastructure and capacities for such access;

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- Facilitative support from others (networks of sociality and governmental or community facilitation).

Activities and programmes resulting from current policies aimed at promoting participation in cultural life are carried out through: publicly subsidised cultural institutions (to provide better access to their services); educational institutions (introducing children and young people to a range of cultural services and activities); local community art centres (as a platform for amateur arts); or in open public spaces (where individuals and groups can meet to share/exchange cultural expressions). Some of the cultural policy aims are to:

- provide all citizens with an awareness of cultural activities and the skills to participate in them through education programmes;
- provide location-disadvantaged citizens with access to cultural activities and expressions;
- help overcome financial barriers and make it easier for citizens to have access to exhibitions or public galleries (through reduced price tickets or free entrance);
- overcome physical, linguistic and other cultural barriers to participation in cultural life.

Increasing public awareness about the diversity of cultural expressions has become a policy strategy or tool in some countries. For example, in Sweden, the government introduced a promotional campaign in 2006 as the Year of Cultural Diversity to encourage the main public cultural institutions to ‘open their doors more fully to new Swedes’. This campaign is said to have raised public awareness about the cultural expressions of individuals and groups with migrant cultural backgrounds. A series of concrete recommendations were produced at the end of the Year which supported the introduction of a targeted cultural policy approach accompanied by specific diversity measures. New action plans are being created in other countries aimed at promoting the participation of minorities in cultural life, e.g. the Finnish Ministry of Culture’s Accessibility in Arts and Culture Action Plan 2006-2010.

As stated at the beginning of this paper, Article 7 (b) of the Convention reminds national policy-makers that their strategies and measures are not only to be targeted at promoting local cultural expressions but also at opening access to, and encouraging dialogue with cultural expressions from around the world. In this context, international cultural cooperation policies – beyond cultural diplomacy – are relevant. Different government approaches have so far focused on:

- support programmes aimed at enhancing the competitiveness of local productions abroad by providing support for their export. In some countries special working groups have been established, such as the UK Creative Exports Group (CEG) which aims to help increase the creative industries’ economic potential at home and enhance their export potential;
- promotion of local productions abroad through cultural institutes or sector specific information centres such as music information centres;
- promoting local artists and their works at international or regional contemporary art or book fairs and film festivals;
- translation of locally produced works into foreign languages as part of a larger scheme to promote culture abroad;
- the exchange/mobility of students, artists and other professionals working in the cultural field through a variety of schemes including residency programmes;
- the realization of common trans-national/international projects such as co-productions;
- support for information exchange and networking activities.

The provision of space for cultural expressions from around the world will also depend upon how governments address the imbalance in the global flows of cultural goods and services. This refers to strategies which target the import of cultural goods and services from specific world regions rather than solely focusing on the export of domestic goods and services. The EU Cotonou Partnership Agreement with African, Caribbean and Pacific (ACP) countries to support their cultural development as well as to improve access to European markets for ACP cultural goods and services is one example. This Agreement was recently followed up with a proposed EU-ACP Cultural Fund.

However, there are some urgent challenges facing international cooperation and exchange in the cultural field such as border regulations which erect high barriers of entry, increasing visa fees, administrative burdens for touring companies or double taxation policies for independent artists.

**Establishing Operational Guidelines for Article 7**

Article 7 is an important reference point for cultural policy-makers and other stakeholders of the Convention which encourages them to promote the cultural expressions of artists, individuals (e.g. women) and social groups (e.g. minorities and indigenous peoples), at all stages of the cultural value chain from creation and production to dissemination, distribution and consumption.

Examining existing cultural policies and measures through the cultural value chain analysis can provide governments with the information they need to determine where future policy intervention and additional financial resources are needed. Locally based research infrastructure is required to ensure the systematic and regular collection of relevant information and data in order to inform this type of policy analysis and development. The participation of civil society in the process of collecting information and interpreting results is essential.

States Parties to the Convention should consider the following in their efforts to implement Article 7:

- Cultural policies and measures aimed at the promotion of a diversity of cultural expressions are to be based on the principles of equality, openness, balance and sustainability.
- Recognizing that the system of governance for culture and artistic creativity involves a range of governmental and non-governmental actors, institutional spaces are required to ensure the participation of a diversity of voices in policy-making processes.
- Promoting the diversity of cultural expressions at different stages of the value chain requires an integrated approach to cultural policy-making which includes the participation of various government ministries/departments. Interdepartmental working groups could be set up in this regard. Representatives from non-governmental bodies should participate in these working groups and in the formulation of integrated policy strategies.
- Nurturing and supporting artistic creativity is a centre-piece of policies to promote a diversity of cultural expressions. Providing opportunities for artistic works to be distributed in the marketplace as well as through public institutions or channels of communication is equally important. Public support can enable the distribution of artistic works and local cultural productions which may not otherwise make it past the gate-keepers located in, for instance, the buying departments of major distribution companies.

- Cultural policies and measures should take account of the specific needs of individuals (e.g. women) and social groups (e.g. minorities and indigenous peoples) and the barriers they face from participating at different stages of the value chain of cultural production. Attention is to be paid to providing support for their works through creativity directed measures.

- Means of targeted support can be introduced even in countries which do not officially recognize specific groups or which have adopted ‘mainstreaming approaches’ to gender equality. Examples from countries in Europe show that the absence of legal recognition of minorities in their Constitutions has not prevented some governments from introducing measures aimed at setting targets on the distribution of public funds/subsidies to individuals and groups or encouraging publicly subsidized institutions to diversify their governance and/or management structures. Regional/local governments, cultural institutions (both public and private), community or cultural associations play a particularly important role in this regard by providing support to or promoting the cultural expressions of minority or migrant groups.

- An essential component of cultural policy strategies aimed at promoting the diversity of cultural expressions is to ensure access by the public to such works. This implies not only enabling citizens physical access to institutional and non-institutional spaces, but also providing them with intellectual access. In this regard, policies and programmes should aim to raise awareness of diverse cultural expressions and activities, providing citizens with the knowledge and skills to understand and/or develop curiosities about diverse cultural expressions, and overcome linguistic and other cultural barriers.

- Strategies aimed at promoting a diversity of cultural expressions are directed to works which originate from within a specific territory as well as those which originate from a variety of world regions. In this context, international cultural cooperation strategies should focus not only on promoting cultural expressions abroad (export-driven strategies), but also on enabling the distribution of diverse cultural expressions from different world regions within their respective markets (import-driven strategies).

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Cultural policies and measures to promote a diversity of cultural expressions cannot alone address all of the challenges facing individuals and groups at different stages of cultural production. The development of transversal strategies involving policy-makers from different sectors is required, such as between the culture ministry and the tax authorities, labour, health or social ministries, trade and competition departments and so on. This does not imply a shifting of responsibility from one ministry to the next but rather the adoption of a culture-centred approach to joined-up policy development to promote diversity.