

## **TRIBUTE TO IVAN BERNIER**

**BY CHRISTINE MERKEL**

On the happiness of having met Professor emeritus Ivan Bernier on so many fruitful occasions over the last 15 years.

Whatever our endeavours –we very often stand on the shoulders of giants we might not even know or have met. For students, scholars, artists, creators, cultural activists and policy makers of today and tomorrow, it is a given that UNESCO’s Convention on the protection and the promotion of the diversity of cultural expressions exists, and that it has earned itself a respected place among the 500odd Conventions in International Law in general, and among UNESCO’s seven Culture Conventions in particular. Its uniqueness lies in the fact of being the sole instrument promoting forward looking public policies to foster contemporary artistic creation, against all odds, and in the unfolding digital context of today and tomorrow, while also setting out the bold ambition of (a much) fair(er) trade in cultural goods and services, opening up a new horizon in international cultural relations, especially in and with the Global South.

What looks like a “text” today, in reality is an intellectual and political co-production of many minds from all continents, skilfully conceived and drafted, vigorously negotiated with stamina, like building a ship in high sea, between 2003 and 2005.

How on earth would I, a historian, political scientist and psychologist, come across and learn about the brilliant scholarly work of Ivan Bernier, researching and teaching at Laval University’s Law School, 10,000 miles away from my home turf? In winter 2002, when I had just taken up my responsibilities as the head of the division for culture and communication at the German Commission for UNESCO, word came to Berlin that a circle of Canadians were working towards “ a new international instrument” for culture. This sounded very enigmatic! Sure, there can be no music without instruments – but what type of instrument was that meant to be? Never would I have expected then that my professional work and career would involve me in such a substantial and sustained way in the making and shaping of a new piece

of international law, and in many combined international efforts of bringing it to life and making it work.

Thanks to the energetic cultural leadership of the then Canadian Minister for Culture, Ms Sheila Coppes, the founder and midwife of the International Cultural Policy Network, more substantial details landed in our mailboxes: We started studying and discussing the SAGIT draft, and the many exciting Canadian papers made available through ICPN. This triggered the curiosity to find out more about the intellectual masterminds who were driving this effort – le “père spirituel”! Also, having analysed in my earlier career in peace and conflict studies the very successfully orchestrated campaign to get the Anti-Personnel Land Mine Ban adopted – a campaign also strongly powered by Canada – I was aware that we might see this “new instrument” come into being very soon.

Probably in 2003/ 2004 I first met and got to know Ivan Bernier in person – very impressed by his very clear forward-looking thinking, his profound understanding of policy making spaces and the imagination to open up new ones, and his soft spoken-ness, paired with intellectual and human generosity. Subsequently meeting on many occasions, in Paris at UNESCO for the work of the Intergovernmental Committee, in Madrid, Berlin, Montreal and Mons.

Re-reading his CV when writing this short piece, I realised that I met him when he had already retired from his university positions, in 2001 and 2004! Hence, these 15 years, the second half of his three decades of excellence in international law, he dedicated his retirement freedom to “public subversive service” at its best. I guess Ivan Bernier deserves a gold medal for being one of the most active retired public scholars in the field of culture and international law. His lucidity, sharpness and endurance were instrumental in the fifteen years which brought the Convention into being, and laid the foundations for making it work.

Today, when China rules the web, when multilateralism and trade cooperation are seriously challenged, then the World Trade Organisation is too weak to deliver, this type of lucidity, courage and stamina are being more needed than ever.

With two excellent UNESCO Global Reports 2015 and 2018 available who monitor the Convention's repercussions, its influence, impact and shortcomings, pointing to manifold new challenges and tasks ahead, this is the moment to translate this brilliant treasure chest into new types of action and co-production, in order to

- Strengthen artistic freedom and push for gender justice also in the arts and culture sector
- Put fair culture on the agenda, with the mobility of artists and cultural producers as a prerequisite, transform cultural value chains in trade towards fair trade agreements with access to interesting and viable markets
- Bring the cultural transformation to scale which is needed to keep a 1,5 ° climate balance on earth.

Thank you very much, Ivan Bernier, for being such a source of inspiration and courage to so many colleagues in the international inter-generational community of colleagues! It's been a pleasure and an honour to meet and co-operate on so many happy occasions. I hope to be able to contribute transmitting these creative energies to next generations of colleagues who are starting their paths into the exciting and turbulent field of culture and international law. .  
Christine M. Merkel, Cologne/Germany, one of the Co-Authors of UNESCO's Global Reports Re/Shaping Cultural Policies 2015 and 2018 and contributor to the Legal Commentary on the 2005-UNESCO-Convention, edited by Sabine von Schorlemer and Peter-Tobias Scholl (Springer Heidelberg/New York, 2012).

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