

Getting it Right:

A people's guide to renegotiating NAFTA



Protecting Our Culture in NAFTA

Canadian, Québec and Indigenous artists have a common concern: what will happen to their industries with corporate globalization? In a world dominated by global cultural behemoths, can we protect cultural diversity? Can we protect the unique voices that come from Quebec, Canada and Indigenous communities?

An open letter to the Trudeau government, signed by artists such as Margaret Atwood, Susan Swan, Yann Perreau, Michel Tremblay, and many others, notes, "Without reflective, critical and provocative expression in the arts, our cultural distinctions would not exist. Artists play a vital role in communities (...) We call on the Canadian government to ensure cultural protections remain in the North American Free Trade Agreement (NAFTA) and to reinforce it by remaining firm in not extending free trade deals to include cultural industries. Our cultures face a fierce battle for the right to exist next to the vast powers of the Hollywood mega-entertainment complex and the other corporate cultural industries in the U.S."

Canada must protect its cultural exemption in NAFTA

When NAFTA was created, Canada successfully argued for an exemption for culture. This meant that Canada did not have to open its cultural industries to the market and was allowed to create its own rules so that culture was not determined by the lowest bidder. This was an important protection for our cultural industries.

However, NAFTA also gave the U.S. the right to retaliate if Canada used that exemption, so in the end it was never used. "Cultural industry" was narrowly defined in NAFTA more than 20 years ago, at a time when the internet didn't yet exist. As a result, Canada has not been able to protect digital culture such as podcasts, Netflix, or internet streaming.

In the open letter, artists call on the Canadian government to:

- Ensure that the NAFTA cultural exemption is maintained and update the definition to guarantee that the current media used to produce and distribute cultural works are included.
- Remove the notwithstanding clause from NAFTA that authorizes the U.S. to retaliate against Canadian cultural policies that would have been inconsistent with the agreement but for the exemption. The threat of retaliation effectively curtails the scope of our cultural policymaking

Artists are worried that Canada agreed to a "reservation" in the Trans-Pacific Partnership (TPP) instead of a full exemption. As a result, the U.S. may ask for this concession in NAFTA renegotiations. Already, in a recent trade deal, the Canadian government allowed Netflix to continue to be exempt from Canadian content regulations and taxation.

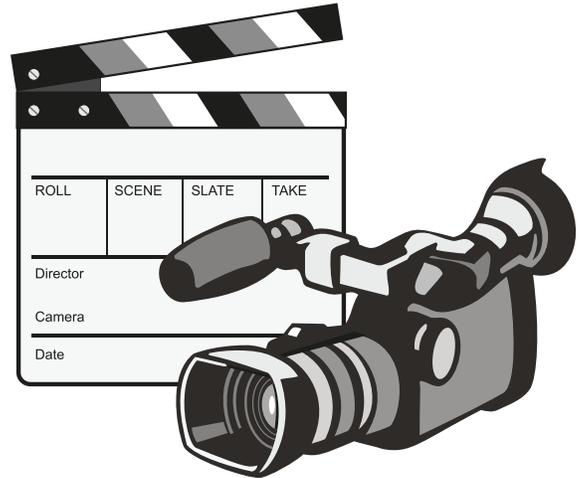


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Culture must be financed at home

Canada also maintains regulations over foreign control of strategic industries, including culture and telecommunications. The United States' Trade Representative released negotiating objectives indicating that the U.S. would target rules protecting Canadian culture from foreign investment. The Canadian government must ensure that Canadian laws limiting foreign ownership in cultural industries are maintained.

As the artists conclude, "Canadian cultures, in their multilingual, multinational and regional diversity, must be recognized and protected through the arts and entertainment industry to reflect our truly diverse communities and cultural heritage of Canadian, Québécois and Indigenous peoples. We call on the Canadian government to protect the rules that allow artists to reflect our communities and our cultures. Our cultures must be strengthened – not given away."



Take action!

Contact your Member of Parliament and tell them that our cultures must be protected in any renegotiated NAFTA.

For more information, visit canadians.org/nafta or call us toll-free at 1-800-387-7177. Be sure to check out other factsheets, tools and information in the Council of Canadians' Getting it Right: NAFTA Lobby Kit.

Sources:

www.actra.ca/wp-content/uploads/ACTRA-NAFTA-Submission-July-18-2017-FINAL.pdf

