

## **Second Newsletter of the International Network for Cultural Diversity**

Greetings. If you get this message, you are one of the more than 140 members in 21 countries who are now members of our network.

At the end of this newsletter we are including an analysis of cultural issues in the present international landscape by our international coordinator Garry Neil. Please feel free to reproduce it in your own publications, as long as you give credit both to Garry Neil and to the International Network for Cultural Diversity. Thank you to the several organizations that have already reproduced our analysis or mentioned our work in their newsletters.

### **Web Site**

We are in the process of constructing our web site, and now intend to launch it in May. As the foundation for the website, we want to assess what information and analysis may be available to our network. The compiled documentation can then serve as the basis for discussions both on the e-mail list and at the founding conference of the network in Greece.

To help us with this task, please send (if possible digitally, if not, by mail) documentation on the subjects listed below. If you are aware of, but do not have access to documentation, please simply identify it. Please include title, author, date, languages documents are available in, and country of origin. Also please indicate if we have permission to post these documents on our web site.

### **Subjects of interest:**

- Current trade agreements in your region and their impact on your arts and creative industries.
- How creators of culture are sustained financially in your region.
- Documentation showing the importance of arts and creative activities in your society, including any advocacy work your organization may have done to seek more support for the arts.
- The relationship between non-profit and for-profit sectors of the arts and creative industries in your region.
- Thoughtful writing on the role of the arts and creative industries within diverse cultures.
- Major threats to cultural diversity that you have identified in your region.
- Ways to preserve and promote cultural diversity
- Also, in recognition of the developing trend toward international projects and cooperative productions, accounts of experiences about the positive outcomes, and the pitfalls of such endeavours

### **Web site Launch:**

We are planning to link the launch the site in May to relevant international and national events. If you have suggestions for opportunities please send us the information - place, date, nature of meeting, contact person, contact numbers.

## **Participation in the Conference in Greece:**

We are beginning to apply for funding to subsidize the attendance of cultural groups at our founding conference in Greece next September. If you are interested in going, please let us know as soon as possible. We are hoping that most cultural NGOs will secure their own travel funding, but we will at least begin the fundraising process for those who might require it.

## **We are expanding our International Advisory Committee:**

As the Network grows, the advisory committee will expand to become truly international, and specific working groups will be formed. Please consider who might be nominated from your area. We will be seeking representatives from: Africa, Asia, Australia and New Zealand, Central and South America, Europe & the Middle East

## **Events of interest:**

Here are some upcoming events dealing with cultural diversity that you thought you might be interested in. If you decide to attend one, we would of course be very grateful for a report of any sort. If you know of other relevant upcoming meetings, please let us know.

- **Technology and Culture: Knowledge Across Borders Forum, April 8 (University of Toronto, Canada)**  
Organized by the Ontario Council for International Cooperation. "An encounter of activists, experts and practitioners for a creative and systematic exchange of knowledge and experience towards further understanding and practically addressing critical issues concerning technology and the global 'network society.'"  
Deadline for abstracts: March 6.  
More info: see web site, [www.web.net/~OCIC](http://www.web.net/~OCIC), call (416) 972-6303
- **Conference on Democracy, Rights and Equality - the challenges and opportunities, May 7 - 11 (Belfast, Northern Ireland)**  
The British Council is hosting a conference on the theme of democracy and human rights. Among the themes to be explored is the issue of national and cultural identities and cultural rights. The conference brochure notes that: "To date cultural rights have not received the attention they deserve from a human rights perspective." The conference will explore how democracies can actively promote a diversity of identities and cultures within the context of international human rights standards.  
Contact: Robert Pinheiro, Promotions Manager, International Networking Events, British Council, 1 Beaumont Place, Oxford, OX1 2PJ. Tel: +44 (0) 1865 316636. Fax: +44 (0) 1865 516590. Email: [network.events@britishcouncil.org](mailto:network.events@britishcouncil.org)
- **Sixth International Conference of the Voice of the Listener and Viewer, May 17-19**

**(London, England)**

Theme: Public Service Broadcasting in the Information Society. The conference will look at the future for Public Service Broadcasting internationally, and will examine the impact of the World Trade Organization. The conference will also deal with children's television, media literacy and life long learning in the context of Public Service Broadcasting.

· **Canadian Cultural Research Network host Gathering of Canadian and European Cultural Researchers, May 25-29 (University of Alberta, Edmonton, Canada)**

In the context of the Canadian Congress of the Social Sciences and Humanities, the Cultural Information and research Centre Liaison in Europe (CIRCLE) is holding their Round Table on May 26 and 27. European cultural researchers and invited Canadian guests are exploring the theme of Culture and Social Cohesion. Then the Canadian Cultural Research Network Symposium will take place May 28 and 29 will look at themes of Cultural Policy and diversity. For more info contact Donna Cardinal by email at cardinal@web.net or by telephone at (780) 434-2635.

· **General Assembly of the Organization of American States, June 4 - 6 (Windsor, Canada)**

The OAS brings together heads of state from North, South and Central America. This meeting will shape the agenda for the third Summit of the Americas in Quebec City in 2001. NGOs have been invited to participate.

We will keep you updated regularly in the months to come - please send us any material you would like included in these regular updates.

Following is the analysis by Garry Neil - as mentioned earlier, feel free to use or cite this report with reference to the author and the network.

**THE WTO PRESSES AHEAD**

Despite the failure of the Ministers to achieve a consensus in Seattle, the WTO is moving ahead with its plans. The so-called "built-in" agenda of matters agreed in the Uruguay Round included an understanding to continue discussions on the General Agreement on Trade in Services (GATS) and Trade Related Aspects of Intellectual Property (TRIPS). Both of these agreements and the ongoing discussion could have enormous consequences for cultural policy.

The WTO appears to be preparing for new negotiations on GATS. Speaking before a House Committee on 8 February 2000 about the WTO, US Trade Representative, Charlene Barshefsky stated:

"... we are developing proposals for a wide range of sectors where our companies have strong commercial interests, including ... audiovisual services ... telecommunications ... Our companies are poised to be among the primary beneficiaries from stronger commitments at the WTO."

## GOODS OR SERVICES?

The cultural sector comprises individual artists who create works of all kinds; cultural producers who take certain works and transform them into films and television programs, books and magazines, sound recordings and CDs, new media productions or stage presentations; distributors who sell them to buyers everywhere; exhibitors who show them on television, in cinemas or on-line; and those who preserve them in museums, libraries and other institutions.

For purposes of the WTO agreements, there is uncertainty about where these activities fall. For example, while the debate about the audiovisual sector revolves around the application of GATS, the 1947 General Agreement on Tariffs and Trade (GATT) included an exemption for domestic cinema screen quotas, implicit recognition that a movie is a "good." While most artistic activity is a service, the end product may sometimes be considered a "good."

Several years ago, the US challenged the measures adopted by the Canadian government to support Canada's magazine industry. In its decision, the WTO trade panel found magazines to be a "good" and Canadian and US magazines to be "like goods." This was a critical part of the panel's decision to strike down all of the Canadians measures.

Technology adds to this uncertainty, as broadcasters and bookstores move to the Internet, telephone companies provide television services and digitally-perfect music is downloaded. Thus, culture may be affected by developments in the telecommunications field, or agreements that relate to electronic commerce. The challenge becomes, how do you carve culture out of the trade agreements, when it is so fundamental a part of human society?

## CULTURE AND THE WTO MINISTERIAL STATEMENT

In Seattle, there was no dispute about the parameters of new negotiations on Services. Article 28 of the Statement being prepared for the Ministers' signatures states that broad negotiations would commence, and that "no service sector or mode of supply shall be excluded a priori" from these negotiations. The negotiations would proceed on a "request-offer" approach, meaning the US would be free to seek commitments from other countries in the cultural field. Further, that approach would be supplemented by "other negotiating modalities applied on a horizontal or sectoral basis."

These parameters create significant concern for those interested in preserving cultural sovereignty and promoting cultural diversity. There would no a priori exclusion of cultural services from the negotiations and,

given the power of the global entertainment industry, led by large US companies adamant about rolling back cultural measures, it would be extraordinarily difficult to negotiate specific exclusions during the negotiating process.

The agreement to consider a "horizontal" approach raises the spectre that negotiations could result in rules that apply across all services, regardless of exclusions or the refusal of a country to make an "offer" in a particular sector. This raises the possibility most feared by cultural advocates, that rules negotiated to regulate trade in traditional service sectors would be applied equally to the cultural sector.

#### PREAMBLE PAYS LIP SERVICE TO CULTURAL IDENTITY AND DIVERSITY

Given the broad scope of the Services section in the Ministerial text, it would be critical to have some language recognizing a cultural imperative. The following statement appeared in Article 5:

"In a rapidly changing world, we owe it to all our citizens that the system should allow them to pursue their opportunities and realize their aspirations, including those pertaining to cultural identity and diversity, and to adapt to the challenges of globalization and new technologies."

This language is so weak negotiators from the EU considered it worthless and there was doubt about whether they would support it in the end. In its analysis, the Canadian Conference of the Arts stated the preamble language has "all the legal weight of a Hallmark greeting card."

There is no doubt the language is weak, for a number of reasons:

- there is significantly no reference to the means by which citizens would be allowed to pursue their opportunities and realize their aspirations. The clause would have been more effective with the inclusion of language such as, "through public policy" or "through appropriate measures";
- the same clause also includes a reference that indigenous communities "should benefit" from the trading system and acknowledges the "important role of small and medium sized enterprises", thus reducing the cultural dimension to a minority consideration;
- the clause is contained in the preamble, which is weaker than having it in the appropriate parts of the operative text;
- the text typically refers to "Members", the 135 countries which constitute the WTO. In the cultural diversity language, there is no such reference and thus one interpretation is that Members would have no rights in this area, only their citizens. Since the entire battle on the cultural front is about retaining the right of nations to implement and maintain

policies in the cultural realm, this absence is important.

In the final analysis, while this language is flawed, it is better than the alternative, which would have been a comprehensive approach to the negotiation of a new Services' agreement, no exclusion for cultural services and no reference to cultural diversity and cultural identity.

While the Ministers failed to agree to an overall final text, the sections significant for culture were finalized and may yet become operative and it is therefore important to understand them.