



# **CARIFORUM EU EPA: *A Look at the Cultural Provisions***

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# OVERVIEW



- **Cultural Provisions in the EPA**
- **Significance of the Cultural Provisions**
- **What Happened since 2009**
- **Some Concerns**
- **Where do we go from here**

# Cultural/Creative Industries



- Cultural and creative industries are among the fastest growing sectors in the world and accounts for **6.1%** of the global economy
- For Caribbean economies, these industries are essential for inclusive economic growth, reducing inequalities and achieving the 2030 Sustainable Development Goals (SDGs)

# Cultural Provisions



□ The cultural provisions in the CARIFORUM-EU EPA can be divided into two separate categories:

- 1. Market access provisions for entertainment services**, enabling CARIFORUM artists and cultural professionals to have **access to markets in 26 European states** to provide services - Commercial activities.
- 2. Cultural cooperation provisions**, embodied in the *Protocol on Cultural Cooperation* which sets the framework for cooperation to facilitate exchanges of cultural activities, goods and services, including *inter alia*, in the audiovisual sector - Non-commercial activities.

# 1. Market Access



- *The market access commitments sought to:*
  - Create **new openings** for Caribbean service providers in the EU
  - Give Caribbean companies more **legal certainty** when entering the European market.
  - Make **more transparent** the conditions for doing business in the EU and the requirements to compete with local entertainment service suppliers.
  - Increase the possibility for CARIFORUM entertainment businesses to **set up an agency to provide entertainment services in the EU** and **increase the temporary presence** of Caribbean natural persons for business purpose in the EU

# 2. Cultural Cooperation



- These provisions are embodied in the *Protocol on Cultural Cooperation (PCC)* which aims to **improve the trade of cultural goods and services** and **redress the structural imbalances and asymmetrical patterns** which exist.
- Enables artists and other cultural practitioners to **enter the EU to collaborate on projects, get training, learn new techniques, engage in production**, etc. for up to 90 days in any 12-mth period.
- It provides for **bilateral cooperation on all cultural fronts** and with special provisions on the **audiovisual sector requiring co-production treaties**.
- It facilitates those who are **not in commercial transactions** but who wish to enter Europe for other cultural activities
- The Protocol puts **Article 16** of the UNESCO *Convention for the Protection and Promotion of the Diversity of Cultural Expressions* into practice - *this Article gives developing countries preferential treatment.*

# Significance of the Cultural provisions



## MARKET ACCESS

- It is the first time that the EU and its Member States made **significant market access commitments** for the provision of entertainment services by professionals of third countries in the EU.
- The **provisions related to temporary movement**, *many going far beyond the EU's GATS commitments*, were a key achievement for the CARIFORUM side during the negotiations

# Significance of the Cultural provisions



## CULTURAL COOPERATION

- The PCC provides **access to the EU audiovisual market for co-productions** is seen a considerable concession, since this is historically one of Europe's most fiercely protected sectors.
- It is seen not only as a form of **joint cultural capacity building** but, importantly, can **qualify as "European" works and therefore satisfy the content and quota requirements of EU Member States**, providing that Caribbean and European producers respectively contribute shares of the production cost not less than 20% and not more than 80% of the total - a formula that was described by the CRNM as "**generous**" on the part of the EU.



# Significance of the Cultural provisions



## CULTURAL COOPERATION

- The PCC was more than “mere” cultural cooperation... it was seen as **market access and material support for economic diversification and development.**
- PCC was seen as **precedent setting** in the broader international culture and development agenda.
- The EPA was the **first international trade agreement to make reference to the provisions of the Convention**, through the inclusion of a PCC.

# Significance of the Cultural provisions



- The European Commission referred to the PCC as a “**showcase of implementation**” of the UNESCO Convention that could provide a model for future engagements with other regions across the ACP as well as Asia and Latin America
- The CRNM Director-General referred to the Protocol as a “**historic concession**” on the part of the EU that could open unprecedented opportunities to the Caribbean’s cultural producers
- The Director of the Caribbean Council (David Jessop) referred to the PCC as “**the most innovative part of the whole 1000-plus pages of the text.**”

# What happened?



## 1. Access to the EU was frustrated by the **requirements and challenges involved in obtaining Schengen visas.**

- ✓ **NOTE THAT:** CARIFORUM States allow visa-free entry for citizens of most EU Member States. This is not the case for service suppliers (or citizens) from some Caribbean countries that wish to enter EU Member States for business purposes. Only 9 CARICOM countries have visa waiver agreement for the EU.
- ✓ The Schengen visa requirements (and the tendency to **grant single entry visas** for very short periods of time) have frustrated pursuit of market interests in the EU.
- **Even more difficulties are faced in CARIFORUM countries that do not have consular representation.**

# What happened?



*A 2014 EU-funded study found:*

- On a five-country trade mission funded by DFID in late 2012, one participant could not leave the Netherlands to attend a major event in London (part of the overall trade mission) because he would not be able to reenter the Schengen zone.
- In another study tour/trade mission in 2012 involving artists and entertainers from across the Caribbean, several persons were unable to participate because they were not able to get Schengen visas on time.
- The 2014 study found that **even trade officials travelling on official diplomatic passports from Caribbean countries to attend official meetings in Europe were granted only single entry visas that expire a few days after the event.**

# What happened?



## 2. Other access restrictions include:

### □ **Sponsorship for temporary access**

- sponsors must operate according to certain **Codes of Practice**, *but there appear to be codes only for some activities* – i.e. ballet, dancers (other than ballet), theatre or opera performers and film and television performers – **there none for musicians or entertainers who provide live music through song and dance.**

### □ **Eligibility requirements**

- to be eligible for the creative category under the current UK rules, eligibility requirements further restrict access for Caribbean entertainers, particularly those at the smaller/start-up end of the scale – ranging from “mak[ing] a unique contribution to the UK labour market, e.g., you are internationally renowned or are required for continuity”, to being paid the minimum wage as set by various UK unions to having a **specified amount of pound sterling in a savings account 90 days before the application is made\***

\*<https://www.gov.uk/tier-5-temporary-worker-creative-and-sporting-visa/eligibility>.

# What happened?



## 3. No evidence that the cultural provisions in EPA has contributed to economic diversification & development

- ✓ There has been little interest in negotiating co-production treaties for EU preferential market access
- ✓ There is limited capacity in audiovisual production in the region...some capacity exist in Jamaica, Trinidad & Tobago and Barbados
- ✓ EU Member States also indicated that they were careful with the signing of any coproduction agreements as this meant that they would also have to make funds available to implement these co-production agreements

### NOTE:

1. PCC did not foresee any **financial commitments** for its implementation by the EU or its Member States and the provisions are merely a set of **best endeavours**.
2. There are data limitation in assessing economic impact.

# What happened?



4. The European Commission's vision that the **PCC would be a model for future engagements did not pan out**. There has been no similar agreement forged with the EU since the CARIFORUM EU EPA – *other subsequent agreements suggest a return to "mere" cultural cooperation*.

5. Some argue that the prospects of improved market access for culture was nothing more than a "**bargaining chip**" to gain access in other sectors.

6. Some however argue that the greatest benefit for the Caribbean was actually that **the commitments ensured that in the future no additional limitations to market access would be set**.

# Some Concerns

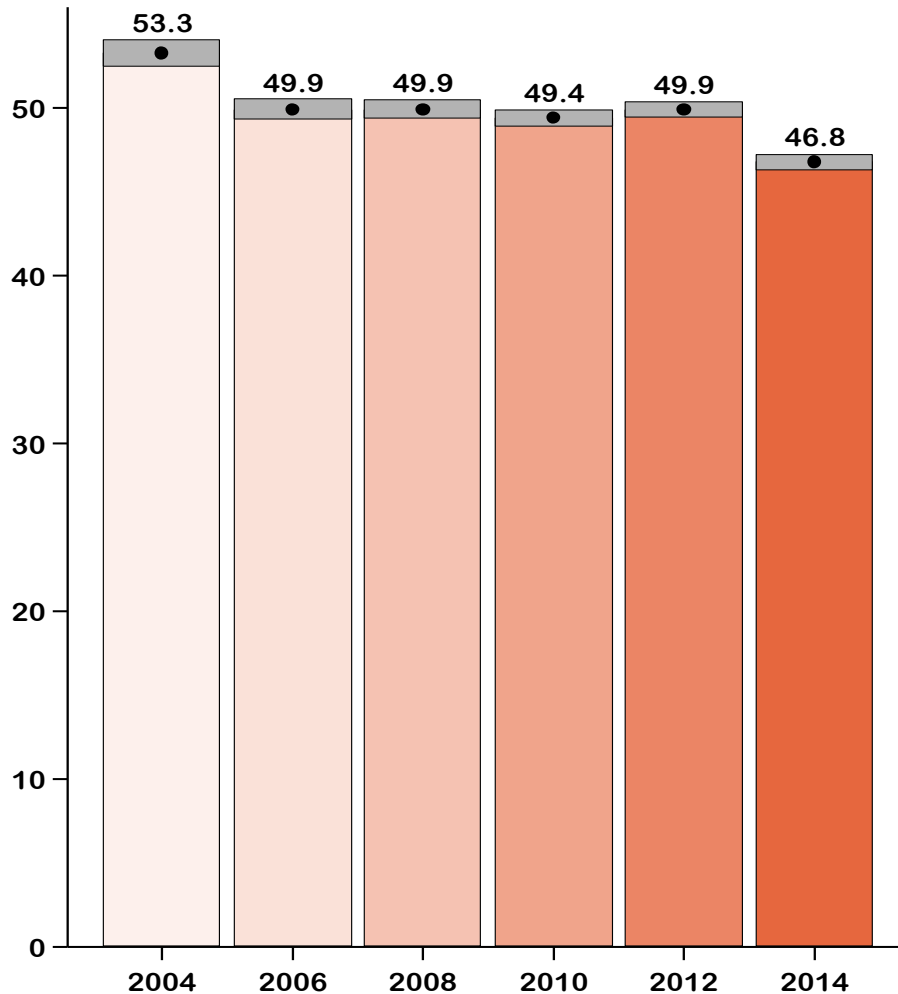


*The outcomes were also shaped by CARICOM decisions... both government and people of CARICOM*

- 1. Absence of participatory governance** - limited stakeholder involvement in decisions about the cultural industries... where stakeholders are involved, their decisions have no teeth
- 2. Trust deficit in government**

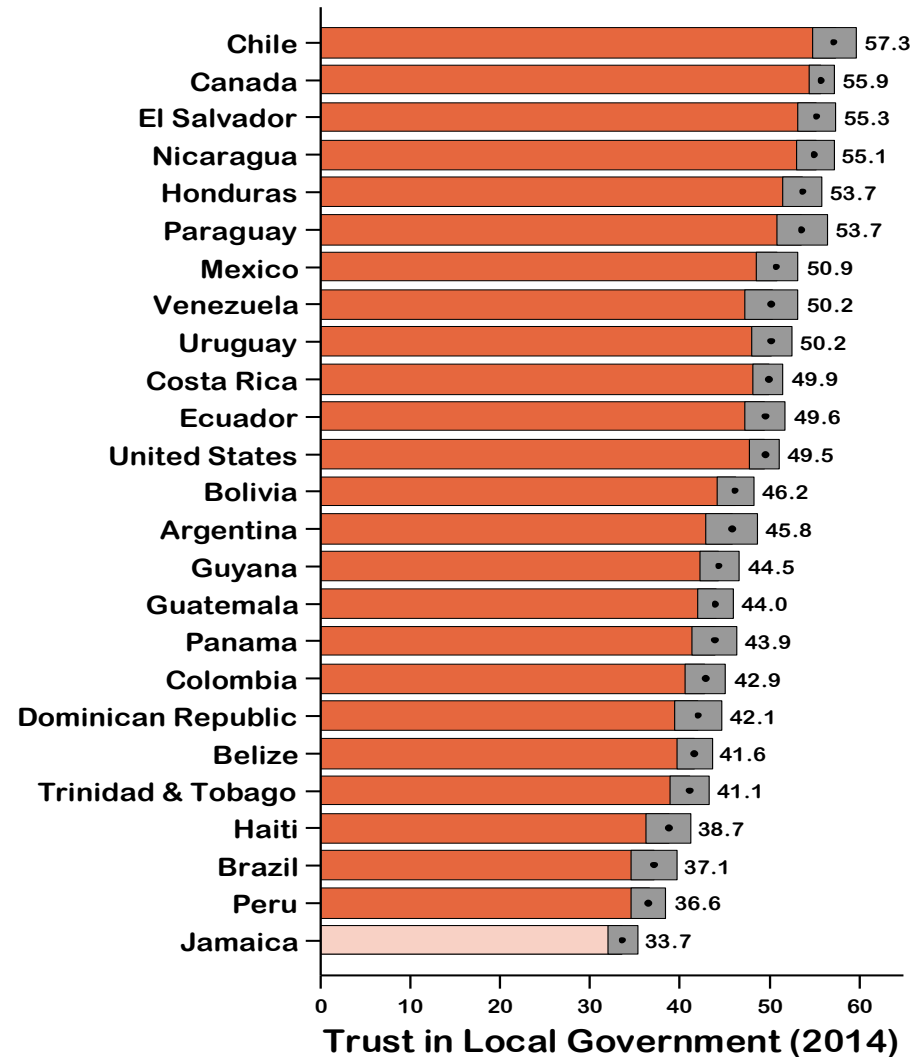


# TRUST IN LOCAL GOVERNMENT



Trust in Local Government (regional averages)

95 % Confidence Interval  
(with Design-Effects)



Trust in Local Government (2014)

# Some Concerns

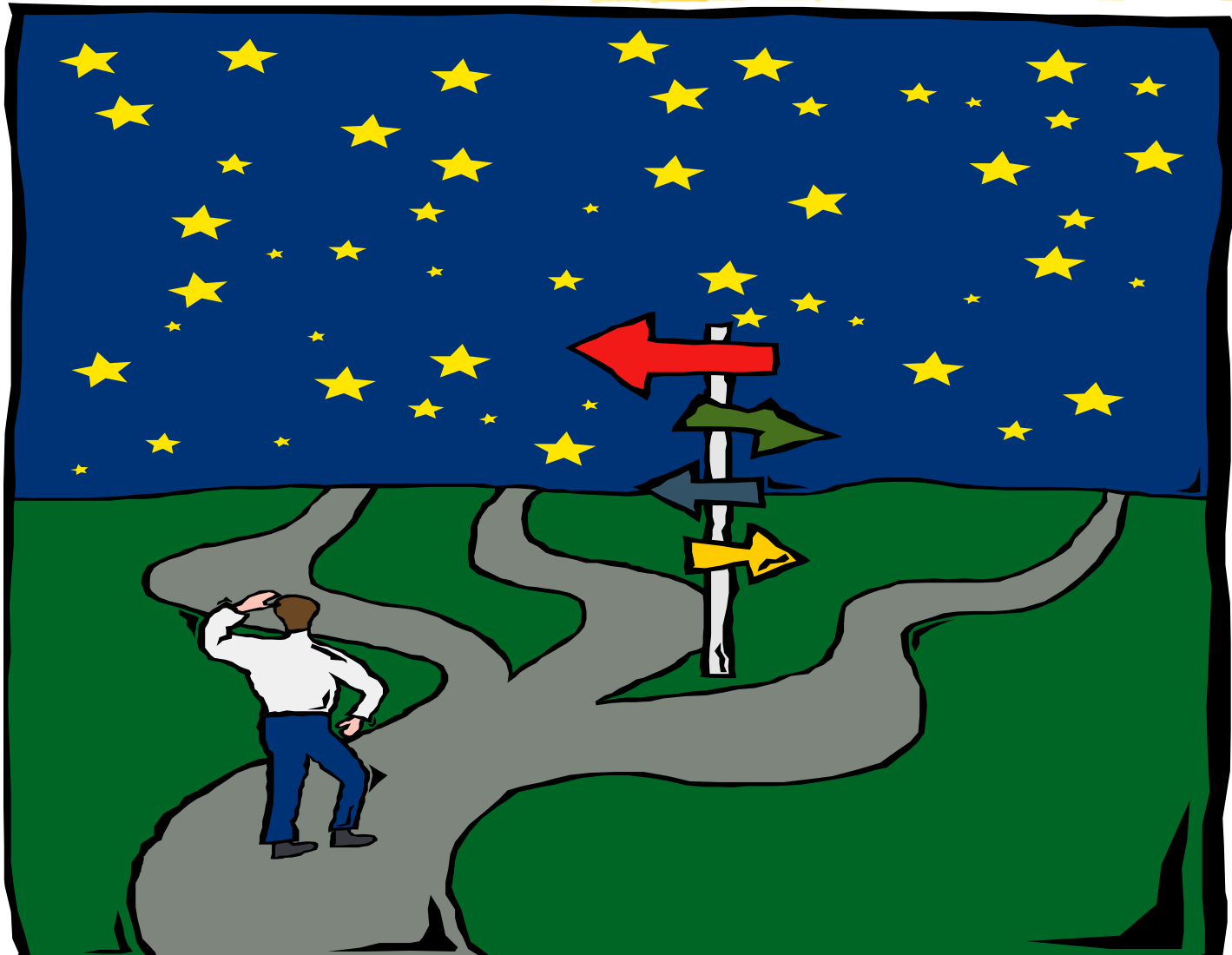


**3. Wage & asset inequality** - majority of entertainers struggling to survive

- In Jamaica, the Gini coefficient grew from **45.5** in 2004 to **59.9** in 2014

➤ ***Entertainers involved in criminal activities***

*Where do we go from here?*



# Preparation for the ACP-EU Post-Cotonou negotiations



- CARIFORUM is now gearing up for a meeting of Ministers to be held on **26-27 March 2018** in St. Kitts and Nevis to concretize CARIFORUM's negotiating mandate and positions
  
- Jamaica meets with civil society stakeholders tomorrow (March 22) to discuss, among other things, the priority areas identified by the EU for future cooperation with the Caribbean are:
  1. Climate change and sustainable management of natural resources
  2. Inclusive and sustainable economic (*towards the green economy, sustainable blue growth, sustainable energy, tourism, trade cooperation*)
  3. Human security, human rights, and good governance
  4. Human development and social cohesion

# Preparation for the ACP-EU Post-Cotonou negotiations



□ *It seems as if the cultural sector is no longer a priority!!!*

□ Instead...the European Commission has proposed:

## ➤ **Culture and mutual understanding**

□ The Agreement will include a commitment by the Parties to **foster inter-cultural dialogue and cultural cooperation** that duly respects their diversity while acknowledging universal values, with a view to enhancing **mutual understanding** between their people and the knowledge of their respective cultures as well as preventing violent radicalisation.

□ *Sounds like a return to "mere" cultural cooperation!!!*

# Preparation for the ACP-EU Post-Cotonou negotiations



The Post-Cotonou negotiations are inevitable...cultural sector stakeholders should actively participate and advocate to:

- ❑ **Make effective the Protocol on Cultural Cooperation**
- ❑ **Improve market access**
  - ❑ Especially for entertainers – it has been suggested that the EC proposals of 2014 for a special “*touring visa*”\* should be adopted
- ❑ **Better measure and monitor developments in the cultural sector**
- ❑ **Regular engagement with government around market access issues**
- ❑ **Build capacity in the cultural sector**

\* "Proposal for a Regulation Of The European Parliament And Of The Council establishing a touring visa and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 562/2006 and (EC) No 767/2008", European Commission, Brussels, 01.04.2014.

# Preparation for the ACP-EU Post-Cotonou negotiations



National & regional efforts necessary to support cultural sector:

- **For example, Trinidad and Tobago has a Film Festival and a Culture Fund and a Film Desk to assist foreign crews, a publicly funded film company and a publicly funded entertainment company**
  - ***Only when cultural enterprises are globally competitive will they be able to take advantage of any opportunity that is provided in the Post-Cotonou arrangements***
  - ***CARICOM countries should actively explore new markets for cultural products...Africa, India and China***



**Thank YOU**