

# The Third Sector: Cultural Diversity and Civil Society

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*Abstract:* This paper provides a general overview of the types, membership bases, major positions, and political strategies of cultural groups and policy networks in Canadian cultural policy. There is a need for independent and critical research which can assess and respond to the growth of the several cultural coalitions operating throughout civil society. Within this context, the Canadian and multilateral initiative around a separate cultural accord in global politics offers an avenue of possibility for Canadian rethinking of the value of cultural diversity on the local, national, and international levels. The paper concludes with some suggestions for applying the principles of civic realism to the politics of cultural diversity.

*Résumé:* Cet article fournit une vue d'ensemble sur les types de groupes culturels et de réseaux politiques en politique culturelle canadienne, ainsi que leur nombre d'adhérents, leurs positions principales et leurs stratégies politiques. Dans cette optique, il serait nécessaire d'entreprendre une recherche indépendante et critique pouvant mesurer la croissance des nombreuses coalitions culturelles oeuvrant dans la société civile et pouvant réagir à cette croissance. Dans ce contexte, l'initiative canadienne et multilatérale pour avoir un accord culturel séparé dans les négociations mondiales offre la possibilité au Canada de repenser la valeur de la diversité culturelle aux niveaux local, national et international. Cet article conclut en suggérant comment les principes du réalisme civique peuvent s'appliquer aux politiques de la diversité culturelle.

## Introduction

*Living in civil society, one might think,  
is like living in prose. (Walzer, 1995)*

Since the 1950s, cultural policy networks in this country have both deepened and diversified (Murray, 1998). The pendulum in the postwar period swung from national state-led networks to industry-led networks. Only in the 1990s have we seen the emergence of the third sector—often called the non-governmental or civil society sector—in cultural policy formulation. This third sector includes

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voluntary civil society organizations (CSOs), such as associations, schools, colleges, charities, foundations, professional associations, and not-for-profit cultural agencies, that mediate between government and the market. The third sector thus engages both individuals and conventional interest groups, their coalitions, and ad hoc networks around cultural issues or self-defined interests.

In Canada, there are now over 175,000 registered charities and non-profit organizations. Estimates suggest that the third sector employs 1.3 million people, and has annual revenues of \$90 billion in Canada (URL: [http://www.vsi.isbc.ca/eng/joint\\_tables/accord/fact\\_sheet.cfm](http://www.vsi.isbc.ca/eng/joint_tables/accord/fact_sheet.cfm)). An estimated 66% of Canadians participate formally or informally in volunteer organizations, but Statistics Canada has not yet developed an adequate or regular sampling of this sector to date.

This paper provides a general overview of the types, membership bases, major positions, and political strategies of cultural groups and policy networks in Canadian cultural policy. What distinguishes this new pattern of civil society organization is its explicitly external, and even international, focus on alliance-building. The ways in which these alliances emerge out of different cultural interests to forge links with foundations or think tanks can point to productive and practical means of reinventing our ability to live successfully together as a civil society, by integrating and reflecting our many different cultural values into one harmonious whole (Jenson, 1998).

#### **Canadian thinking about civil society**

The idea of civil society has been extensively explored from the perspective of “social cohesion” by Canada’s Policy Research Initiative (see URL: <http://policyresearch.gc.ca>). The term “civil society” refers to the space for human association which forms in response to the pursuit of culture. Far from being uncoerced and separate, however, the realm of civil society is often influenced and penetrated by the forces of both state and market (Cruikshank, 1999). It is thus the smaller associational networks of civil society—such as unions, parties, movements, interest groups, and policy networks—that shape the larger state and economy’s actions in the cultural sphere. The cultural citizenship of these socially engaged actors can be seen as either continuous or intermittent, local or global, independent or dependent on the state and market.

Civil society can range from connoting a framework for values and norms (espousing social ideals of cultural tolerance, civic virtue, respect for human dignity, and so on) to denoting a collective noun. It can also designate a space for action separate from the state and market; an historical moment (presupposing a middle class with disposable time and income); a social movement, critical of the cultural atomization of modern liberalism; or an antidote to (or surrogate for) the state.

Alison Van Rooy (2000) describes how governments may build the bricks (or organizational capacities) of civil society; provide the mortar (or the relationships that hold the bricks together); and clear the space for an actual construction site. In political terms, such a construction permit includes a system of legal rights and cultural associations that enable civil society institutions to grow.

CSOs with interest- or values-based links beyond national boundaries have come to reflect a new vitality, flexibility, and adaptability. They grew in the 1980s as a consequence of both international and national pressures, becoming increasingly assertive in the 1990s. Some examples of these so-called new social movements focus on human rights, environmentalism, and women's, health, and labour issues. Their purposes are fivefold: (1) to provide informational exchanges; (2) to serve grassroots community needs in the field; (3) to act as go-betweens in major international arenas (such as the World Bank); (4) to stand as surrogates for government (e.g., co-operative movements in community development); and (5) to catalyze policy action (Tarrow, 1998). We may also add a sixth purpose: to protest or act in persistent opposition (Carroll, 1997).

There has been a growing interest in building the governance capacity of CSOs. For example, the Ford Foundation and World Bank have instituted a number of programs in this regard. The World Bank's October 1999 "Culture Counts" conference in Florence sought to rally grassroots organizations around heritage preservation issues, after the U.N. General Assemblies' Special World Summit for Social Development (the Copenhagen Declaration of 1995) failed to address the question of culture. The World Bank's diagnosis that "fundraising in the heritage and conservation sector is weak, hampered by fragmentation, poor communication between organizations, limited information and inability to express benefits and poor advocacy" was particularly welcome for its clear-sightedness (see URL: <http://www.worldbank.org>).

In British Columbia, the Minister responsible for volunteers in the previous government pulled together new actors like the Van City Community Foundation and the Vancouver Foundation to hold panels on accountability and governance: debating ethics of fundraising, infrastructural needs, and relationship to advocacy. For the latter, social advocacy groups are challenging federal income tax legislation as a restraint on freedom of expression. Currently no more than 10% of the funds of a registered charity may be directed to public lobbying—something that civil society activists say stacks the deck against non-governmental organizations (NGOs) in their fight against well-funded private lobbies. Tax law has constrained the development of a number of arts coalitions, who may define their activities primarily in terms of lobbying, and prevented their application for charitable status. Federally, various Ministers of Foreign Affairs have seeded other such coalitions (like IMPACS, discussed below), but political support for such civil society development is sharply cyclical, since the Vancouver example was recently renounced by the new British Columbia government.

The third sector thus has a long way to go before it acquires real political teeth to survive and advance on its own. Jenson & Phillips (1996) have identified one threat to the third sector in Canadian society as coming from a populist faction, which attacks non-governmental organizations as "special interests." Certainly, associational life in "globalizing" cultures around the world are suffering from the increased frequency of these types of attacks. And the long-term effects are even more noxious, since they spread well beyond particular groups to subtly redefine

society at large: the ruling idea is no longer citizenship, but consumership. Democratic choice becomes reduced to whether a citizen can afford to buy one cultural commodity or another, if they can afford either. The social good and “public service” ethic in communication and culture has ineradicably eroded, since the state can only respond to the erosion by naming it a “democratic deficit.” Democratic media and cultural movements have been struggling to respond in turn, but with varying success (Ó Sióchru, 1996).

### **Mapping cultural policy networks**

We need to adopt a basic political framework for understanding civil society from the specific point of view of governance and its policy systems. Those who participate directly in the policy process are members of cultural policy networks; those who are more generally and indirectly involved are members of the cultural policy community (Howlett & Ramesh, 1995). If an issue breaks out beyond a given policy community to achieve grassroots status or broader civil society engagement, then it may be said to constitute a social movement, defined as a sustained, organized, and contentious collective action around grievances or claims (Tarrow, 1998). Such escalation to a cultural/social movement presupposes agreement around a democratic “frame”—or schema—of grievance.

The cultural third sector in Canada is still relatively close to both the state and the market, and has thus generally failed to forge coalitions more widely throughout civil society. Cultural policy reform has not yet moved to public prominence as a social movement. This may be due to the fact that cultural politics in Canada remains mired in interest group pluralism which is privatized, fragmented, and easily dominated, as elsewhere around the globe (Young, 1999). To escape such a mire, we need to implement networks which link government, private sector, and civil society domains towards the establishment of a broader civil society coalition, while protecting “civil cultural protesters” at the same time. Such a truly effective mobilization relies on the extent to which alliances can be formed with other domestic and international interest groups, in order to understand issues in new ways, seek the most practical solutions to common problems, and broaden the policy network’s scope to maximize access to necessary information (Keck & Sikkink, 1998).

In Canada, we are increasingly aware of the changing shape of policy networks—from a vertical and more centralized axis to a horizontal and decentralized axis. But more importantly, a third new voice on behalf of interest groups suggests that policy networks as a whole are becoming more and more heterogeneous, decentralized, and unco-ordinated unto themselves. Alan Nymark (1998), a deputy minister who has been a past leader of a federal policy research initiative, put it best:

More and more, the medium term challenges of governance are coming from so-called ‘horizontal’ issues. These issues are multi-dimensional, multi-disciplinary and inter-departmental. They often span the private and public sectors and have simultaneous local, provincial, national and international policy implications. Groups involved may be intermittent, or continuous. Motivations

may be values or self-interestedly based. Such issues challenge the policy community of any society because they cannot be addressed or understood from a single perspective. (p. 7)

Policy networks, which formulate, implement, and evaluate the effectiveness of policy, vary according to the level of their integration, the degree of insulation or interpenetration with other networks, and the nature of the resources they control. In general, policy networks involve members who are bound by shared values, a common discourse, and dense exchanges of interpersonal, informational, and reciprocal services as they work together on a given issue at the local, national, or international level. An important marker in the development of a policy community occurs whenever an organization splinters itself away from national activity to transnational activity, usually around an issue that embraces civil society at large.

The last decade has seen federal departments and agencies support NGOs and CSOs in the cultural sector, in efforts to link and build informational exchanges as a precursor to policy advice. Let us now turn to two NGOs, the Canadian Conference of the Arts and the Canadian Coalition on Cultural Diversity, as case studies of international and local mobilization on cultural diversity—both of which have been seeded by federal efforts.

#### **The idea of a cultural diversity accord**

Free trade in cultural services is the impetus for international cultural coalition-building, under the rubric of “cultural diversity,” which promises to drastically change the shape of policy networks to come. We can see one such immediate aftereffect of this form of free trade striking close to home. In February 1999, the World Trade Organization’s prohibitive ruling on Canada’s magazine policy led to a federal trade policy agenda which called for a “new cultural instrument [which] would seek to develop an international consensus on the responsibility to encourage cultural expression and the need to promote cultural and linguistic diversity” in the face of encroaching cultural services in global trading agreements (see URL: <http://strategis.ic.gc.ca>). Unfortunately, U.S. circumvention of the negotiated cultural exemption clause in the North American Free Trade Agreement (NAFTA) sanctioned by the World Trade Organization (WTO) has discredited any list approach to protecting culture in regional agreements.<sup>1</sup>

In the late 1990s, cultural diversity topped the cultural policy agenda in Canada. After the UNESCO Intergovernmental Conference on Cultural Policies for Development (Stockholm, 1998), the Canadian Minister of Heritage, the Honourable Sheila Copps, launched an informal meeting of ministers of culture in Ottawa in 1998 in a bid to create an International Network on Cultural Policy (INCP) among 22 countries. The following year, the concept gained further strategic support from a report of the House of Commons’ Standing Committee on Canadian Heritage, *A Sense of Place, A Sense of Being* (Canada, 1999). INCP members claimed they were examining the growing importance of cultural diversity and identity in an increasingly globalized world. Globalization—a phenom-

enon that embraces trade liberalization, new communication technologies, and industry consolidation—emphasizes the importance of cultural diversity within and between states. While it offers great opportunities for cultural expression, globalization also poses fundamental challenges to government, civil society, and private sector actions fostering this diversity. The policy challenge is to find the means to remain open to the best the world has to offer, while nurturing domestically rich and diverse forms of cultural expression. The INCP has now met successfully four times with a modestly growing coalition of partners that has not included the U.S. (see URL: <http://INCP-RIPC.org>).

At their second meeting of 33 interested countries in Oaxaca, Mexico, in September 1999, the ad hoc Network agreed to undertake international comparative research to survey the challenges and opportunities associated with changing national and international environments in participating states. Working groups on heritage (chaired by Mexico), broadcasting (chaired by Italy), and cultural diversity (chaired by Canada) were each established.

At the third meeting in Santorini in September 2000, the Ministers welcomed a parallel network of CSOs which included independent observers. An INCP steering committee was established with a fairly heterogeneous range of countries consisting of Canada, Croatia, France, Greece, Mexico, Morocco, Senegal, South Africa, Sweden, and Switzerland. A discussion paper was produced, which proposed a set of ten cultural principles drawn from existing instruments. The INCP Network of Ministers agreed that they should provide an effective starting point for building consensus on the cultural policy instrument's vision and objectives, and in fact they were later adopted by UNESCO<sup>2</sup>:

- The fundamental importance of the Universal Declaration of Human Rights and in particular Article 27—“Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.”
- The preservation of cultural heritage is a crucial component of identity and self-understanding that links a community to its past.
- Art plays an essential role in the life and development of the individual and society and States must protect, defend, and assist their artists and artistic freedom.
- Linguistic and ethno-cultural diversity helps maintain and develop national and international cultural richness and traditions, and reflects a commitment to common values and social cohesion.
- Authors and rights holders have a right to the protection of their moral and material interests regarding creation.
- Cultural goods and services should be fully recognized and treated as being not like other forms of merchandise.
- Social and cultural fulfillment of the individual is a key element of human development and must be integral to sustainable development approaches.

- Cultural exchange and co-operation are necessary to build wider cultural allegiances in an increasingly globalized world and are important tools in building human security.
- Cultural diversity includes an openness to a wide range of cultural influences, and recognizes the importance of the production and distribution of local content.
- Governments have a role to play in preserving and promoting cultural diversity, since respect for cultural diversity is an important element of developing good governance.

At the Fourth Meeting in Lucerne, Switzerland, in September 2001, attendance was affected by the events of September 11. Ministers concluded that the role of governments in preserving and promoting cultural diversity through the development and implementation of cultural policies at all levels must be transparent; and that the cultural needs of developing countries must be similarly assisted.

The INCP Ministers gave the Working Group on Cultural Diversity and Globalization a two-year mandate to realize its intentions. Canada reconfirmed its sponsorship of the Working Group, while Switzerland offered to lead a study on governance issues. A draft text will be presented at the next annual meeting in September 2002, to be held in South Africa. The Working Group will continue to closely co-operate with UNESCO and other international organizations.

#### **The political opportunity structure**

The problem facing a Canadian-facilitated multilateral cultural policy coalition is to find the right opportunity structure domestically and internationally. Is UNESCO the appropriate forum? After three decades of work in the New World Information Order and new Cultural Development, UNESCO has built the expertise and the constituency links with developing countries, and basically acquired a huge reputational asset with them because of the withdrawal of the U.S. and Great Britain during the 1980s and 1990s. However, UNESCO is seen as little more than an information and ideological exchange, with little weight needed to counter the WTO. The WTO and an Organisation for Economic Cooperation and Development (OECD)-type code are dismissible by arts and cultural groups because of their Multilateral Agreement on Investment (MAI) stance.

In terms of a political opportunity matrix, then, there are a number of choices: a U.N.-housed declaration on Cultural Diversity; a protocol to the Convention on Political and Cultural Rights; a WTO agreement; and an OECD-type code. Any one of these movements requires multiple venues. Canada has yet to prove that such an accord can be a progressive strategy, instead of a mere smokescreen for the purposes of trade or the proclamations of universal liberal values.

#### **Framing the accord**

Canada's Sectoral Advisory Group on International Trade (SAGIT) was remarkably unhelpful in setting out the content of an agreement on cultural diversity. In

general, SAGIT recommended that such an agreement should recognize the importance of cultural diversity, the difference in cultural products and services from other goods and services, the rules which are acceptable in cultural exchange, and the procedures for dispute resolution.

There are two main dimensions that follow from this recommendation: (1) freedom of expression, choice, and access to cultural resources; and (2) trade procedures honouring the pursuit of non-discrimination, transparency, and predictability. The difficulty with this SAGIT-styled solution lies in its assumption that culture is both separable and commodifiable, without engaging the whole question of cultural freedoms.

An alternative approach considers the right to culture within a more complex cultural and human development context, as we saw with the INCP example above. And in Canada, cultural diversity carries with it at least four distinct meanings which policymakers should bear in mind. First, there is the notion of market diversity, which must protect “space” for Canadian products on the cultural shelf. Second, there is the notion of the social landscape, or the demographic and ethnic composition of a polity. Third, there is the idea of cultural diversity as a democratic norm or ideal of pluralism. Finally, there is the idea of cultural diversity as a constellation of social welfare rights, removing systemic barriers to full democratic participation for various equity-seeking groups by enabling such groups to participate in the first place.

Civil society movements (such as those advanced by women, Aboriginal peoples, racial, environmental, or peace groups) argue that the fundamental frame for cultural rights must be found in social justice, not cultural diversity. But there is a very cogent argument to be made that cultural diversity itself may not be a very strong philosophical basis for a general cultural movement (Angus, 1997; Kymlicka, 1995). Resting cultural diversity on a dated concept of racial essentialism or ethnocultural “authenticity” is not the best way to integrate human rights of the individual and the group into the new politics of global civil society (Carmichael, Pocklington, & Pyrcz, 2000).<sup>3</sup>

But as Greg Baeker (2000) observed in his survey for the comparative cultural policy review for the Culture of Europe, it is not easy to move beyond “soft liberal arguments regarding the social utility” of cultural diversity. How then may we begin to define a rights-based approach to culture?

### **Cultural rights**

It has become commonplace to assert that cultural rights are part of a new complex of economic, social, and political rights in modern democracies. On the twentieth anniversary of the Canadian Charter of Rights and Freedoms, much is appearing in print on the topic of human rights, censorship, and new democratic theory in Canada—but a remarkable gap in political theory remains around the philosophical and political grounds of cultural rights. If conceived as human rights, the existence of cultural rights does not depend on being enacted into law. There are four general characteristics to a human right: it is possessed by all



human beings, equally, not as a result of particular status, and is assertable against the whole world (Carmichael, Pocklington, & Pyrcz, 2000).

Our debates over the scope of rights follows from our definitions of the scope of culture. The prevailing discourse in Canada considers culture in a very broad anthropological sense as a “way of life” or “ways of living together” (Baeker, 2000). Culture may thus be treated as the context for rights (Kymlicka, 1995) or as the forms through which people make sense of their lives (James, 1999). Cultural rights may be explored as an outcome, metaphor, or surrogate for political rights. Or, finally, cultural rights may be treated as an object of quasi-property rights, or as a wellspring of societal value in human capital.

In many respects, asking if there is a right to culture is inevitably tautological. If broad definitions of culture as a way of life prevail, especially in cultural policy discourse today, we have to ask: Is there a right to life? Framing the definition this way raises analogies to political interpretations of the morality of abortion, or capital punishment. It is instructive to remember that Canada is one of the few countries in the Western world with no legal restrictions on abortion, and no state-sanctioned right to take life since there is no law of capital punishment for serious crimes. Cultural policy thinkers will want to avoid such rhetorical traps, but it is important to ask if the right to cultural life is a moral category of human right.

Initially, cultural rights were thought to derive from the political rights of the seventeenth and eighteenth centuries, protecting freedom of expression and association from arbitrary rule. As such, they are often implicit, or derived from other rights, and not carried explicitly in many conventions.

A review of the main cultural rights documents, nationally or internationally<sup>4</sup>, finds that there are six main dimensions to cultural rights. First, they may be thought of as intrinsic, implying a right to the identity and dignity of a person. This increasingly carries with it the idea of the prevention of collective amnesia: by preserving and enhancing the oral and intangible aspects of cultural heritage or memory, we counterbalance the tendency to forget the past. In other words, they may be conceived of as essentialist, that is, as basic to human life as biodiversity is to nature. Second, they may be expressive, implying that people have a basic right to tell stories in their own language or to practise everyday life in different ways, to create and disseminate their work in the language of their choice (UNESCO-UDCD Article 1, 2001). Third, they may be instrumental, compelling the state to provide the informational tools, education, or capacity to function as cultural citizens in a manner that fully respects their cultural identity. Conversely, the state may guarantee universal access to cultural resources, regardless of income level or geographic location. Fourth, they may be seen as democratic or procedural rights, a class of rights which includes those based on a right to cultural autonomy, where every individual has the right to decide the terms of one’s own life (Held, 1996); equality rights, where each is treated equally; and the right to participate in cultural life. Fifth, cultural rights may be normative, referring to the civil values of treatment with respect, tolerance, or establishing the security of

being, that is, the right to live in freedom from fear of arbitrary cultural genocide (UNESCO-UDCD Preamble). Sixth, they may be deliberative, that is, setting out the principles of recognition of cultural status, representation in cultural decision-making, or control over cultural self-determination.

Can successful efforts at protecting cultural diversity afford to overlook any of these rights, which are so crucially interdependent? The 2001 UNESCO General Declaration on Cultural Diversity elides many aspects of procedural democratic rights concerning equality and rights to cultural autonomy, since it does not entrench minority rights in the same way as the Canadian Charter. What may have been expected of UNESCO is some reference to the imbalance in the exchange of cultural goods and services, and the sway of sovereignty over the establishment of viable domestic cultural industries (UDCD Articles 9 and 10). Less persuasive is the assertion of a separate public good argument (UDCD Article 8), which UNESCO pins on identity, values, and meaning, overlooking the radical cultural consumption argument that all consumption—including the trivial and the private—constructs identity, values, and meaning.

Not all international covenants are equal. Many declaratory statements in both UNESCO and the U.N. fail to set out enforcement procedures and a dispute resolution process. Yet cultural rights are empty unless they are enforceable. The protocol accepted for the U.N. Convention on Political and Civil Rights sets out the institution of an ombudsman and a provision for international human rights complaints handling, but the U.N. has not instituted such a mechanism. Democratic socialists from Canada, as distinguished as Ed Broadbent and Stephen Lewis, have argued that it will be impossible for activists to advance the cultural rights agenda without such basic reform to world governance in other, more fundamental, human rights. If there is value placed on the enforceability of cultural rights, then it is important for international recognition of cultural rights to frame clear standards of enforcement. The Declaration on Cultural Diversity, which UNESCO hopes will become as central over time as the Declaration on Human Rights, is noticeably silent on deliberative rights.

Then there is the perennially thorny opposition between collective and individual rights. In Canada, the Canadian Charter of Rights and Freedoms first raised the bar by balancing nineteenth century British civic ideals against modern particular identities (particularly in its sections recognizing Aboriginal treaty and other rights in Section 25, and recognizing the need for the preservation and enhancement of multicultural heritage). But this document was not and has not been sanctioned by the province of Quebec, where a separate regime of cultural rights continues to be asserted (Meisel, undated). Indeed, linguistic and cultural rights in response to the founding cultural dualism of Francophone and Anglophone in Canada have protected minorities ever since Confederation first yoked them together, in 1867.

Moreover, the protections for ethnic rights contained in the Charter of Rights and Freedoms are interpretive and not intrinsic (Carol Tator, cited in Baeker, 2000), and so remain susceptible to political suppression. As John Meisel points

out, however, the Charter establishes the space for civic construction of cultural diversity, in that citizens in Canada are entitled to recognition for being different (if they so choose) in a manner which society accepts, respects, and is willing to act upon.

State-funded politics of redress have exerted an important symbolic and psychic impact on Canada's cultural citizenry. Canada's Truth and Reconciliation Committee Report, which investigated the persecution of Aboriginal children in residential religious schools in the interests of assimilation, first broadened the sense of intergenerational responsibility for social injustice. Other groups (such as the Japanese Canadians) have also contributed insights into the "domestic war" crimes perpetrated during the Second World War, but it is fair to say that cultural civil society organizations have not sustained much civil action around either cultural genocide or social justice.

Judicial and social discourses on the security of groups and individuals, such as the need to resist incitements to hate, prejudice, violence, or war, are relatively sophisticated in Canada (Peterson & Hutchinson, 1999). Any absolute right to freedom of expression tends to be rejected, and so artists often find themselves in conflict with equity-seeking groups. Some arts groups have been prone to equate allegations of "political correctness" with great social harm (see, for example, the discussion of the Canada Council and Writers' Union of Canada in Baeker, 2000).

Any discussion of ethical democratic politics requires a resolution as to whether or not the universalization of moral judgments and codes of conduct is even required, be it at home or abroad. In Canada, there is a healthy academic tradition which dismisses such universalism as merely a means of hiding systemic social injustice—to the poor, or to people of colour, or to other socially disadvantaged groups. Canadian scholars are quick to acknowledge that, on the one hand, the founding charter of the United Nations commands universal respect for "human rights and fundamental freedoms for all without distinction as to race, sex, language or religion" but, on the other hand, this same charter fails to include liberation from colonial rule as a universal human right. Liberalism as practiced in the international and Western communities has masked Eurocentric assumptions of cultural organizations by frequently and effectively silencing dissent from minorities (Henry, Tator, Mattis, & Rees, 2000, p. 289). Tellingly, equity-seeking groups have been slow to join the multilateral Cultural Diversity initiative in Canada.

The most comprehensive defence for group-differentiated rights has been advanced by the Canadian legal and political theorist Will Kymlicka. He claims that the classic liberal concept of the autonomous individual has always been complicitous with the system of national sovereignty, since this system already discriminates on the basis of group membership. Kymlicka (1995) argues that there are three emancipatory levels to group-differentiated cultural rights: (1) to self-government; (2) to special representation; and (3) to the expression of particularity, which may mean state supported anti-racism initiatives, funding, or exemptions of certain ethnic groups from disadvantageous legislation. Certainly,

the call for universalizing a right to particularity is a bold one (Angus, 1997), besides being philosophically and logically based on the grounds of freedom and justice rather than the right to community (Laycock, 2000). All such reasoning flows from the assumption, however, that it applies to those groups whose identity is a matter of involuntary assignment which establishes the grounds for social justice claims. But what if cultural groups are voluntarily assigned or constructed? Can we extend the idea of cultural rights to groups sharing the “postmodern” imaginary?

### **Canadian Conference of the Arts and internationalization**

It is not in the law courts, government corridors, or academic halls where cultural politics are made. It is frequently in the circles of the cultural practitioners—those pragmatists who try to influence policy direction.

The Canadian Conference of the Arts (CCA) is a national non-profit arts coalition that was founded in 1945 and has since grown to 200,000 individuals and cultural organizations across Canada. Active in the lobby against the Free Trade Agreement throughout the 1980s, the CCA has increasingly participated in both UNESCO and ministerial policy networks. In 1999, the CCA spearheaded an International Network on Cultural Diversity (INCD) involving a loose coalition of NGOs. The CCA further consolidated its international presence by attending the recent WTO meetings in Seattle and Qatar.

At a second INCD meeting in Lucerne, Switzerland, the organization committed itself to the development of a new cultural treaty by the Fall of 2002, and presented a preliminary report of this commitment to the International Culture Ministers. A number of parallel accord-drafting efforts are now underway, including one at the INCD/CCA, the Canadian Coalition on Cultural Diversity, and the Department of Canadian Heritage, which includes an advisory committee of industry, cultural sector, and policy experts. The INCD now possesses a fully international steering structure and articles of governance. There are signs that the INCD will slowly distance itself from the UNESCO orbit by approaching new sources of funding for international diversity coalitions in the future (such as the Rockefeller Foundation, Arts International, and others).

But the INCD's ambitions may not be so easily realized. The CCA's attempt to persuade NGOs to attend the second meeting of the Ministers of Culture in Mexico was blocked by the Mexican government, which proves that even an international network of NGOs still lacks the clout or credibility of a national government. Similarly, the WTO Battle in Seattle seemed to represent a victory for social activists, and a new order of cultural governance in civil society—but the question of future NGO participations in such forums remains troubled (Alexandroff, 2000). Certainly, the experience of Seattle has yet to yield an opportunity structure that places culture first and foremost on the international agenda. Although civil action around the WTO in Seattle gave priority to indigenous peoples and their claims to cultural self-determination, the following WTO meeting at Qatar fell completely silent on the same subject.

There are risks in this federal strategy to attract cultural ministers and CSOs—outside of UNESCO, outside of the U.N. process, and, ultimately, outside of the U.S. The principal challenge is to attract more developing countries, who have been suspicious of Eurocentric and universalist pushes to recognize culture. To reach a truly representative critical mass, the INCD will need to bring more East European, Asian, and developing countries on board. There are signs that the CCA/INCD is succeeding in its recruitment of activist cultural ministers from such far corners as Sweden, Latvia, Mexico, and South Africa.

Closer to home, the Department of Canadian Heritage committed \$300,000 over three years to the Coalition for Cultural Diversity/Coalition pour la diversité culturelle, in order to match funding provided by the Province of Quebec. Created in 1999 with the support of the Quebec cultural ministry, the Coalition for Cultural Diversity represents 32 industry and professional associations in the fields of film, television, music, and book production (such as the Director's Guild, the Writers' Union of Canada, and Union des artistes). The Montreal-based Coalition has formed its own board of directors and determined that "cultural policy cannot be subject to the constraints of international trade agreements," among other stipulations. This government-approved response to MAI pressures from abroad constitutes a quasi-corporatist move to protect and promote indigenous culture at home—a move which may or may not be successfully replicated at the international level, to reflect other countries' experiences of the same pressures.

#### **Local cultural coalitions**

No map of the cultural CSOs in Canada is complete without a cross-country check-up on a few local cultural coalitions. For instance, in the east there is the Nova Scotia Cultural Network, which promotes broad-based cultural development and indigenous cultural expression throughout Nova Scotia, and bridges cultural industries and the arts in innovative ways (see URL: <http://www.culture.ns.ca>). Founded in 1997, the Network serves as a resource and advocate for the cultural sector in Nova Scotia, offering a variety of information services and conducting research, planning, and public education initiatives. In Vancouver, there is the Alliance for Arts and Culture, which represents 290 groups and individuals in the arts and cultural industries (URL: <http://www.allianceforarts.com>). Created in 1986 to increase awareness of arts and culture's contribution to society, the Alliance has been instrumental in providing lobbies during municipal elections; representing the arts and cultural community in various fora; and co-ordinating arts and culture accessibility and activities through programs, services, and marketing strategies. One social cause which the Alliance has embraced, in conjunction with other community-wide movements, has been the AIDS Vancouver Day Without Art Event. This tie to the gay and lesbian movements as well as other social groups has forged "compassionate" links to the local community around social justice issues.

**Crossovers to other groups**

The full contextual setting for the coalition-building activities of cultural organizations includes their linkages to non-cultural organizations in civil society, both formal and informal. The Canadian Conference of the Arts, for instance, has informal links with the left-wing Council for Canadians, which represents 100,000 members. Headed by the single most effective national media figure, Maude Barlow, the Council for Canadians enjoys significant lobbying power, along with connections to the union movement across the country. The Council for Canadians is relatively well funded and politically sophisticated. It has a parallel organization called the Common Front, an active political wing involving 20 organizations which have been active on a variety of social issues, in which the Centre for Policy Alternatives (a socially progressive think tank) and the Canadian Environmental Law Association have jointly served for the purposes of research.

Other think tanks involved in cultural issues include the more right-wing C. D. Howe and Fraser Institutes, which have espoused deregulation and liberalization in various cultural industries. There are also the Social Cohesion Network of the federal government's Policy Research Initiative, the North-South Institute, the Caledon Institute, and the Samuel and Saidye Bronfman Family Foundation. Think tank participation in cultural policy research has been relatively low in Canada, something the proposed Canadian Cultural Observatory may improve. Stepping up the activity of these institutes in examining cultural diversity and civil society networks is essential to advancing the debate. Finally, private sector organizations (such as the Canadian Association of Broadcasters or the Canadian Film and Television Producers' Association) are also increasingly active through their chosen instrument, the Cultural Diversity Coalition.

**Other movements for cultural reform**

Given the separation between the arts movements and the cultural industries, the prognosis for achieving international recognition of the need for an accord on cultural diversity is not good. If we have seen industry-oriented groups (which are media dominated) surface on the trade issue, we also must look for critical public movements to be equally active in media politics. One such organization is the Institute for Media, Policy and Civil Society (IMPACS), a foundation for research on democratic communication, housed in Vancouver. Started with the assistance of the Minister of Foreign Affairs, Lloyd Axworthy, IMPACS is devoted to the training and education of the not-for-profit sector, besides lobbying for free media, international monitoring, and research. IMPACS is currently pursuing a media coalition around peace and security issues.

The Cultural Environment Movement has members in the United States and 63 other countries, with 150 additional affiliated member organizations. Together with the Third World Network, the Centre for Communication and Human Rights in Amsterdam, and the World Association of Community Radio Broadcasters (AMARC), the Cultural Environment Movement adopted an international cove-

nant in 1996 of standards and communication rights which is based on the following principles:

- that culture and communication are basic to the life of all individuals and communities [*the intrinsic right*];
- that all have a right to participate and make decisions about culture and communication [*the procedural right*];
- that all have a right to fair and equitable access to local and global resources [in which] they need to participate [*the instrumental right*];
- that all people have the right to develop their own skills to tell their own stories, and must [acquire] the facility ... [or] critical cultural awareness to do so [*the expressive right*]. (Duncan, 1999, p. 177)

The Cultural Environment Movement has also instituted a range of standards concerning respect for differences, the right to non-discrimination and dignity, and the protection of artists/journalists.<sup>5</sup>

The key to effective social advocacy in civil society is first to find a specific grievance, and then to mount specific action to address it. We can see the success of this strategy reflected in the recent track records of the following North American cultural organizations. For example, the first conference sponsored by a coalition of NGOs around the cultural environment/democratic communication movement focused on linguistic genocide, where demonstrable harm was effectively proven (see Hamelink, 1999). Perhaps because of the retirement of its charismatic leader George Gerbner, the Cultural Environment Movement currently suffers from sporadic resources, inability to link meaningfully with the third world, and a lack of paid, professional staff to maintain continuity. That being said, however, the Vancouver magazine *Adbusters* still predicts that a movement of “mental environmentalism” will spring up from the Cultural Environment Movement (*Adbusters*, November-December 2001 issue). The Union for Democratic Communications, for its part, involves American media professionals, scholars, and advocacy groups in the advancement of critical media analysis, particularly with an aim towards improving the popular representation of gays. The Union for Democratic Communications has successfully advanced “identity politics” in the media reform movement in the U.S., with strongest potential links to other non-American social movements. And interestingly, it was only this latter organization that really took centre stage at the Battle at Seattle, since its activists overlap in membership with a range of other progressive CSOs—although its interests in culture per se have yet to be refined or developed.

A final network vital to the democratic reform of communication can be seen in the World Association for Christian Communication. The importance of this organization may be gauged not only by the publication of its journal, *Media Development*, which examines alternative democratic media; it can also be appreciated for its role in capacity building among grassroots NGOs in media monitoring and political action. The only unfortunate byproduct of this network has been the failure of such radical democratic communication groups to join forces

with other cultural activists to date. The challenge faced by all of these networks is to branch out into social movements worldwide, including Third World social groups.

### **Conclusion**

Little common understanding exists about how, when and to what degree the arts and culture, and the cultural values they embody, serve and support the values of the larger society, and therefore, what constitutes appropriate governance with regard to them. Canadians generally agree that the arts and culture make valuable contributions to their communities, but they are not exactly clear about what those contributions are, or why they are important, because arguments for the importance of the arts have happened almost entirely within the cultural community ... [T]he cultural community has not succeeded in accomplishing one of the basic tasks of any organized policy community: to translate its own issues and values so that they are understood in relation to the values of the society at large. (Baeker, 2000, p. 42)

The central question around all of these explorations must return to the notion of civil society and its cultural institutions: How can we best take up the challenge of providing forums for engaging public debate regarding diversity, or structuring opportunities for participatory civil learning among cultural networks?

The past three years have witnessed a remarkable growth in civil society institutions in cultural policy networks in Canada, and a growing sensitivity to the complexity of multilateral coalition-building. There is a consensus building that old frames of reference for cultural policy issues centring around cultural sovereignty are now outgrown. Yet important challenges remain. We have yet to deepen the independence of the civil society sector in culture, just as we must also seek to create a more broadly conducive climate for the appreciation of cultural value, through more effective forms of cultural governance and co-ordination.

For a system of cultural governance to be fully democratic, it must manifest effective cultural participation, adequate understanding, equal voting, control of agenda, and genuine inclusivity (Held, 1996). In this spirit, I propose six modest principles of civic realism for Canadian cultural politics to follow. First, cultural groups must move beyond interest group pluralism to link with other social and equity-seeking groups, the better to broaden civil society. Second, social justice—not just the right to identity or right to association—must be explored as a legal and philosophical basis for cultural diversity. Third, Canadian cultural CSOs must find the means of building intercultural understanding towards the promotion of Canadian cultural capital to the world. Fourth, if the top priority in movement building is a campaign around limited but important objectives that may be winnable (Hackett & Adam, 1999), then the challenge facing CSOs will be to design campaigns that are based on interpersonal and local community links (in a bottom-up, community development paradigm) ranging to the international. Fifth, the key to remedying the limited intergovernmental approach within UNESCO or the U.N. is to adopt a more grassroots approach, by maximizing the political opportunity structure internationally. This means searching for multiple venues



subject to the overarching human need to enforce human rights and cultural rights within the existing structures of the U.N. Finally, global networking of cultural CSOs must not stand in the way of domestic coalition building.

Cultural CSOs can not avoid the question of their own strategic manipulations of information about membership, internal procedures of democratic deliberation, political negotiations of consensus and fairness, or complicities with the government. They must persist in examining the many ways in which non-state activities may be continually, creatively, and democratically reordered (Held, 1996). Jane Jenson's call to find ways of reinventing our ability to live successfully together requires no less of all of us.

### Notes

1. Canada and the United States reached a truce in their long-running battle over magazine publishing policy after months of negotiations and significant concessions on both sides. Despite the so-called exemption of cultural goods under NAFTA, the United States petitioned the WTO to protest Canadian domestic policies which subsidized postal rates for domestic publishers, and prohibited "split runs" (that is, magazines like *Sports Illustrated* that sell ads in the Canadian market, and publish a "Canadian edition" devoid of Canadian editorial content, except for the ads placed by Canadian advertisers). Since 1965, the *Income Tax Act* has disallowed deductions for advertising in foreign-published magazines directed at Canadians. This law was aimed at the next generation of special interest magazines (it exempted *Reader's Digest* and *Time*) in order to preserve shelf space for Canadian magazines, which account for just 20% of all magazines sold in Canada. The WTO overturned the legislation as an infringement of the national treatment clause under the General Agreement on Trade in Services (June, 1997). Canada then reintroduced legislation aimed at promoting Canadian magazine sustainability, which allows U.S. competitors access to up to 18% of the Canadian market without providing editorial content customized for Canadian taste. After that, there is a sliding scale of content levels (if a magazine offers 50% Canadian content, then Canadian advertisers receive just a 50% deduction, rising to a 100% deduction if Canadian content exceeds 80%). This dispute has been one of a series showing U.S. retaliatory tactics of linkage and escalation. In this case, the Americans threatened the steel industry, one of the biggest sectors in the home riding of the Culture Minister. Part of the U.S. intransigence is allegedly due to the Minister's exclusion of the U.S. from her summit of Cultural Ministers in June 1998. See Jack (1999), Milner & Fraser (1999), and Scofield & McCarthy (1999). For a wider discussion of the implications of this and other cultural disputes (i.e., over Country Music Television), see Goldfarb & Gauthier (1998).
2. UNESCO's Universal Declaration on Cultural Diversity (the UDCD), adopted on November 2, 2001, acknowledges that it is "committed to the full implementation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and other universally recognized legal instruments, . . . indispensable to the dignity of man, fulfilled in a spirit of mutual assistance and concern"; notes that "culture is at the heart of contemporary debates about identity, social cohesion, and the development of a knowledge-based economy"; and affirms "respect for the diversity of cultures, tolerance, dialogue and cooperation, in a climate of mutual trust and understanding are among the best guarantees of international peace and security" (URL: <http://www.unesco.org/culturelink/review/35/cl35un.html>).
3. Carmichael, Pocklington, & Pyrcz (2000) defend the concept of a genuine moral right to Aboriginal self-government, as distinct from the right of individuals to constitute a state or social group in choosing how they will live. But such logic ends up denying that the right of Aboriginal peoples is the same as the right of *any* group of individuals to govern themselves.
4. See the *Constitution Act*, 1982; U.N. Universal Declaration of Human Rights (URL: <http://www.unhchr.ch>); International Covenant on Civil and Political Rights; International Covenant on Economic, Social and Cultural Rights.

5. The past decade has witnessed the emergence of a number of charters of cultural rights, including: "Article 94," Writers' Union of Canada Response to the MIA; "People's Communication Charter," adopted by the founding convention of the Cultural Environment Movement; "Founding Principles," adopted by the Advisory Board of the CCA for the international network of NGOs in Greece 2000; "Charter of French Television Viewers' Rights," Les Pieds dans le Paf, *Media Development*, 4, 1991; "Working Proposal for a Cultural Accord," by Ivan Bernier (unpublished).

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#### Key Web sites

Alliance for Arts and Culture	<a href="http://www.allianceforarts.com">http://www.allianceforarts.com</a>
Canadian Cultural Research Network	<a href="http://www.arts.uwaterloo.ca/ccm/ccrn">http://www.arts.uwaterloo.ca/ccm/ccrn</a>
Coalition for Cultural Diversity	<a href="http://www.cdc-ccd.org">http://www.cdc-ccd.org</a>
Department of Canadian Heritage (Multiculturalism)	<a href="http://www.pch.gc.ca/multi">http://www.pch.gc.ca/multi</a>

International Centre for Human Rights and Democratic Development	<a href="http://www.ichrdd.ca">http://www.ichrdd.ca</a>
Institute for Media, Policy and Civil Society (IMPACS)	<a href="http://www.impacs.org">http://www.impacs.org</a>
Institute for Research on Public Policy	<a href="http://www.irpp.org">http://www.irpp.org</a>
International Network for Cultural Diversity	<a href="http://www.incd.net">http://www.incd.net</a>
International Network on Cultural Policy	<a href="http://www.incp-ripc.org">http://www.incp-ripc.org</a>
Nova Scotia Cultural Network	<a href="http://www.culture.ns.ca">http://www.culture.ns.ca</a>
Oneworld.net	<a href="http://www.oneworld.net">http://www.oneworld.net</a>
Policy Research Initiative	<a href="http://policyresearch.gc.ca">http://policyresearch.gc.ca</a>
UNESCO	<a href="http://www.unesco.org">http://www.unesco.org</a>
Voluntary Sector Initiative	<a href="http://www.vsi-isbc.ca">http://www.vsi-isbc.ca</a>
World Bank	<a href="http://www.worldbank.org">http://www.worldbank.org</a>
World Government Web	<a href="http://www.worldgovernment.org">http://www.worldgovernment.org</a>