

REPORT of the CIRCLE Round Table on

**European art and culture
between free trade
and cultural diversity.
A delicate dialogue?**

15–16 December 2006 Helsinki

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Education and Culture

Culture 2000



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Terminus a quo

CIRCLE, the Cultural Information and Research Centres Liaison in Europe, received support from the European Commission for organising its annual Round Table in 2006. The support was received under the general theme “European Cultural Network Building – A Bridge Between Research and Practice” with the idea that the Round Table would bring together researchers and practitioners of international cultural co-operation to analyse and debate the responses and stands taken by governmental, trans-governmental and corporate (profit and non-profit) actors in relation to international conventions and treaties defining the status of the arts and culture in the evolving global economy. Special attention had to be paid to the relevant EU policy stands and to the recent UNESCO efforts to develop instruments for maintaining cultural diversity on national, transnational and global levels.

This original idea of the Round Table was elaborated into relevant themes and overall design by CIRCLE, Boekman Foundation (the Netherlands) and CUPORE (Finland). The latter two organisations had agreed to provide expertise and additional resources and CUPORE also offered to provide a venue and management functions for the Round Table to be held in Helsinki, Finland. It was also agreed that the Round Table would be titled “European art and culture between free trade and cultural diversity. A delicate dialogue?” Its analyses and debates were to answer the following questions.

How would it be possible in the present trade liberalisation and cultural diversity situation to

- enhance a better balance in the world-wide cultural exchange of ideas,
- improve more effectively and in a more meaningful manner the protection of intellectual property rights, and
- ensure a stronger guarantee for maintaining and increasing cultural diversity both at the national and international level?

Recent developments in the international cultural policy scene precipitated the choice of the topic for the Round Table. Firstly there has been a standstill in the world trade liberalisation efforts after the attempts by the World Trade Organisation (WTO) to implement its Doha Development Agenda (DDA). This gave a respite to cultural policy decision-makers and experts to consider critically the effects of the provisions of GATT, GATS and TRIPS on the development of the arts and culture on all levels: global, transnational, national, regional, and local. The movement defending a “cultural exception” for the arts and culture in the trade liberalisation processes gained ground especially due to the efforts of INCP, the International Network on Cultural Policy¹ and the INCD, International Network on Cultural Diversity². These efforts crystallised in the adoption of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions by the UNESCO General Conference in October 2005.

1 For these efforts, see the Reports 2002-2005 of the Annual Ministerial Meeting International Network on Cultural Policy, http://www.incp-ripc.org/meetings/index_e.shtml#2002

2 See <http://www.incd.net>

After the Commission's positive funding decision was reached, the Round Table was organised in the Helsinki High Tech Centre from the 15th-16th December 2006. The postponing of the event to that late a date of the year was due to the need to see the national responses to UNESCO's appeal to have its new Convention ratified as soon as possible.³

During the autumn of 2006 the theme of the Round Table was reworked and CUPORE prepared an extensive Internet-based information system of relevant legal documents and research papers and studies, including a bibliography of core publications⁴. In this process, the preliminary objectives were set within the broader international context as the following excerpt from the Conference Reader bears witness to. Accordingly:

"... the focus of the Round Table would be the status of the arts and culture in the evolving global economy. It is increasingly important to consider cultural diversity together with the development of the international trade regime and trade rules. Also national cultural policies need to take into account these external forces"

Cultural issues become relevant in a range of contexts of international trade law including e.g. WTO agreements: General Agreement on Tariffs and Trade (GATT), General Agreement on Trade in Services (GATS) and Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). The main objectives of GATS and GATT agreements are to promote liberalisation of trade in goods and services and equity between parties. TRIPS requires member states to provide strong protection for intellectual property rights.

UNESCO's new Convention on the Protection and Promotion of the Diversity of Cultural Expressions recognises the need to take measures to protect the diversity of cultural expressions. Article 6 of the Convention takes a clear stand that the parties (the states and their transnational organisations, e.g. the EU) can, in its cultural policies, adopt measures '...aimed at protecting and promoting the diversity of cultural expressions within its territory'. Article 7 legitimises the promotion of cultural expressions and Article 8 makes an allowance for special protection which a party to the Convention can resort to in the case '...cultural expressions on its territory are at risk of extinction, under serious threat or otherwise in the need of urgent safeguarding'.

The Convention as such does not solve the issues of the position of the arts and culture in the trade liberalisation negotiations. It has also been pointed out that its Article 20 contains a clause that "...nothing in this convention shall be interpreted as modifying rights and obligations of the parties under any other treaties". Irrespective of what this clause may mean, there is, due to the collapse of the trade negotiations in Cancun, a standstill which allows us to look for a balance between free traders and protectionists"

Thus the "delicate balance" of the Round Table theme, became during the course of the autumn 2006, increasingly focussed on the issue of what alternative the UNESCO Convention could become vis-à-vis the WTO legislation and what strategies the EU could take in this contraposition.

3 Just as the Round Table convened, UNESCO expected the last required deposits of thirty national accession instruments required for the formal acceptance of the Convention. By the 18th of December, just after the Round Table meeting, this requirement was fulfilled in 2006. The Convention entered in force in March 2007.

4 See www.cupore.fi news archives 2006.

The programme of the Round Table (see Appendix 1, Programme of the Round Table) was constructed of three main components. After the overall introduction, the first session was to contain analyses of and debates on the present “balance” situation and its potential development alternatives by scholars in international trade law and policy makers who had participated in the drafting process of the UNESCO Convention. The second session would analyse transformations that the world trade liberalisation processes have caused in the European media and audiovisual sector and consequently also in the field of artistic work and cultural production. In this context, relevant cultural and trade policies of the EU were also to be analysed and debated. The third session was to explore trade-related problems in European artistic life and cultural service provision and potential policy changes needed to solve them. (see Appendix 2, List of Participants).

The Convention vis-à-vis the WTO trade liberalisation: the present balance and its expected changes

The speakers of the opening session explicated the objectives of the Round Table and offered a brief historical review of the birth of the UNESCO Convention and the most recent turns in the international liberalisation of goods and services. The first working session continued with presentations and assessments of the structure and functions of the Convention and the WTO legislation. The former was presented by policy makers, who had participated in the negotiations and drafting of the Convention; the latter by legal experts in international trade and copyright law.

The development of the UNESCO Convention from the INCP-INCD initiative to its final legal form was presented as a victory in the fight against the subjugation of culture to the regulations of international trade liberalisation. Two features of the Convention were underlined in particular. First, starting with the concept of “cultural expression” and the idea of nations’ cultural sovereignty its designers and final formulators had managed to construct an integrated legal framework, which was hailed by some speakers as a Magna Charta upon which a system of international cultural policies could be established. Second, the speakers underlined the great unanimity of the UNESCO member states at all stages of its adoption as an indication of a well-forged compromise, which was seen to forebode a similar constructive attitude also in the implementation of the Convention⁵. The speakers however recognised the fact that, as stipulated by the Vienna Convention⁶, the recognition of the validity of the regulations of the Convention was to depend on their congruence with the regulations of other international treaties dealing with the same subject matter. Yet the Convention was assessed to provide a basis for negotiations in such situations where the WTO representatives repeat the dictum that “...if a country does not sign up the audiovisual service treaty, then it can no longer be a member of the WTO”.

The experts in the international law expressed in turn some doubts about the efficiency and future applicability of the Convention. They underlined the nature of the Convention as a “rights document”, which did not provide its signatories with binding obligations and clear sanctions. This becomes apparent in cases, where countries, in order to facilitate bilateral trade negotiations, give up their “sovereign” cultural policy rights. This has happened e.g. in the case of quotas in favour of domestic film industries. In more general terms, a Convention signatory country cannot appeal to the Convention regulations in order to be able to allot special advantages e.g. to its film co-production partner without invoking the Most Favoured Nation Clause of a relevant WTO agreement – presuming, of course, that the country has signed the agreement. Thus the UNESCO Convention can at best function as a weak incentive for its signatory states to maintain the “non-liberalisation” cultural exemptions that prevail in the GATT agreement in the case of the audiovisual sector. On the other hand, the UNESCO Convention may encourage a signatory state to challenge the national treatment clause by reference to the “unlikeness” of a subsidised cultural product in comparison to a potentially similar competitive foreign product.

5 The Convention entered into force on March 18, 2007.

6 The Vienna Convention on the Law of Treaties, (UN, 1969), Article 53.

The international law experts yet recommended a more courageous use of the “exception measures” listed in GATT and GATS (Article XX of GATT; article XIV of GATS). Special reference was made to the subparagraph (f) of the GATT Article XX, where special national measures were made permissible, if they were “...imposed for the protection of national treasures of artistic, historic or archaeological value” and to sub-paragraph (a) of the GATS Article XIV where exceptions were allowed as to the services “... necessary to protect public morals or to maintain public order”⁷.

The experts in international law also suggested more profound reorientations, which would require changes both in the stipulations of the UNESCO Convention and the GATT/GATS regulations. It was suggested, for example, that different conditions for competition should be taken into account in interpreting the “likeness” or “unlikeness” of a cultural product or service, when decisions are made on whether its national treatment was admissible. Thus for example a feature film, which is domestically in a position of a “like product” in comparison to a similar American average feature film, has a comparative disadvantage in competing abroad with the same American film, which has the multiple marketing and publicity advantage. This was to be taken into consideration and the national treatment clause should be reformed accordingly. In the same vein, it should be allowed to strengthen the export opportunities of small domestic companies vis-à-vis international competition from big culture industry corporations having enormous content catalogues and large stocks of copyrights. In more general terms, these are issues of national and international competition and copyright legislation and should be taken into account, as they are subjected to reformulations. As to the sanctions for affirming cultural exception, it was suggested that countries should e.g. be allowed to retaliate against the national treatment restriction by upholding copyright compensations to major corporate right owners. In the discussion it was also suggested that there is a need to strengthen the UNESCO Convention and acquire more cultural exemptions along the lines pursued in the development of the Biodiversity Convention and international environmental and public health sectors.

The potential impact of the GATS liberalisation process received in the presentations of the international trade law experts less attention than the Convention vs. GATT issues. This was partly due to the present standstill in the GATS process. Yet attention was paid to the commitment and request submissions with deadlines in 2003 and 2005. In their submissions the member states expressed their preliminary commitments to sectors or sub-sectors of services they would open for competition, specifying at the same time the limitations for market access, mode of opening and exemptions from the MFN (Most Favoured Nation) clause for more favourable treatment of some trading partners. It was noted that in its preliminary commitment the EU firstly protected the European public service model against liberalisation, and, secondly, limited its liberalisation commitment in the case of the audiovisual sectors. On the other hand, the experts underlined the need to make national negotiators and decision-makers aware about the need to protect culture and transnational cultural co-operation with GATS limitations and exemptions; and also be aware that these limitations and exemptions would not be used as bargaining tools for getting a better deal in some other domain of service liberalisation, e.g. that of insurance services.

7 The public order exception may be invoked only where a genuine and sufficiently serious threat is posed to one of the fundamental interests of society.

Some other participants were more optimistic than the international law experts as regards the positive effects of the UNESCO Convention in general and in the European cultural sector in particular. They especially noted that the Convention would affirm the protection and promotion of the audiovisual sector so far enacted by the EU legislation e.g. as regards television quotas for national and EU programmes. They, however, also underlined the need to avoid the use of such restriction measures, which could create barriers or unfair trade treatment between the EU member states or against third countries, which have close historical, linguistic and cultural ties to the EU member states.

Liberalisation and protection in practice: the case of European audiovisual sector

The present state and the future policy options for the European audiovisual sector was the theme of the second working session of the Round Table. It was by no means surprising that the underlying agenda of the session was the U.S. world dominance in the sector and the European strategies to counter it.

Already in the first session the international law experts had presented some statistics on the American dominance; in the second session these statistics were related to the U.S. opposition to the adoption of the UNESCO Convention. The American perception of the Convention as “a European” attempt to limit its freedom of action and reduce its share in the global audiovisual markets, was by no means a new observation. More interesting were the analyses of the stands taken by other countries in trying to balance between absolute liberalisation advocated by the U.S. and the quite absolute opposition of Canada to this U.S. striving, which was reflected in its central role in effecting the UNESCO Convention. It seems that the Asian countries (at least Japan, South Korea and India) are inclined to find their balance closer to the liberalisation pole, while the EU and some Latin American countries (like Brazil) come closer to the Canadian stand. Although it is often difficult to speak about a clear EU stand, it should be noted that the Convention was the first major international agreement adopted by the EU on behalf of its member states; and that the UK, which ranks second in the global trade in core cultural products, represented the EU countries (during its EU Presidency) in the UNESCO General Conference where the Convention was adopted.

The presentations of the session analysed some pros and cons of country positions in striking the balance between the two poles. The main presentations addressed, however, two more profound interlinked issues: the transformations of the audiovisual sector in the global knowledge economy and the changing role of the copyright regulations in these transformations.

In simple terms, the convergence of information, communication and telecommunication sectors especially across the main digital media platforms (radio/television, Internet, mobile phones) raises the issue to what extent creative artistic work should be harnessed to serve this development and, if harnessed, at what intellectual and economic price. The position of the EU was criticised for not dealing firmly enough with these issues.

In this critique the basic problem was found in the Nice Treaty⁸, where the EU stand, underlining knowledge as “the most desirable good” has led to the neglect of sufficiently cultivating creativity and innovation. This is reflected in the EU copyright legislation and its implementation, which focuses on equitable distribution of rights and benefits between creators, corporate rights owners and consumers and neglects the effective sharing of creative ideas in economy, education and entertainment. This sharing should be increased amongst the EU member states; and it should be extended through technical aid and education to cover also cultural cooperation with partners in the third countries.

⁸ 2001, entered into force in 2003.

Varying stands were taken on these issues in the panel discussion, which followed the main presentations, but no general conclusions were drawn. The discussions and the debates concentrated on such concrete policy issues as business concentration, failures in distribution sector, role of public broadcasting companies and presence and role of foreign capital in domestic audiovisual sectors. In these issues the following analyses and assessments were presented:

- there are still in the European audiovisual sector internal export barriers between the EU member countries; they especially prevail in the distribution of films and books;
- the problems of the distribution sector became evident e.g. in the case of the European Cinema Network, which was founded to diversify and increase quality in European film exhibition, but, lacking sufficient resources and commitments, has unfortunately failed to do that effectively enough;
- although not technological forerunners, private television companies have managed to gain leadership in the European audiovisual sector; this has had negative effects on programme diversity and quality of feature film production, where they often act as main sponsors;
- the role of the public television companies should, in the present European market situation, be made more prominent; it should not be forgotten that their role is to maintain programme production and distribution in important audiovisual domains neglected by private companies; and they need more funding for that and for increasing their role in technological development;
- the role of the foreign investors in the domestic markets of the EU member countries is multiple: there are private anonymous (“faceless”) investor groups, which only seek profit; some invest in the domestic mainstream in order to maintain a strong enough market presence in the country; and some can benefit from national support for their investments and activities;
- the leadership in the business use of the Internet is in the hand of the ISPs (Internet Service Providers); this tends to favour passive instrumental information acquisition and content downloading at the expense of more active or creative Internet use.

All the participants of the panel saw that the UNESCO Convention will provide guidance for European audiovisual policies by underlining that diversity and creativity should be their prime concerns; this lesson is still often undermined by the assumption prevailing in the Community and member states that relevant legislation for the audiovisual sector is already in its place.

Liberalisation and protection in practice: co-constructing culture with artists and citizens

The third working session of the Round Table changed the focus and approach of the presentations and debates. The two earlier sessions had focussed on international agreements, legislation and policies. Presentations and debates of the third session opened up new perspectives to the conditions and modes of artists' work, decentralised cultural action and people's cultural participation. The approach of the speakers was distinctly lateral (linking culture to parallel policy sectors) and decentralist, emphasising bottom up initiatives.

The presentations of the session argued that although technological development and globalisation had opened up new avenues for artistic work, neither the market liberalisation nor the state protection measures and regulations had increased artists' rights or freedom of expression. The speakers admitted that in cultural policies the switch from the national identity and pride approach of cultural diplomacy to economic interests and the "creative industries" approach was a fact, but the power of artists in controlling their own work and to have a legitimate right to enjoy its economic and intellectual results had not increased but, instead, diminished. This is reflected in the transformations of the copyright systems, where copyrights generated by artists have increasingly become assets of big culture industry corporations. There is no need to return to the old romantic conception of the originality of artistic products, but there is, instead, a need for new business models, which help to dismantle large copyright ownership stocks and finish the misuse of contents by corporate copyright owners. At the same time as the globalisation and liberalisation of international markets have led to the concentration of copyright ownership, they have also exponentially increased piracy, the illicit use of artists' rights, which must also be more systematically resisted.

According to the presentations, the "really new" business models are based on transparency in the use of copyrights and the open display of the distribution of benefits along the value chains of cultural production. These models must be designed and made to operate outside the dominant corporate ownership structures. This presupposes new approaches in arts education; there is a need in higher education for programmes, which would train students to organise sophisticated but at the same time loosely organised co-operative movements and, at the same time, teach them to communicate new complex contents in user-friendly manner, which appeals to local audiences. The new producers must also encourage consumers to react negatively to attempts to treat them only as passive consumers.

The speakers of the sessions were of the opinion that the present European problems in rewarding artists' work and enhancing citizens cultural participation stem by and large from the new national interests in the context of globalisation and world trade liberalisation. To overcome them presupposes moving the policy perspective at the same time up, to the European/EU level and down, to the regional and local levels.

In the present European situation the nations' cultural profiles can no longer be the one proposed and affected by national policies and decision-making. They can rest only on local initiatives in the field of arts and culture. Actually "exception culturelle" makes sense only at this level and to make it work presupposes redefining national and EU policy, legal frameworks and methods of evaluation. It would also presuppose coordination and technical assistance in order to help, coordinate, and evaluate new territorialized strategies.

The speakers also underlined the fact that European cultural markets are still real markets with diversified supply responding to the demands of the consumers. The nature of these markets should be recognised as unique and accept the fact that their maintenance and strengthening presuppose particular policies, not reduplication of policies of individual nation states. Member-states should seriously work out what they have in common with the EU programmes, demand policy changes and not leave the EU to drag on with the concurrent programmes or their duplicates. There is a need for a transversal European think-tank and a task force for rephrasing “exception culturelle” and linking the new conception to the member-states budget lines – not only to the budget lines of the Ministry responsible for culture but to the budget lines of other ministries and public bodies as well.

The new approaches to “exception culturelle” on national and European level were seen to presuppose also a new approach to cultural decentralisation and people’s participation. The idea should be the co-construction of regional and local cultures jointly with local and regional people. It is important to note that in the present situation, local populations and especially young people, are more interested than ever to have active cultural markets at hand. They are also interested in developing new access to culture, which is not sheer consumption, but active participation in production processes. They wish to see and influence all the stages of planning, production and distribution and participate in them as amateurs alongside professionals. This type of joint production-participation is already prevalent in many European cities and local communities; it augments local control of cultural life and offers an alternative to cultural mega-institutions and -productions. It is also an alternative to “commercial decentralisation” such as it is reflected in exponential increase of cultural festivals, art and museum exhibitions and other events that more often than not celebrate non-local national and exported performers and contents than the local ones.

In the debates, these criticisms and reform alternatives received some support, but were also seen distant to the political and economic realities. Attention was also drawn to the position and role of the minority and hybrid cultures. It was pointed out that the UNESCO Convention has as its point of departure national cultures, proctored by the nation states. Yet modern cultures are transnational and often also hybrid; they do not basically care what the nation states do. International interaction is also based to a large extent to the interaction and exchange between subcultures. Thus some participants argued that both the WTO and UNESCO want to standardise the global playgrounds created and maintained by hybrid cultures and a great variety of “commercial” and less so sub-cultures.

Summary and conclusions

In general the participants of the Round Table expressed an overall satisfaction that the UNESCO Convention on the Promotion and Protection of the Diversity of Cultural Expressions had succeeded in legally synthesising the sporadic cultural exceptions, which so far had been the sole stalwart against the subjugation of cultural production and services to the regulations of liberalisation and world trade.

Doubts were however expressed both by the international lawyers, cultural professionals and cultural policy researchers, whether the Convention could provide a strong enough legal instrument against this subjugation. The successes in the monitoring and assessing the development in the signatory states was seen to be crucial on how much the Convention could really contribute to the maintenance and enhancing of cultural diversity. Some modifications to the basic organisation and orientation in the implementation of the Convention regulations were proposed. Some Round Table participants did not consider, however, this “Convention strengthening strategy” strong enough and bolder alternative strategies were proposed. These criticisms and proposals can be condensed into following three strategies for the future development:

(1) *The strategy of strengthening Convention-based actions.* The Convention should not be considered solely as a passive negotiation tool as the liberalisation of services sector has started again. Instead, active planning and negotiation processes should be initiated to secure culture-related “exceptional measures” listed in Article XX of GATT and Article XIV of GATS and to expand them into a more comprehensive and integrated legal provisions for maintaining and promoting cultural diversity. Provisions should be made in the Convention texts and in the implementation practices to mitigate the nationalist bias (“national sovereignty in cultural policies”) of the Convention, which may raise barriers even to “fair” cultural trade and cultural exchanges. In order to avoid this, organising transnational regional co-operation for assessing diversity development and its effects on people’s identities and regional and country cohesion would be needed.

(2) *The strategy of organising spaces where arguments for the defence of the diversity of culture can be elaborated and tested.* This would mean opening up dialogue with a range of stakeholders to test the articles of the UNESCO Convention vis a vis the WTO and WIPO agreements by organising, for example, moot-courts.

(3) *The strategy of invoking national and international competition and copyright legislation in defence of cultural diversity.* In this strategy the main objective would be to induce relevant legal instances and national and transnational institutions to start to interpret and apply national and international competition and copyright legislation to limit the power position of dominant transnational media and culture industry corporations in marketing, distribution and copyright ownership. To have this strategy started and implemented would presuppose mobilising similar combined bottom up national and transnational movements as EDRI (Digital Civil Rights in Europe). In some presentations of the Round Table it was suggested that at the same time as this strategy would be adopted and implemented, there should be a parallel bottom-up construction of an international institutional centre, which would finally take over the co-ordination of the activities and the assessment of their effects.

If we count the negative and the positive points raised in the Round Table presentations and debates, the first strategy might be easiest to implement and the second might at best strengthen country coalitions supporting the Convention. The third would probably be the most effective from the point of view of cultural diversity but also most difficult to implement.

EU policies in the audiovisual sector were criticised by some Round Table participants as too conventional from the point of view of the competitiveness of the European media and culture industries and by some other participants as too soft from the point of view of protection and promotion of the diversity of cultural expressions. Creativity and innovativeness, which are the main sources of cultural diversity and sustainable social and economic development, cannot be promoted in the arts and culture within the general policy framework of “knowledge-based industries”. Cultural diversity as an “intrinsic value” is too rarely among the top priorities of the EU policies, which emphasise first and foremost such values as international visibility of European/national culture(s) and identity, export revenues, employment or maintenance of economic stability and national and regional cohesion.

In the presentations and debates two types of “harder” policy measures were identified. They were the maintenance of strong public national broadcasting systems and the national and European screen quotas in television programme broadcasting. Even in these respects we must remember that screen quotas and the position of “commercialising” public broadcasting services will again be under siege as the WTO liberalisation efforts are resumed. This, and the reminders that creativity and innovations are not “all knowledge”, but need policy measures of their own are central messages in the criticism and reform proposals of the Round Table.

EU policies pertaining to artists’ position and people’s cultural participation were also seen rather conventional and “soft”. As regards artists’ position, the reform of copyright legislation could correct some defects, yet there is also a need for new business models which operate outside the established corporate structures, adhere to transparency in the use of copyrights, and display openly the distribution of benefits along the value chain of cultural production process.

The key words for enhancing cultural participation in Europe should be decentralisation, developing a new mode of cultural democracy and reforming the EU’s cultural programmes. Firstly, “exception culturelle” and implementation of the UNESCO Convention must not be seen only as a national issue, but should be made relevant on the local and regional level too. Consequently cultural democracy should be conceived as co-construction of regional and local cultures jointly with local and regional people, who should be given opportunities to see and influence all the stages of planning, production and distribution of culture. Furthermore we must recognise the potentials of Europe as a large and diversified cultural market area; and consequently the planning and implementation of EUS cultural programmes should be re-organised in a manner that would lead to a continuous re-assessing of priorities and diversification of policy measures.

In all these policy relocation and reform measures as well as the problems in the implementation of the UNESCO Convention we are reminded that the arts and culture in a globalising world are certainly everywhere increasingly cosmopolitan; they are, however also united and diversified in a new and often unpredictable manner by local and regional cultures, “commercial” and less so sub-cultures, immigrant and diaspora communities and creations of hybrid cultural contents.

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The Helsinki Round Table should not be seen as a stand-alone event. Its planning and organisation was preceded by an important book titled “UNESCO’s Convention on the Protection and Promotion of the Diversity of Cultural Expressions: Making It Work”, edited by Nina Obuljen and Joost Smiers and published by CULTURELINK; and another meeting organised by the University of Maastricht together with Boekman Foundation in March 2007 with an emphasis on WTO.

Appendix 1.

The Programme of the Round Table





EUROPEAN ART AND CULTURE BETWEEN FREE TRADE AND CULTURAL DIVERSITY. A DELICATE DIALOGUE?

Date: 15 -16 December 2006

Venues: High Tech Centre, Helsinki, Tammasaarencatu 1-7
Cable Factory, Tallberginkatu 1

Programme

FRIDAY 15th December 2006

Venue: High Tech Centre, Helsinki, Tammasaarencatu 1-7

9h30 Registration

10h30 **Opening Session - EUROPEAN ART AND CULTURE BETWEEN FREE TRADE AND CULTURAL DIVERSITY, WHAT IS AT STAKE?**

Kimmo Aulake, Special Government Adviser, Ministry of Education and Culture, Finland; Chair of the Steering Committee for Culture, Council of Europe

Xavier Troussard, Head of Unit, Directorate General for Education and Culture, European Commission (tbc.)

Hannu Takkula, MEP, Member of Committee on Culture and Education, European Parliament

Welcome Speeches by the Organisers:
Péter Inkei, CIRCLE Board Member
Cas Smithuijsen, Director, Boekman Foundation
Ritva Mitchell, Research Director, Cupore

11h15 **Session I - REGULATIONS AND LAWS**

Chair Kimmo Aulake, Special Government Adviser, Finnish Ministry of Education and Culture

WTO, Free Trade and Culture

Peter van den Bossche, Professor of International Trade Law, Maastricht University

Global Cultural Contract

Christophe Germann, Attorney-at-law, Institute of European Economic Law of the University of Bern

Why Do We Need a Convention on Cultural Diversity

Jukka Liedes, Director of Culture and Media Policy Division, Finnish Ministry of Education and Culture

Discussion



EUROPEAN ART AND CULTURE BETWEEN FREE TRADE AND CULTURAL DIVERSITY. A DELICATE DIALOGUE?

Date: 15 -16 December 2006

Venues: High Tech Centre, Helsinki, Tammasaarekatu 1-7

Cable Factory, Tallberginkatu 1

FRIDAY 15th December 2006

Venue: High Tech Centre, Helsinki, Tammasaarekatu 1-7

14h00 Lunch at the Cable Factory

The Cable Factory Tour (optional)

16h00 **Session II - AUDIOVISUALS AND THE CREATIVE INDUSTRIES**
Chair Kirill Razlogov, Director of the Russian Institute for Cultural Research

Creative Industries and Regulations
John Howkins, Deputy Chairman, BSAC

Culture Inc. or Trade Revisited? How Interinstitutional Dialectics and Dynamic Actor Positions Affect the Outcome of the Debate on Cultural Trade and Diversity
Jan Loisen, Researcher, Free University of Brussels
Karen Donders, Scientific Researcher, Institute for European Studies, Brussels

Panel discussion
John Howkins, Deputy Chairman, BSAC
Jan Loisen, Free University of Brussels
Karen Donders, Scientific Researcher, Institute for European Studies, Brussels
Verena Wiedemann, Secretary General, German Public Broadcasting Company (ARD), Berlin
Alessandra Priante, Senior Analyst, Italian Audiovisual Observatory

20h00 Christmas Dinner at the Cable Factory



EUROPEAN ART AND CULTURE BETWEEN FREE TRADE AND CULTURAL DIVERSITY. A DELICATE DIALOGUE?

Date: 15 -16 December 2006

Venues: High Tech Centre, Helsinki, Tammasaarenkatu 1-7

Cable Factory, Tallberginkatu 1

SATURDAY 16th December 2006

Venues: High Tech Centre, Helsinki, Tammasaarenkatu 1-7,
Cable Factory, Tallberginkatu 1

09h30 **Session III - ARTS, HERITAGE, TOURISM AND FREE TRADE**
Moderated by Christopher Gordon, Board member of CIRCLE

Introductory speeches by:

Joost Smiers, Professor of Political Science of the Arts, Utrecht School of the Arts

Nina Obuljen, Research Fellow, Department for Culture and Communication,
University of Zagreb

Ferdinand Richard, Director of AMI (Aide aux Musiques Innovatrices), Marseille

Discussion

11h30 Break

11h45 **Closing Session - CONCLUSIONS OF THE ROUND TABLE AND AND THE FUTURE CHALLENGES FOR CULTURAL POLICY RESEARCH**

Discussion moderated by Dorota Ilczuk, President of CIRCLE and Rod Fisher,
Director, International Intelligence on Culture

13h00 Lunch

14h30 CIRCLE Annual General Meeting at the Cable Factory

Appendix 2

List of participants

Kimmo Aulake
Special Government Advisor
Cultural Export Division,
Ministry of Education and Culture
Finland

Jordi Baltà i Portolés
Co-ordinator, Researcher
Interarts Foundation
Spain

Simona Bodo
Independent Researcher
Member of the Associazione
per l'Economia della Cultura
Italy

Geoffrey Brown
Director
EUCLID
UK

Danielle Cliche
Research Co-ordinator
ERICarts Institute
Germany

Anke Dahrendorf
Lecturer
Faculty of Law, Maastricht University
The Netherlands

Jean Cedric Delvainquiere
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