

**CIVIL SOCIETY REPORT TO THE
INTERGOVERNMENTAL
COMMITTEE**

UNESCO 2005 CONVENTION

AN AFRICAN PERSPECTIVE

Introduction

At the CSO Forum on 12 June 2017, individuals engaged in the planning of the African Cultural Policy Network (ACPN) announced that this Network was to be launched shortly. The need for a Pan African network that concentrated on arts and culture policy was precipitated by declining capacity and resources in existing NGOs that obliged them to concentrate on particular areas of their mandate, the general absence of African voices in global forums concerned with cultural policy, and the unequal power relations in international civil society organisations where the Global South generally, and Africans in particular, played supplementary, genuflecting roles to their Global North counterparts.

By the end of August 2017, more than 70 founding members spread over 23 African countries had adopted a Constitution, and elected the core of the African Cultural Policy Network's Steering Committee.

Among the aims of the African Cultural Policy Network are the following:

- a. To research, devise and advocate for arts, culture and heritage policies that are relevant and appropriate to varying African conditions
- b. To interrogate international cultural policy themes, strategies and ideas, to present alternatives where necessary, and to initiate and proactively lobby at international level for cultural policies that are priorities and appropriate to African conditions
- c. To serve as an African voice and advocacy network in international, regional (African), national and local forums to do with arts, culture and heritage policy
- d. To provide support to cultural policy-makers, cultural activists and advocates working in, or connected to African arts, culture and heritage
- e. To develop strong relationships with similar networks and advocacy organisations globally, but particularly within the Global South (Asia, Latin America, Africa, the Arab region, Caribbean, Pacific region) and Eastern European countries who share similar conditions to Africa
- f. In recognition of varying African conditions, histories and cultures, to facilitate and encourage robust debate and theorising about arts, culture and heritage in Africa
- g. To build policy-making, implementation, monitoring and evaluation capacity within Africa's arts, culture and heritage sector
- h. Vigorously to promote and defend the aims and principles of the ACPN as outlined in its Constitution

The priority of the African Cultural Policy Network at the outset was to ensure sound internal governance: that a Constitution spelling out the "rules" of the organisation would be debated and adopted, that a Steering Committee would be transparently elected, and that the initial work programme, aligned directly to the aims of the Network, would be discussed and adopted by the new Steering Committee so that they took ownership of the direction of the organisation.

Submission of an African Report

We warmly welcome the Convention's governing structures and their making it increasingly possible for Civil Society structures to engage with and participate in matters to do with the Convention. We are greatly encouraged too by the work of the Convention Secretariat in giving practical effect to the operational guidelines that affirm the role of Civil Society in the pursuit, implementation and evaluation of the Convention.

However, Civil Society is not a homogenous global entity; the divisions and inequalities that the Convention seeks to address are reflected within Civil Society too.

Some key reflections in this regard are the following:

1. Given the location of UNESCO in Paris, and that the COP and IGC meetings take place there, the CSO structures and the Convention's governing bodies that seek to engage with each other, will require Civil Society organisations to travel and be present in Paris during the relevant meetings. It is far easier and less expensive for Global North CSOs generally, and Western

European CSOs in particular to participate in such meetings, so that CSO gatherings at UNESCO will be overwhelmingly representative – numerically, in terms of interests, working styles, the management, etc – of Western European CSOs than other parts of the world. This – generally - holds true too for international federations that might have affiliates globally, but which are more often than not represented by colleagues based in Western Europe for pragmatic reasons. There is thus a fundamental structural problem in developing a “global Civil Society” report, or in having “global Civil Society” represented at Convention-related meetings.

2. Western Europe has more political space for CSOs, more funding and better technology to sustain CSOs so that individuals operating within Western Europe may have more time and space to devote to additional work. Many Global South countries – as may be gleaned from Quadrennial Reports and reports that monitor the implementation of the Convention – have more constrained political conditions, have less public funding, fewer skilled human resources and more erratic access to technology, with such different conditions impacting on the capacity of CSOs to organise and sustain themselves and to participate in “global” reporting to ensure that their voices are heard. With more favourable conditions in Western Europe, inadequate attention is given to the strategies necessary to engage with and involve Civil Society structures and civil society actors from Global South countries.

For these reasons, we offer this report for consideration by the IGC and propose that regional reports need to be encouraged, with a task group truly representative of all regions then synthesising regional reports into a global report that articulates what is common to all, and highlights challenges and opportunities that may be specific to regions.

This report does not claim to speak for all of Africa; it is based on questionnaires from our members, a Civil Society Report from South Africa, consideration of the Quadrennial Reports submitted by African countries, inputs at the recent African Caribbean and Pacific Summit of Ministers of Culture, and our knowledge and experience of matters related to the 2005 Convention as practitioners and activists in Africa.

For the purpose of action, this report concentrates less on a listing and description of activities undertaken by African CSOs (this may be gleaned from reports to the IFCD and some Quadrennial Reports and because most CSOs undertake activities that are consistent with, but without being aware of, the Convention) than on the identification of challenges and recommendations for addressing these.

Key challenges to the implementation of the 2005 Convention in Africa

1. *Lack of political will:* Nearly 80% of African countries have ratified the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, but a combination of a lack of understanding of the Convention among public authorities both within the ministry directly responsible for the Convention and within other ministries that impact on the Convention (and vice versa), result in a lack of political commitment to the Convention.
2. *Lack of tangible results:* Africa has benefited most as a region from the IFCD established in terms of the Convention with 46% of the IFCD’s funding being allocated to African projects. However, other than this statistic which – given the limited IFCD overall amount of funding – in real terms does not have a “critical mass” impact on Africa’s creative sector, there appear to be few concrete benefits that derive from being signatories to the Convention to warrant greater political and public funding support.
3. *Poor understanding and integration of culture in development:* The Sustainable Development Goals are most relevant to Africa as a region and most African countries are located in the Low Human Development category of the Human Development Index. The transversal nature of culture and its impact on development on the one hand and on the other, the impact of development on culture, is not grappled with as it should be, in informing development and

cultural strategies, so that the default position is the economic contribution of the creative industries in development.

4. *Limitations of the Convention as a trade-related document:* The emphasis of the Convention on trade in creative goods and services i.e. on the creative and cultural industries as drivers of economic development – and thus of social and human development, is incompatible or inconsistent with conditions in many African countries in that Africa has had consistent and substantial economic growth over the last twelve years and yet, poverty reduction and poor human development indicators have remained stagnant. With high levels of poverty, the creative and cultural industries face major challenges to be sustainable within local markets. Much of policy and strategies emphasise the “supply” side of the creative industries, with little emphasis on building and supporting “demand” i.e. audiences and markets for creative goods and services.
5. *Underdeveloped value chain:* While there is much generic talk about the creative and cultural industries, there is insufficient research into the industries in which different countries are strongest. There is no shortage of the “raw material” of talent, but as with Africa’s minerals, there is little investment in the creation, production, dissemination/distribution, consumption and evaluation i.e. in all levels of the value chain within and across the creative and cultural industries.
6. *Informal nature of African creative economy:* As with many of their counterparts in other economic sectors on the continent, artists in most African countries operate within the informal economy and actively resist forms of regulation in order to avoid paying tax; this means that collecting statistics to inform policy-making and collecting revenues from the creative and cultural economy are more difficult in this region than in more formal economies.
7. *Ineffective intellectual property regimes:* On the one hand, effective copyright regimes are necessary for the growth of the creative and cultural industries; on the other hand, poverty on the African continent means that the market demand for creative goods is at much lower prices than those set by producers. In this context, piracy flourishes, with producers losing income but also many without employment who derive income through being part of the pirate distribution chain, are able to cover basic living costs. With police forces and the justice system under pressure to act on more important fronts of criminality, infringement of copyright rights is under-policed.
8. *Lack of capacity:* One of the key challenges on the continent is the absence of skilled and experienced human resources within government and publicly-funded institutions on the one hand, and on the other, in all levels of the value chain in the creative and cultural industries. There are few formal institutions that provide high level education and training, mentoring and support to develop the necessary expertise effectively to implement the Convention.
9. *Lack of resources:* There is a lack of financial resources from the public and private sectors in most African countries to invest in the creative and cultural industries. The lack of local markets with disposable income also make sustainable creative work challenging. There is thus an unhealthy dependence on international funding from embassies, development agencies and multilateral bodies, also resulting in unspoken and inequitable power relations between African and international partners.
10. *Outdated or irrelevant cultural policies:* Many countries have outdated cultural policies or embrace policy themes that emanate from Global North conditions because the latter may come with resources or promises of resources. Often too, policies exist and international cultural protocols are ratified, but they are poorly implemented, with poor mechanisms to monitor and evaluate the implementation of policies and protocols so that the value of such policies and protocols is limited.

General challenges faced by African Civil Society in the implementation of the Convention

1. *Lack of information and awareness:* Civil society organisations and actors are seldom informed of cultural policies which are made or ratified on their behalf, and while governments participate in international forums to do with the Convention, the information about the Convention e.g. operational guidelines, is seldom, if ever disseminated to civil society. Often then, civil society engages in activities that reflect the goals of the Convention without being aware of the Convention; greater awareness of the Convention would serve both civil society and public sector actors.
2. *Limited political space:* Most African artists live within authoritarian or hybrid political conditions that militate against freedom of creative expression.
3. *Tensions between civil society and governments:* With limited funding for the creative sector and with political restrictions on creative expression, there is often tension between African governments and their respective creative sectors so that co-operation in implementing and evaluating the Convention – as recommended by the Convention – does not take place. At times, government creates sweetheart civil society structures to undermine independent, critical civil society movements. In many cases, civil society acts in parallel with and sometimes in opposition to government.
4. *Fragmented nature of government:* Different government departments – rather than one department – have responsibility for various aspects of the Convention. In addition, the creative sector increasingly finds positive responses to their advocacy and funding efforts at local government levels. There is a distinct lack of information and co-operation between national government departments and different tiers of government in coordinating the implementation of the Convention and in co-operating with Civil Society structures.
5. *Limited funding for networks:* If there is limited funding for creative production and distribution, there is even less funding to sustain independent networks and professional associations to advance and defend the interests of civil society. This means that professionals often do not have a formal structure through which to engage with their respective governments and with international counterparts.
6. *Dependence on international funding:* Civil society networks are dependent on international funding so that when international conditions shift requiring a shift in funding priorities, the feasibility and sustainability of such networks are compromised. Their capacity to work at national, regional and international levels as effective civil society partners shifts and makes them less or more able to act as partners at such levels.
7. *Lack of interest in cultural policy:* As creative practitioners generally believe that they do not experience the practical value of cultural policies and prioritise income-generating work in challenging conditions, civil society networks struggle to obtain the interest and support of creative practitioners for cultural policy activism.
8. *Prohibitive costs of travel:* The high costs of travel on the African continent impact adversely on developing regional markets and intercultural co-operation and collaboration at regional levels as well as on regional networking and advocacy.
9. *Different levels of technology:* Technology is increasingly helping Africans to connect with each other and with the world, to have particular services delivered and to share information. However, internet connectivity differs markedly from country to country and meetings over the internet as well as other forms of advocacy and sharing of information suffer from different levels of connectivity and the availability of technology.
10. *Impediments to the mobility of artists:* With the high level of the incidence of poverty in many African countries, artists generally struggle to make a decent, sustainable living. It would thus be in their interests to be able to travel and build regional and international markets. However, in addition to the prohibitive costs of travel already alluded to, African artists and other creative professionals face further impediments to mobility in language differences (south-south cooperation with Latin America, for example, is limited, intra-African tours between Anglophone and Francophone Africa are limited, etc); the high costs and difficulties of obtaining visas (travelling to different cities or even countries to apply in person for visas, the cost of the visa

itself, the burden of proof that the artist has the economic means to support herself, etc and the undignified manner in which African artists are treated at entry points into Europe, notwithstanding the “preferential access” clauses of the Convention).

Recommendations Concerning Civil Society Reports

1. That the Convention Secretariat be tasked with helping Civil Society actors to build a representative global civil society network that includes a focus on cultural policy generally, and the 2005 Convention in particular, ensuring that – at least - all the regions represented on the Intergovernmental Committee are represented in the civil society network.
2. That – in the interim – regional civil society actors be invited to prepare and submit regional reports on the implementation of the Convention as Civil Society
3. That such regional reports – including this one – be posted on the UNESCO Website in the relevant section dealing with matters and reports related to the UNESCO 2005 Convention.

Recommendations Concerning African Civil Society

1. That a comprehensive two-year campaign to educate the key African ministries responsible for the Convention, as well as key tertiary institutions and Civil Society actors about the 2005 Convention, the obligations of government, and its potential benefits to a country; such a campaign would include the development of a simple Toolkit on the Convention in key African languages, workshops and short on-line courses.
2. That a network of African cultural policy experts and networks be identified and upskilled to assist the public sector (national, local and regional) to devise and implement appropriate policies and strategies that speak to the development challenges of the region, with at least 2-5 such policy experts per African country receiving relevant training in matters to do with the Convention (the Convention itself, Operational Guidelines, completing IFCD applications, completing Quadrennial Reports, etc), over a two-year period.
3. That Civil Society actors and tertiary institutions be supported (in partnership with other bodies such as the ACP Secretariat, National UNESCO Commissions, etc) in training individuals to upload cultural policies from each African country as per the ERICARTS/World Cultural Policy programme, so as to learn from best practices across the region.
4. That a three-year research project be initiated and supported (2018-2020) to map what exists in each African country, as a basis for planning appropriate cultural interventions aligned with the Convention
5. That initiatives to monitor the limitation of freedom of expression and programmes to support artists at risk e.g. Arterial Network’s Artwatch project, be supported
6. That pilot projects encouraging joint entrepreneurial ventures between creative sectors in African countries, between African countries and other Global South countries and between Africa and Global North countries be supported and monitored.
7. That regional training programmes be conducted to support cultural and creative entrepreneurship, in association with local actors and service providers.
8. That a comprehensive study be undertaken into impediments to artists’ mobility – nationally, regionally, south-south and south-north - with clear, practical recommendations as to how to address these.
9. That specific seminars/conferences/workshops be held regularly (bi-annually if not annually) to deliberate and then share information two key themes
 - 9.1 innovative capital-raising strategies to support creation, production and distribution of creative goods and services and
 - 9.2 building markets and audiences (i.e. access to culture for all, arts education) locally, regionally and globally to support the sustainability and growth of creative and cultural industries

Conclusion

The conditions which led to the adoption and rapid ratification of the 2005 Convention by numerous African countries have changed, and we live in a different world twelve years later. While the relevance and meaning of the Convention need to be re-interpreted and applied to contemporary conditions, there is much that speaks to the needs and conditions on the African continent. Ultimately, it is up to actors on the continent to bring about the changes that they desire; to get there though, such actors will require partnerships at national, regional and international levels to realise the key goals of the Convention.