

TRIBUTE TO IVAN BERNIER

BY GARRY NEIL

As Executive Director of the International Network for Cultural Diversity from its launch in 1998 and as a member of UNESCO's panel of experts, I have had the privilege of working with Ivan Bernier for many years.

The idea for a legally-binding international instrument on cultural diversity first emerged in Canada in 1999 in response to growing concerns about how the trade and investment agreements were restricting our ability to implement cultural policies. From that beginning, the concept was embraced by key governments, artists and civil society organizations around the world. UNESCO launched negotiations in 2004 and the *Convention on the protection and promotion of the diversity of cultural expressions* was approved by the UNESCO General Conference in 2005. It came into effect two years later. The development of this new international treaty occurred astonishingly quickly, particularly considering it was seen initially as a controversial proposition.

The Convention was negotiated and implemented in such a short timeframe because a number of Canadians and Québécois led the development of a powerful global alliance. This alliance brought together key governments from the north and south, and a broad range of important civil society partners from every corner of the globe. For many years, we met annually, the world's culture ministers meeting alongside and collaborating closely with civil society. It was an unprecedented opportunity for civil society to influence these governments and intergovernmental institutions.

Ivan Bernier was one of the key players in this process. He was there, every step of the way. Of course none of this was new to Ivan even in 1999, since he had already been studying and writing about the trade agreements for many years. He brought to the whole process an insightful legal

mind, and an understanding of the importance of language and nuance. He helped to frame the issues clearly and concisely. He worked with various governments and their officials and negotiators. But, he also freely provided advice and wise counsel to all the civil society players who asked. He even provided advice when we didn't ask! He did this, of course, because he was passionate about the issues, he believed in the objectives for which we were all striving. And he worked diligently for the best possible outcome.

In the short term, the Convention did not achieve its promise, particularly as it failed to carve culture out of the trade and investment agreements. But, we have embraced it as an important political tool that we must continue to wield as we continue to strive for these objectives. This remains critically important for Canada and Québec as we deal with the challenges of the digital shift and the relentless pressure on our governments in trade negotiations, pressure to which they have too often succumbed. In the Convention, all governments, including our own, have made substantial commitments and accepted important obligations and it is up to all of us to hold them to account.

Ivan has understood this too, and he has continued his work into this new stage, once again in many different ways. He researches and writes about the issues and challenges, he works with governments and UNESCO, and he continues to provide the same wise counsel to the civil society partners as he has always done.

We are all deeply grateful to him.