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# Cultural industries and diversity: old debates and new challenges

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## **Abstract**

*This article reflects on the centrality that, in recent decades, the notion of diversity has acquired linked to the functioning of cultural industries; a verifiable fact, for example, in the approval of the UNESCO Convention on Diversity of Cultural Expressions in 2005. It also offers an approach on how to understand the diversity in/of cultural industries. It ends by registering the old debates that gave rise to the action of the states in matters of culture and communication, as well as the new challenges faced today by public policies with respect to the integral digitalisation of cultural goods and services.*

## **Keywords**

*Diversity, cultural industries, culture and communication policies, digitalisation, Convention on Diversity of Cultural Expressions.*

## **Resum**

*Aquest article reflexiona sobre la centralitat que en les últimes dècades ha adquirit la noció de diversitat vinculada al funcionament de les indústries culturals; fet constatable, per exemple, en l'aprovació de la Convenció de la UNESCO sobre la Diversitat Cultural el 2005. Així mateix, ofereix una aproximació sobre com s'ha d'entendre la diversitat en/de les indústries culturals. I conclou amb un registre tant dels vells debats que van donar lloc a l'actuació dels estats en matèria de cultura i comunicació, com dels nous desafiaments als quals s'enfronten avui les polítiques públiques de cara a la digitalització integral de béns i serveis culturals.*

## **Paraules clau**

*Diversitat, indústries culturals, polítiques de cultura i comunicació, digitalització, Convenció sobre la Diversitat.*

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## **Introduction**

More than 15 years ago, *Quaderns del CAC* published its monograph entitled *Globalisation, audiovisual industry and cultural diversity* (CAC 2002). That number of the magazine saw the light of day at the beginning of a new millennium, at a time when the community of nations attended the debate on the liberalisation of the international trade of audiovisual products within the framework of the General Agreement on Trade in Services, GATS, and the belligerent position of the US delegation in the heart of the World Trade Organization (WTO). An international debate and a US position that threatened to

do away with policies in culture and communication matters that numerous states had constructed throughout the 20<sup>th</sup> century. That special edition of the magazine of the Catalan Audiovisual Council (CAC) was published at a time when the notion of cultural exception started to coexist with cultural diversity, a few months after the United Nations Educational, Scientific and Cultural Organization, more commonly known as UNESCO, approved the Universal Declaration on Cultural Diversity (UNESCO 2001).

Currently, the debate on cultural diversity holds a central place in the reflections of disciplines such as sociology, anthropology, political sciences, law and, obviously, studies on social

communication. Inside it, more specifically, a great deal of the analyses related to the economy, politics and the regulation of cultural industries have, in one way or another, dealt with its configuration as a guiding principle of the initiatives undertaken by many states. This article<sup>1</sup> adheres to this tradition and initially reflects on the similarities and differences of the term 'diversity' with respect to the notions of media pluralism and of cultural exception, and then, in keeping with the tradition of studies on media diversity, explains which elements should be considered in order to analyse the diversity of/in any cultural industry. It then looks at the reactions of the states and the concerns of academics and cultural managers regarding the internationalisation of the circulation of symbolic contents by transnational companies (old debates). Finally, it deals with the opportunities and threats the new environment developed by the networks and digital devices has on the diversity of/in cultural industries (new challenges).

### Diversity and cultural industries

Answering the questions about what diversity is and why it is desirable is not simple, not just because the presence of the notion of diversity covers highly different areas, but because it feeds discourses that often head in opposite directions (Albornoz & García Leiva 2017a). Despite the popularity this notion has nowadays in political, regulatory, university and entrepreneurial discourses, "it is an evasive principle due to its complex nature and polysemy" (Albornoz 2014: 16). In addition, the positive assessment of diversity is a recent phenomenon in Western history, as the most modern meaning of the concept, and its relationship with public expressions, was consolidated throughout the 19<sup>th</sup> century (McQuail 2013). Therefore, we coincide with Honorio Velasco (2017) in that it is highly useful to analyse, not only the notion of diversity, but also its uses and the various implied social subjects, as diversity has had (and still has) a varied social and political use that is not entirely evident.

According to Denis McQuail (2013: 21), when the concept of diversity started to be considered a principle in itself in the 20<sup>th</sup> century, this notion would start to show two opposing versions in the area of the mass media: a "negative" one in which diversity is the result of the functioning of the media markets and their complex systems of production and distribution; and a "positive" one that bears relationship with the establishment and compliance of regulations in the social and cultural area, thereby opening the doors to public intervention. Following this "positive" version of diversity, it arose as a guiding principle for the communication and culture policies of many states. We should remember that the cultural industries,<sup>2</sup> a focus of special attention of policies in matters of culture and communication — together with heritage and fine arts — are one of the channels for materialising cultural diversity in the contemporary world. Due to their presence and social scope, cultural industries constitute a notable space of production and of circulating symbolic contents

with the ability to influence, through narrations and elaborated metaphors, our perception of the world and of others.

In its recent historic evolution, the principle of diversity was organised, not always in an easy way, with other notions including that of pluralism, relative to the functioning of the mass media in democracy, and that of cultural exception, typical of the international negotiations of free trade of audiovisual goods and services.<sup>3</sup>

### *Diversity and pluralism in the media*

With respect to the notions of media diversity and media pluralism applied to the functioning of the mass media, it should first be noted that often and in different countries, these polysystemic, multi-dimensional concepts have been (and still are) used by academics, politicians, journalists and institutions as synonyms. Therefore, whether in communication studies or in the area of making communication policies, they are used interchangeably. As Marlène Loicq & Franck Rebillard (2013: 7) point out, "the focus of pluralism and of diversity has followed several paths conditioned by the sociocultural and political contexts in which they are developed". Therefore, in their use, these two notions have been declined in communication studies depending on the various national contexts and epistemological traditions.

Beyond the general use of the notions of diversity and pluralism as synonyms, in the case of Latin languages, it is possible to establish some difference between them. The pluralism referred to in the mass media is usually related to the concept of democracy; therefore, the existence of a plurality of voices which, at the same time, express a plurality of points of views on public matters, is a necessary condition to achieve an informed public and, consequently, the correct functioning of the democratic system (Albornoz 2014: 16). However, the notion of diversity has a direct relation on the universe of cultural expressions, including industrialised and commercialised goods and services by cultural industries as a whole. In keeping with this differentiation, Loicq & Rebillard (2013: 8) uphold that the question of pluralism is closely related to freedom of expression (and to the right to information, we would add) and refers to a public problem, whilst the question of diversity is linked to the visibility of the diversity of political and social cultural statements in the name of equality and refers to a cultural problem.

In the opinion of McQuail, one of the theorists who first reflected on diversity and pluralism applied to the mass media, these notions "conceal differences of emphasis and of implementation between different systems of media". To this author:

"Diversity is linked in several ways to a progressive social change. It is improbable that there will be innovation, creativity and originality in all the spheres of social and cultural life if there is no diversity in society and over time. Equality also presupposes diversity (and vice versa), as diversity is a playing down concept, opposed to any aspiration of domain or cultural superiority. In a pluralist society, all the groups must have the same rights, if not the

same status. There are many legitimate forms of conflict that can contribute to change and to progress and that can demand a considerable degree of tolerance towards diversity of expression so as not to lead to instability” (McQuail 1995: 214 and 216).

Juan Carlos Miguel de Bustos (2004) differentiates between pluralism, understood as the multiplicity of opinions, social groups, points of view and attitudes expressed through the mass media, and diversity (or plurality), in other words, the set of factors found in a given society. In such a way that media pluralism is a channel to ensure the diversity of a society. This researcher concludes that:

- a. Pluralism presupposes diversity.
- b. Pluralism is a principle that justifies diversity, in such a way that it can be said that pluralism is a meta-diversity
- c. And that therefore, diversity is descriptive and pluralism is normative. Therefore, media pluralism through regulation is perfectible, and entrepreneur concentration, for example, is a hindrance against media pluralism reflecting the characteristic diversity of contemporary societies.

For authors such as Martí Petit (2012: 69), pluralism and diversity “are two related concepts, although they have notable differences and require differentiated conceptual and regulatory treatment”. In keeping with bodies such as the European Council or the CAC, this author differentiates between pluralism, a concept that can be decomposed into external pluralism (composition of the characteristic structure of the media) and internal (voices expressed through a determined media), and diversity, a notion which, together with that of quality, is used to value the content produced and distributed by one or more stakeholders in a certain market. Those who establish this distinction express that “contrary to what may be believed, the existence of various operators in a given market —external pluralism— does not guarantee the diversity of contents (...). To this end, we can affirm that external pluralism is a condition that is necessary but not sufficient for the diversity of contents” (Albornoz 2014: 17-18).

In short: UNESCO’s Universal Declaration on Cultural Diversity clearly synthesises this relationship on expressing that media pluralism —together with freedom of expression; multilingualism; equal access to art and to scientific and technological knowledge; and the possibility for all cultures to have access to the means of expression and dissemination— is one of the guarantees of cultural diversity (UNESCO 2001: article 6).

### *Cultural diversity and cultural exception*

With respect to the notion of cultural exception, the first thing to be mentioned is that it is in direct relation with the products that result from the functioning of the cultural industries. It is upheld in the idea that these industries, by contributing to the

formation of individual and collective consciences and to the diverse local, regional and national identities, are not goods like others and that they should therefore not be subject to the rules of the free market. With its origin in the area of cultural public policies (see Polo 2003), cultural exception is nowadays a specific term in International Law found in numerous valid international commercial agreements. As Jesús Prieto de Pedro (2005: 57) says, this notion “has its linguistic mould in the technical language of the GATT and of the GATS, articles 20 and 14 of which, respectively, envisage ‘general exceptions’ to those that the states can embrace to safeguard certain essential values such as those relating to public morality or the protection of the environment”. Through a specific legal treatment of the cultural sector based on the double cultural (symbolic and identity giving) and economic nature of the cultural goods and services, the cultural exception formula allows the signatories of these treaties to prevent vernacular cultural productions from becoming integrated in the list of goods and services to be liberalised, thereby being able to maintain or adopt public policies aimed at fostering their cultural industries.

In the area of cultural industries, the discussion on the liberalisation of the audiovisual sector took on special relevance in the Uruguay Round of the GATT (the 8<sup>th</sup> round of negotiations that were held between 1986 and 1995), which gave rise to the adoption of the GATS and the creation of the WTO. In this context, the vindication of the cultural exception formula was that television films and series should be included in the list of general exceptions. The compromise reached at that moment led to gaining time but it did not close the conflict: the audiovisual sector was excluded from the offers submitted to the liberation negotiations, but was not eliminated from the GATS.

This episode, infuriated by the debate about the international trade of cultural goods and services, mobilised numerous states, international organisations and stakeholders in civil society, who were willing to face the threats aimed at eliminating public policy initiatives in favour of preserving the specificity of culture. Among them, French-speaking countries stood out due to their activism, led by Canada and France, UNESCO and professional associations and non-governmental organisations who decided to organise themselves into the so-called coalitions for cultural diversity. In this way, a discourse was started which, with its starting point in the notion of cultural exception, developed to the encounter of the concept of cultural diversity and favoured the idea of initially counting on a universal declaration celebrating cultural diversity (UNESCO 2001) and, later, with an international legal instrument to promote it and protect it: the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (UNESCO 2005).

It is true that the expression “cultural diversity”, formulated for the first time at the end of the 1990s by the French authorities and established by international organisations (UNESCO), large companies (such as the Vivendi-Universal group)<sup>4</sup> and organisations in the cultural sector (in particular the International Federation of Coalitions for Cultural Diversity), has eclipsed the notion of cultural exception in debates on culture

and communication. Some academics and politicians delight in this eclipse hurrying to condemn cultural exception<sup>5</sup>, while other analysts perceive a positive advance in the progress from cultural exception to cultural diversity (see Frau-Meigs 2002: 14): if the first of these notions has a defensive (and negative) connotation against the rules of free exchange of goods and services at an international scale, the second has a positive nature in which the protection and the promotion of diverse cultural expressions coexist. To this end, Jean Musitelli, on comparing cultural exception and diversity explains that the idea of diversity is based on three premises:

“(...) in the first place, renouncing the defensive posture symbolised by exception, and resuming the initiative substituting commercial logic for a cultural approach. In second place, removing the question of the framework of transatlantic rivalry and giving it a universal dimension. And, in third place, going from the exception to the rule, making a pillar of the construction of a new international legal order destined to regulate globalisation, out of the cultural/commercial rebalance” (Musitelli 2006: 13).

Nevertheless, for scholars such as Armand Mattelart (2005: 90) this terminological change could involve danger for the effective specifications of the principle of diversity in the area of cultural industries. Along the same lines of thought, Philippe Bouquillion, Bernard Miège & Pierre Moeglin (2013: 186) state that “Cultural diversity does not legally represent the same guarantees as [cultural] exception. Particularly, the reference to cultural exception shows a clear desire to remove the general principles of the market from the cultural industries, while the reference to diversity suggests that the normal organisation of the market should help to preserve this diversity, which facts tend to contradict”.

In any case, currently, the notions of cultural diversity and of cultural exception coexist, and the latter is—in our opinion—not just a legal formula used to safeguard the established principle of cultural diversity<sup>6</sup>, but also an argument frequently used by certain professional sectors and in some countries, such as France.

### *Diversity off/in cultural industries*

In order to understand the complex relation that exists between the notions of diversity and cultural industries, there needs to be a comprehensive vision in keeping with the tradition of studies on media diversity (see McQuail & van Cuilenburg 1983; McQuail 1992; Napoli 1999; Bustamante 2002; Bouquillion & Combès 2011). So that it is not a question of just inspecting diversity by analysing the characteristics of the contents to put into circulation—such as the language used, the format used or the ethnic or gender representations included— or of not reducing the diversity of the cultural industries to the number and type of stakeholders linked to the production of goods and services that have a strong influence on our vision of the world. To the contrary, a comprehensive perspective must cover the

various phases of functioning of the cultural industries: from the creation-production of contents through to their enjoyment by the public.

Therefore, thinking about the diversity of and in cultural industries depends on a whole host of factors. Adapting our considerations on the diversity of the audiovisual industry (Albornoz & García Leiva 2017a: 32), it is possible to state that with the aim of analysing the diversity of/in any cultural industry one must take into consideration, as a minimum, that:

- The production, distribution, promotion and exhibition/broadcast capacity of contents is not concentrated into a reduced number of stakeholders and that these should be characterised by having different types of ownership, size and geographical origin.
- The contents should show differences of variety, balance and disparity<sup>7</sup> in terms of values, identities and looks. These contents should reflect the multiplicity of groups that coexist in a given society (internal diversity) as well as reflect the cosmogonies and the foreign expressions of culture (external diversity).
- Citizens and social groups should be able to access and choose from a high number of contents and even create them and disseminate them.

This way of understanding diversity does not only aim to reaffirm a holistic perspective on the functioning of the cultural industries in the context of dynamic, changing societies, but also of focusing on the question of power in the controversy of the diversity/cultural industry tandem. Therefore, we need to deal with the multiple inequalities, differences and conflicts—between generations, classes and genders—that exist between societies and inside them (internal heterogeneity). Thus, the controversy of the diversity of and in cultural industries should not only consider the study of the ideological dimension of the available symbolic goods, but should also cover the analysis of the ownership of the material infrastructures of production, distribution and intermediation of symbolic goods, and the study of the possibilities that the subordinate social stakeholders can elaborate and put their own contents into circulation, as well as consuming them. Based on this focus, any policy that intervenes on the functioning of cultural industries to protect and/or promote diversity should inexorably be registered in the cultural recognition plan of “the others” and therefore, in the plan of the fights for equality and social justice.

### **Old debates: culture and communication policies**

If one accepts the thesis that diversity in the functioning of cultural industries is not something that comes naturally and that therefore safeguarding it is a matter of general interest, then the public powers have the obligation to promote and protect diversity. The regulation of the cultural industries in keeping with the safeguarding of this principle is, therefore, one of the most visible aspects of the relationship between diversity

and cultural industries.

The development of cultural industries throughout the 20<sup>th</sup> century had, as one of its most visible consequences, the entrepreneurial concentration and the internationalisation of technologies and of the production of symbolic contents by powerful transnational companies whose head offices were set up in industrialised Western countries. This awoke the reactions of various nations and also the concerns of academics and scholars. Therefore, for example, in the area of the cinematographic industry, in 1927, the British authorities established the screen quota system, which guaranteed the screening of national films in the cinemas of the United Kingdom, with the idea of defending itself from the deluge of films from the United States. France set up a system to support local cinematographic production in 1948, through a tax included in the price of each cinema ticket, administered by what is now called the *Centre national du cinéma et de l'image animée* (CNC).

Decades later, to guarantee the “cultural sovereignty” of each nation, the need to plan national communication policies (Beltrán-S. 1976), to guarantee access and participation of the various social groups (UNESCO 1978), to set up cultural policies (UNESCO 1982) and to opt for international cooperation in matters of culture was established. In addition, the functioning of the cultural industries favoured a rich international debate of a political and sociological nature that can be followed in the publication of the first monographs of the UNESCO on national cultural policies during the 1970s and in the MacBride report (UNESCO 1980), as well as the holding of the First World Conference on Cultural Policies MONDIACULT (Mexico D.F., 1982). Later, the need to protect and promote cultural production of an industrial nature gave rise to the strengthening of international cooperation in matters of culture through the activation of international programmes such as the MEDIA Programme (now reconverted into Creative Europe), set up by the European Union in 1991, or the Ibermedia Programme, created in 1998.

The evolution of all these measures and reflections with an epicentre in the cultural industries rather than focusing on the defence of the diversity of/in cultural industries, as defined above, mainly sought the defence of the supposed “national culture” through the construction of a state guarantee of “cultural sovereignty” in its territory. However, neither the defensive measures nor the international corporation strategies (often covering up cultural projection to the exterior) managed to deactivate on the one hand, the liberal wave that was threatening (Uruguay Round of GATT) and that is still threatening (GATS and WTO) the sovereignty of the states in matters of culture and communication, nor, on the other hand, the acute imbalances characteristic of the international commercialisation of cultural goods and services.<sup>8</sup>

In this context, the international community reactivated the debates and activities of the UNESCO giving rise, after two years of intense negotiations marked by numerous meetings of independent and governmental experts (Barreiro Carril 2011), to

the approval of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (UNESCO 2005). The text of the convention is highlighted among other considerations by:

- a. Reaffirming the principle of sovereignty in the states in cultural material.
- b. Advocating a special treatment for goods and services originating in developing countries to express the need to grant a preferential treatment to these countries.
- c. Encouraging international cooperation (North-South and South-South) in matters of culture on highlighting the need to reinforce international cooperation in the area of cultural expressions.
- d. Highlighting the need to count on information regarding the actions undertaken by the various stakeholders — public, private and civil society— to safeguard and promote cultural diversity.

Ten years after the coming into effect of this agreement, it should be said that it has been taken on by 144 member states plus an organisation of regional economic integration (the European Union). This has converted the 2005 convention into the UNESCO cultural treaty that has gained the greatest number of adhesions in such a short time. Nevertheless, this alleged “success” should not be allowed to trick us: it is a text with few obligations for its signatories which has an ambiguous status with respect to other international legal instruments (see article 20). Neither has it been ratified by powers such as the United States, Japan or Russia, which have significant cultural industries.

In any case, it should be noted that the Convention has had the merit of legally reinsuring the sovereign right of states to have policies and measures in the field of culture: encouraging international cooperation through the setting up of the International Fund for Cultural Diversity, one of the tangible derivatives of the treaty (Albornoz 2016b and 2016c); obliging the governmental authorities to prepare reports every four years that offer accountability of compliance with the objectives of the Convention, that detect and make visible good practices aimed at protecting and promoting cultural diversity and that supply statistical information about the cultural sector (Val Cubero 2017); and at the same time, promoting the attempt to measure the diversity of cultural expressions through the setting up of a programme established between 2007 and 2011 by UNESCO's Institute for Statistics (Albornoz 2017).

### **New challenges, culture in the digital environment**

Safeguarding the principle of diversity of/in cultural industries has been disrupted by the appearance and expansion of networks and digital devices in recent decades. It is not easy to answer the question about whether digitalisation offers an opportunity for cultural diversity in terms of democratisation, creativity and socialisation or, whether, to the contrary, this

process represents a leap ahead in existing threats such as that of entrepreneurial concentration in the area of production and distribution of cultural products. This is because the digital era offers, at the same time, possibilities for cultural enrichment but also unfolds new challenges (see Frau-Meigs & Kiyindou 2014) by condensing a series of logics that are developed with multiple tensions. Among these logics, one should highlight, following Michèle Rioux and his colleagues (2015), the following five Ds that characterise the new digital environment:

- **Dematerialisation:** due to the progressive abandoning of physical supports, it is increasingly more difficult to distinguish between cultural goods and services; therefore, many contents previously considered goods are starting to be called services. This is reinforced by the growing trend to pay for access to content by means of a service, which directly influences the drop in the acquisition of specific goods. Having said this, it is necessary to reflect on the materiality of what is virtual: although files and messages may not necessarily be stored in personal devices, they are physically stored somewhere. There is a global expansion of data centres in the network, controlled by a handful of companies known as cloud companies, which are not only constituted by the so-called native Internet companies (Amazon, Google, Apple and Facebook), but which also include historic technological companies (IBM, Oracle and Cisco) and new niche undertakings (such as Rackspace, Salesforce and VMware) (Mosco 2014: 7).
- **Disintermediation:** citizens can access content and share it online without the need to depend on mediators. This ability questions the role of traditional intermediaries. Nevertheless, the highly publicised disintermediation does not happen “purely” but through a process of re-intermediation and/or displacement. One use of re-intermediation in the digital environment is provided by the so-called multi-channel networks in YouTube, companies dedicated to packaging musical channels and offering artists, in exchange for a percentage of the income generated by the platform, different services such as assessment in production, programming and promotion, managing rights and sales, and developing audiences.
- **Decomartmentalization:** digital technologies favour the disappearance of borders between sectors; therefore, cultural, telecommunications and computer industries converge and a wide range of contents tend to be offered through multifunction devices. However, one should not lose sight of the fact that there is not an easy coexistence between open standards and systems, on the one hand, and proprietary standards and systems, on the other; which gives rise, respectively, to open networks and codes and to closed (and mainly opaque) ecosystems. One revealing example of a “walled garden” is Apple:

through the integration between software, hardware and contents, the company controls which applications, productions and media can be used on their devices and which cannot.

- **Delinearization:** with the technical means and suitable connection it is possible to access a given content anywhere, anytime and on any device. However, the flexibility of this on-demand use must be placed in relation with phenomena of online prescriptions and recommendations, which configure lists of contents and packaging proposals that give rise to different, new forms of programming and editorialization. The consumption of audiovisual content offered by OTT platforms is revealing about this matter. Companies such as Netflix use content recommendation systems which function with mathematical formulae (algorithms) based on the data provided by their clients in order to meet the objectives of the platform: to retain users and to order the catalogue of contents in an attractive way.
- **Deterritorialization:** the cultural industries get around in a growing way in a global space which goes beyond the borders of any state-nation. Therefore, the flows and interactions cannot only be understood from the perspective of regulations and national public policies. Nevertheless, one should not forget that production and cultural consumption in a digital environment are still irrevocably linked to “territories of experience” based, for example, on identities, languages and values. Therefore, it is not surprising that the rankings of most visited websites from computers located in the richest countries in the world show the popularity of locally produced sites for mainly national audiences —although the role of Google as a portal and shop window for contents is firmly grounded (Ofcom 2015). Having said this, it should also be mentioned that most local websites belong to large communication groups such as the BBC in the United Kingdom, the Grupo Prisa in Spain or NewsCorp in Australia.

This new scenario marked by the comings and goings around the five Ds must be viewed with respect to the emergence of powerful transnational platforms commercialising cultural goods and services online —often in alliance with traditional media-cultural conglomerates— which favour processes of re-intermediation in the digital ecosystem, strong entrepreneurial concentration on an international scale, strategies of tax evasion, processing big data for commercial purposes or detouring national support devices to independent productions (Albornoz 2016).

In the face of this complex scenario, the attention of the public authorities currently seems to focus on the action of online platforms, favouring two-way movements: valuing their activities at a local level, on the one hand, and demanding the

inclusion and visibility of vernacular productions, on the other hand. To this end, some US cities (Chicago, Pennsylvania and Pasadena, CA) have taken the first steps to start charging taxes to video-on-demand platforms (financed by subscription, pay-per-view or advertising) and to other electronic services offered via cloud (Byrne & Elahi 2015; Grabar 2016); and in the same way, the European Commission, through the modification of the Audiovisual Media Services Directive, proposes that the catalogues of the platforms acting in the European space should offer locally produced contents and that these should have sufficient visibility (EC 2016).

With respect to the international arena, most of the efforts are concentrated on adapting the 2005 Convention to the environment outlined by the digital technologies. After more than four years of debates held in the heart of the governmental bodies of the Convention (the Conference of the Parties and the Intergovernmental Committee) on the impact of the new technologies (Canada/Quebec 2013; France 2013; Guèvremont et al. 2013; Jaabouti & Pool 2013; UKCCD 2013; ULEPICC 2013; UNESCO 2014; Albornoz & García Leiva 2017b), the Draft operational guidelines on the implementation of the Convention in the digital environment was conceived (UNESCO 2016: 5-12). This document, to be discussed and approved by the Conference of the Parties at its next ordinary session (headquarters of UNESCO in Paris, June 2017), presents a series of “practical guidelines” with the aim of adapting the Convention to the digital environment and was conceived to be interpreted and applied in relation to the international treaty as a whole, in other words, promoting a transversal approach. In its considerations, the text states “The distinctive nature of cultural activities, goods and services as vehicles of identity, values and meaning does not change in the digital environment. Consequently, the recognition of the dual nature of cultural goods and services (cultural and economic) extends to digitised cultural expressions or those produced with digital tools” (UNESCO 2016: 5).

In the same way, in the explanation of its guiding principles, the text confirms the sovereign right of the states to implement “policies and measures for the protection and promotion of the diversity of cultural expressions in the digital environment”; and the need to “promote equitable access and balance in the flow of digital cultural goods and services, in particular through the application of preferential treatment provisions for works created or produced by artists and cultural professions from developing countries”. It urges countries that are part of the Convention to “update their legislative and regulatory frameworks for public services”, private and community media, as well as independent media organisations to stimulate the diversity of cultural expressions as well as the “diversity of the media” in the digital environment. In addition, and in keeping with article 16 of the Convention it encourages countries to establish “preferential treatment provisions to ensure more balanced flows of digital cultural goods and services from developing countries” (UNESCO 2016: 6, 7 & 9).

## Final considerations

An initial verification that arises from this article is the centrality that the concept “diversity” has reached in the area of culture and communication in the first two decades of the 21<sup>st</sup> century, as well as its conceptual proximity to other expressions such as “media pluralism” and “cultural exception”. However, the centrality of this notion, which is polysystemic and polyhedral, causes us to be aware of the intentionality with which it is used in different contexts. Suffice to say that it is necessary to be aware as the invocation of diversity can entail the celebration of free play of the market forces, the claim of an increase of public intervention favourable to exhibiting internal and external cultural heterogeneity, or the justification of cultural endogamy. Neither should we forget that the current vindication for diversity — expressed at an international level in a UNESCO Convention— is, in part, the result of the serious threats hanging over the policies and measures established by the public powers for the cultural field.

Secondly, and given the central place that cultural industries occupy today in complex, dynamic contemporary societies, it is essential to advance in a proposal about how the diversity of/in cultural industries can be understood. As we have mentioned, to understand the controversy of this tandem it is necessary to have a holistic vision of the functioning of the cultural industries and to register the protection and promotion of the diversity in the fights for the recognition of “others”, equality and social justice. This, therefore, implies vindicating public intervention and activating the multiple interested parties in pursuit of the democratisation of the field of culture and communication.

Thirdly, it should not be forgotten that the networks and digital devices have given rise to a new environment of production, circulation and consumption of dematerialised cultural content, which coexists with the traditional channels of access to cultural goods and services. This new environment, marked by opportunities and threats to be discovered and critically analysed (such as the multiplication of content available or the re-intermediation of the cultural field in the hands of powerful online platforms), is an essential scenario in which the power of communication and of moulding perceptions about what is social are resolved. As we mentioned in another piece of work, “the development of the various digital networks, with Internet at their head, is offered as a new “battlefield” in which to re-edit some of the controversies typical of the cultural industries in their analogical career; public service versus commercial interest, political control versus freedom of information, normative regulation versus *laissez-faire*, standardisation and homogeneity versus cultural diversity, mercantile control versus privacy” (Albornoz 2011a: 223).

Far from the promotional discourses of digital technology, which predicted that it would be a source of diversity leaving the role of the states as cultural policy makers meaningless, it is seen that beyond some studies on linguistic diversity in Internet, the specific reflections on diversity in the network of networks are unstable (Napoli & Karppinen 2013). Therefore, it

is pressing to study the dynamics of the digital environment that affect information, communication and culture and to reflect on which public policies are necessary today to make the principle of diversity a reality in the area of cultural industries.

To finish up, and as an example, we would like to mention a couple of challenges to be dealt with to be able to advance with the promotion and protection of diversity of/in cultural industries.

It is essential to understand the performance of the new stakeholders that occupy a notable place in the digital environment. Investigating the role of transnational online platforms is fundamental as they do not only stand out as intermediaries in transactions of a very different nature and scope, but they show complex, not always transparent, relations with very different kinds of stakeholders — whether linked to the informative and cultural production (traditional means of communication) or to the economic activity in general and financial in particular. To this end, for example, the analysis of the ten major shareholders of the five main technological companies —Alphabet (whose main subsidiary is Google), Facebook, Apple, Amazon and Microsoft— reveals the presence of six US investment fund managers that control the sector in the shadows: BlackRock, Vanguard, State Street, Fidelity, Capital Group and T. Rowe Price (Trincado 2017). This fact highlights the necessary research and reflection on the relationships between financial capital and cultural diversity.

This, in turn, obliges us to rethink the possibilities and limitations of the action of the states. The legitimacy and use of the initiatives developed with the evolution and consolidation of cultural industries throughout the 20<sup>th</sup> century is increasingly questioned in the digital environment. The reconversion of screen quotas into “catalogue quotas” to assure a minimum presence of national audiovisual productions in online transnational platforms, for example, becomes tricky, as being part of a catalogue does not guarantee promotion and visibility to a work. In addition, the states are facing the difficult task of penalising tax evasion when the object of the tax and the subjects obliged to pay it cannot easily be defined or explicitly questioned from the existing legal-administrative structures. Therefore, national policies should necessarily be organised with international cooperation strategies: for transnational problems, shared solutions should be tried out.

## Notes

1. The execution context of this article is the research project “*Diversidad de la industria audiovisual en la era digital*” [Diversity of the audiovisual industry in the digital era] (CSO2014-52354-R), financed by the State Research, Development and Innovation Programme Aimed at the Challenges of Society of the Spanish Ministry of Economy and Competitiveness. This project has been developed by the Audiovisual Diversity group based in the Universidad Carlos III de Madrid and directed by the authors of this article (see: [www.diversidadaudiovisual.org](http://www.diversidadaudiovisual.org)).
2. Cultural industries may be defined as “the constant evolution of a system of activities of production and cultural exchange subject to rules of commercialisation, in which the techniques of industrial production are only reasonably well developed, but in which work is increasingly organised by the capitalist mode that operates through a double separation: between the producers and their products, and between the tasks of creation and those of execution” (Tremblay 1990: 44).
3. It should also be noted that since the decade of 2000, the notion of creative industries —accompanied by those of “creative city, “creative class” or “creative economy— has come to complement and compete against cultural industries. Although numerous organisations linked to the United Nations, including UNESCO, have adopted this new notion, extending its dissemination at an international scale, the aim of this work is not to deal with the direction of the term “creative industries”. We will simply point out that it awakens mistrust in academic sectors due to its vague (and sometimes contradictory) limits as well as its intentions. To this end, you can consult the collective works published by Albornoz (2011b) and Bustamante (2011).
4. In 2003, the Vivendi-Universal Group incorporated the promotion of cultural diversity into the production and the distribution of contents as one of its strategic pillars. Since 2010, this theme has been part of the criteria of corporate social responsibility included in the variable retribution of the top management of the group. In 2012, it published the website “Culture(s) with Vivendi” dedicated to cultural diversity.
5. Remember the declarations of the former president of Vivendi-Universal, Jean-Marie Messier (New York, 17 December 2001): “The Franco-French cultural exception is dead, long live cultural diversity!”. Or those of the former president of Spain, José María Aznar, at the headquarters of the Chamber of Commerce of the United States (Washington, January 2004): “Cultural exception is the refuge of cultures in decadence”. Mario Vargas Llosa published his controversial opinion article “*Razones contra la excepción cultural*” (Reasons against cultural exception) in the newspaper *El País* (Madrid, 25 July 2004).
6. This was the position of the European Union when signing the commercial agreements, upheld by various legal techniques: a) the establishing of a general exception to the agreement, b) the establishing of a specific chapter within the agreement (for example, in the chapter on the trading of services), c) the absence of liberalisation commitments for explicitly listed goods and services (“positive lists”) or, d) the introduction of specific limitations on liberalisation reserve lists (“negative lists”). This final option, for example, was that chosen for the Comprehensive Economic and Trade Agreement, signed between the European Union and Canada (García Leiva, 2015).
7. With respect to the differences of variety, balance and disparity that cultural content may offer, the definition of Andrew Stirling



(1998, 2007) on diversity is considered, which contemplates the combination of these three components. The variety has a relation to the number of different types of existing elements; the balance considers the different degrees in which the types defined are represented as a whole; and the disparity is related to the degree of dissimilitude or dissimilarity of the different previously defined types. Therefore, the greater number of categories a system possesses, the more balanced they are and the more dissimilar they are from each other, the greater the diversity.

8. Although the international trade of cultural goods and services almost doubled between 1994 and 2002, going from 38.3 to 59.2 thousand million dollars, this market was concentrated in a limited number of nations in 2002: countries with high income economies (the United Kingdom, the United States, for example) were the greatest producers and consumers of cultural goods, while the so-called developing countries represented less than one per cent of the exportations of cultural goods (UNESCO-UIS 2005: 9). A decade later, one can still see acute imbalances. In 2012, 128.5 thousand million dollars were registered for exportations of cultural services, with the developing countries responsible for only 1.66 per cent of the exportation figure (Deloumeaux 2015: 125). In 2012, the commercialisation of cultural services, in which the Audiovisual and Interactive Media domain (audiovisual services and licences to reproduce and/or distribute audiovisual products) played a marked protagonist role, showed that ten countries represented 87.8% of worldwide exportations: the United States was responsible for more than half the exportations (52.4%), followed by the United Kingdom, France, Canada, the Netherlands, Sweden, Germany, Luxembourg, Ireland and Belgium (Deloumeaux 2015: 129-130).

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