

## ANNEX I: QUESTIONNAIRE

The following questionnaire was circulated to selected organisations in January 2009. It was available in three languages (English, French & Spanish) and could also be completed online. The notice was further circulated to regional members by several of the organisations consulted. It was also announced in January issues of the IFACCA *Acorns News Bulletin*<sup>1</sup> sent to arts councils, ministries of culture, arts and culture organisations worldwide and *The Power of Culture*<sup>2</sup> international news bulletin on culture and development.

### UNESCO study on international law and mobility of artists, artworks, cultural goods and services

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#### **Introduction**

This short questionnaire is designed to collect information from culture professionals for a study commissioned by UNESCO. The study examines the effects of international legal instruments on the international mobility of artists, artworks, cultural goods and services. It is commissioned in the framework of additional assistance to the Intergovernmental Committee for the Protection and Promotion of Cultural Diversity, and as part of the follow up of the Recommendation concerning the Status of the Artist<sup>3</sup> (UNESCO, 1980).

For the purpose of this study "international legal instruments" include international treaties, conventions and other legal instruments developed under the UN (e.g. UNESCO, WIPO, ILO etc.) or other international organisations (e.g. WTO etc.), regional organisations (e.g. ASEAN, African Union, European Union, League of Arab States, Council of Europe, Mercosur, NAFTA, etc.) as well as multi-lateral and bi-lateral agreements between regional organisations or countries.

To return the questionnaire and for any questions please contact the researchers, Richard Polacek and Judith Staines at: [culturalmobility@yahoo.com](mailto:culturalmobility@yahoo.com)

#### **1. To what extent do international legal instruments encourage or discourage the international mobility of artists, artworks, cultural goods and services?**

*Please provide some concrete examples from your experience, region or field of activity.*

#### **2. Do you know of any national or foreign regulations or practices (linked to taxation, customs, social security, visas or other regulatory issues) that create obstacles to the international mobility of artists, artworks, cultural goods and services?**

*Please give some concrete examples from your own country, region or artistic field:*

#### **3. Can you provide any examples of good practice (at national, regional or international level) that facilitate or encourage the international mobility of artists, artworks, cultural goods and services?**

**Please note:** *this study is NOT looking at mobility funding schemes, networks or cultural cooperation projects. The researchers wish to identify legal instruments, such as national regulations or bilateral treaties, which facilitate mobility, e.g. special visa facilities for cultural workers or international film co-production agreements etc.*

#### **4. What recommendations can you make - at international level - to encourage the international mobility of artists, artworks, cultural goods and services?**

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<sup>1</sup> <http://www.ifacca.org/announcements/2009/01/22/survey-legal-instruments-affecting-international-m/>

<sup>2</sup> <http://www.powerofculture.nl/en>

<sup>3</sup> [http://portal.unesco.org/en/ev.php-URL\\_ID=13138&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=13138&URL_DO=DO_TOPIC&URL_SECTION=201.html)

## **Etude de l'UNESCO sur le droit international et la circulation des artistes, des oeuvres d'art et des biens et services culturels**

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### **Introduction**

Ce questionnaire bref a été conçu pour consulter les professionnels du secteur de la culture dans le cadre d'une étude commanditée par l'UNESCO.

L'étude a pour objet d'examiner les effets des instruments juridiques internationaux sur la circulation internationale des artistes, des oeuvres d'art et des biens et services culturels. L'étude a été commanditée par l'UNESCO afin d'assister le comité intergouvernemental pour la protection et la promotion de la diversité des expressions culturelles dans son travail et pour accompagner le suivi de la recommandation de l'UNESCO de 1980 sur le statut de l'artiste.

Dans le cadre de cette étude l'expression «instruments juridiques internationaux» inclut des traités et conventions internationaux et d'autres instruments juridiques (contraignants et non contraignants) qui ont été développés sous l'égide des Nations Unies (par exemple l'UNESCO, l'OMPI, le BIT, etc.) et d'autres organisations internationales (par exemple l'OMC) et régionales (par exemple l'ANASE, l'Union africaine, l'Union européenne, la Ligue des Etats arabes, le Conseil de l'Europe, le Mercosud, l'ALENA, etc.) mais également des accords multilatéraux et bilatéraux entre organisations régionales ou pays.

Pour des informations plus amples et pour retourner vos réponses à ce questionnaire, veuillez contacter les experts en charge de cette étude, Richard Polacek et Judith Staines, à l'adresse email suivante: [culturalmobility@yahoo.com](mailto:culturalmobility@yahoo.com)

### **1. Dans quelle mesure est-ce que les instruments juridiques internationaux encouragent la circulation des artistes, des oeuvres d'art et des biens et services culturels ou la rende au contraire plus difficile?**

*Veillez indiquer des exemples concrets se référant à votre expérience, votre région du monde ou votre domaine d'activité culturelle.*

### **2. Avez-vous connaissance de dispositions réglementaires ou pratiques nationales ou étrangères (liées à la fiscalité, les douanes, la sécurité sociale, les visas ou d'autres sujets réglementaires) qui créent des obstacles à la circulation internationale des artistes, des oeuvres d'art et des biens et services culturels ou la rendent plus difficile?**

*Veillez indiquer des exemples concrets se référant à votre pays, un pays étranger, votre région du monde ou domaine d'activité culturelle.*

### **3. Pourriez-vous indiquer des exemples de bonne pratique (au niveau national, au niveau de votre région du monde ou au niveau international) qui facilitent ou encouragent la circulation internationale des artistes, des oeuvres d'art et des biens et services culturels ?**

*Veillez noter que cette étude ne traite pas des questions relatives aux fonds de soutien financiers à la circulation, aux initiatives de réseaux professionnels ou relatives aux projets de coopération culturelle entre opérateurs ou artistes individuels.*

*Les chercheurs souhaitent identifier des instruments juridiques, comme des règlements nationaux ou des accords bilatéraux qui facilitent la circulation internationale, comme par exemple des accords de visa facilitant la circulation des travailleurs culturels ou des accords internationaux concernant la co-production de films, etc.*

### **4. Quelles recommandations pourriez-vous faire – au niveau international- afin d'encourager la circulation internationale des artistes, des oeuvres d'art et des biens et services culturels ?**

## **Estudio de la UNESCO sobre la legislación internacional y la movilidad de los artistas, las obras, y de los bienes y servicios culturales**

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### **Introducción**

Este breve cuestionario pretende recoger información de los profesionales del sector cultural para un estudio encargado por la UNESCO. El estudio examina los efectos de los instrumentos legales internacionales sobre la movilidad de los artistas, las obras, y de los bienes y servicios culturales. El estudio ha sido encargado en el marco de la asistencia adicional al Grupo Inter-gubernamental para la protección y la promoción de la diversidad cultural, y como parte del seguimiento de la Recomendación relativa al Estatuto del artista (UNESCO, 1980).

Para el propósito de este estudio "instrumento legal internacional" incluye: tratados internacionales, convenciones y otros instrumentos legales, desarrollados en el ámbito de las Naciones Unidas (ej. UNESCO, OMPI, OIT, etc) u otras organizaciones (ej. OMC, etc), asociaciones regionales (ej. Mercosur, NAFTA, ASEAN, Unión Europea, Unión Africana, Liga de Estados Arabes, Consejo de Europa, etc.), así como acuerdos multilaterales y bilaterales entre organizaciones regionales o países.

Para devolver el cuestionario y para cualquier pregunta, por favor contacten a los investigadores: Richard Polacek y Judith Staines: [culturalmobility@yahoo.com](mailto:culturalmobility@yahoo.com)

### **1. ¿Hasta qué punto los instrumentos legales internacionales estimulan o disuaden la movilidad internacional de los artistas, las obras, y de los bienes y servicios culturales ?**

*Por favor, proporcione algunos ejemplos concretos de su experiencia, región o sector de actividad.*

### **2. ¿Conoce alguna regulación nacional o extranjera, o prácticas (relacionadas con imposición, aduanas, seguridad social, visados u otras cuestiones reguladoras) que creen obstáculos a la movilidad internacional de los artistas, las obras, o de los bienes y servicios culturales ?**

*Por favor, proporcione algunos ejemplos concretos de su país, región o sector artístico:*

### **3. ¿Puede proporcionar ejemplos de buenas prácticas (a nivel nacional, regional o internacional) que faciliten o inciten la movilidad internacional de los artistas, las obras, y de los bienes y servicios culturales ?**

**Por favor, tenga en cuenta que** este estudio NO examina los planes o redes de financiación para la movilidad, ni los proyectos de cooperación cultural. Los investigadores desean identificar los instrumentos legales, tales como los reglamentos nacionales o los tratados bilaterales, que faciliten la movilidad (ej. facilidades de visado para los trabajadores del sector cultural o acuerdos de co-producción cinematográfica, etc).

### **4. ¿Qué recomendaciones puede hacer (a nivel internacional) para estimular la movilidad internacional de los artistas, las obras, o de los bienes y servicios culturales ?**

## ANNEX II: ORGANISATIONS CONSULTED

### Stakeholder organisations in the field of culture

#### Stakeholder interviews (by phone/email):

1. International PEN, International
2. Open Society Institute/OSI, International
3. Balkankult Foundation, SE Europe
4. Culturelink Network, International
5. International Federation of Arts Councils and Culture Agencies (IFACCA), International
6. ERICarts, Europe
7. Arab Fund for Arts and Culture, Arab States
8. International Network for Contemporary Performing Arts (IETM), International
9. Asia-Europe Foundation (ASEF), Asia & Europe
10. South Project, International
11. FREEMUSE, International
12. On-the-Move, International
13. International Federation of Actors (FIA), International
14. International Federation of Phonographic Industries (IFPI), International
15. International Publishers Association, International
16. International Association of Arts (IAA/AIAP), International
17. International organisation for Francophonie (OIF), International
18. Malaysia Music Council, Malaysia
19. Syndicat marocain des professionnels du théâtre, Maroc
20. International Federation of Musicians (FIM)

#### Written response to questionnaire:

21. GESTOR, Czech Republic
22. Music Council of the Netherlands/CNV KUNSTENBOND, Netherlands
23. Turkey representative of IMC/International Music Council, Turkey
24. American Orff-Schulwerk Association, USA
25. Balkankult Foundation, Europe
26. International Alliance for Women in Music, USA
27. Observatory of Cultural Policies in Africa (OCPA), Africa
28. International Theatre Institute (ITI), International
29. Sindicato Nacional dos Artistas Plasticos (SINAP-ESP/AIAP), Brazil
30. Fondation de Promotion d'Art Communautaire, Guinea
31. European Council of Artists, Europe
32. Asociación de Artistas Plásticos de México, Mexico
33. Musicians Union of Ghana (MUSIGA), Ghana
34. Performing Musician Association of Nigeria, Nigeria
35. Israeli Musicians Union, Israel
36. Syndicat National des Musiciens du Togo, Togo
37. Jamaica Federation of Musicians Union, Jamaica
38. Association of the Arts Unions Bureau for the Protection of Performers' Rights (EJI), Hungary
39. Musicians' Union India, India
40. Musicians' Union of the State of Rio de Janeiro, Brazil
41. Iranian Musicians Union, Iran
42. Musicians' Union Argentina, Argentina
43. Sindicato de Musicos, Compositores y Cantantes del Perú, Peru
44. Sindicato de Artistas Interpretes del Perú, Peru
45. Circulo Colombiano de Artistas, Colombia
46. Reunión Especializada de Autoridades Cinematográficas y Audiovisuales del Mercosur (RECAM), Latin America
47. Asociacion de Artistas Escenicos Cuba (UNEAC), Cuba
48. Arts Network Asia (ANA), Asia
49. Independent Music Companies Association (IMPALA), Europe
50. International Association for Visual Arts, (IGBK), Germany

## ANNEX III: INFORMATION RESOURCES

### International:

- United Nations  
<http://www.un.org>
- UNESCO  
<http://portal.unesco.org>
- UNESCO: World Observatory on the Social Status of the Artist  
[http://portal.unesco.org/culture/en/ev.php-URL\\_ID=32056&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/culture/en/ev.php-URL_ID=32056&URL_DO=DO_TOPIC&URL_SECTION=201.html)
- WIPO - World Intellectual Property Organization  
<http://www.wipo.int>
- ILO - International Labour Organization  
<http://www.ilo.org>
- UNIDROIT - International Institute for the Unification of Private Law  
<http://www.unidroit.org>
- Interpol  
<http://www.interpol.int>
- World Customs Organization  
<http://www.wcoomd.org/>
- WTO - World Trade Organization  
<http://www.wto.org>
- OECD - Organization for Economic Cooperation and Development  
<http://www.oecd.org>

### Regional and sub-regional:

#### Africa:

- African Union  
<http://www.africa-union.org>
- EAC - East African Community  
[www.eac.int](http://www.eac.int)
- COMESA - Common Market for Eastern and Southern Africa  
[www.comesa.int](http://www.comesa.int)
- ECOWAS - Economic Community of West African States  
<http://www.ecowas.int>
- UEMOA/WAEMU- West African Economic and Monetary Union

[www.uemoa.int](http://www.uemoa.int)

#### **Arab States:**

- League of Arab States  
<http://www.arableagueonline.org>
- ALECSO - Arab League Educational, Cultural and Scientific Organization  
<http://www.alecso.org.tn>
- ISESCO - Islamic Educational, Scientific and Cultural Organization  
<http://www.isesco.org>
- UAM - Union of Arab Maghreb  
[www.maghrebarabe.org](http://www.maghrebarabe.org)

#### **Latin America and the Caribbean:**

- MERCOSUR  
<http://www.mercosur.int>
- ALADI - Ibero-American Association for Integration  
[www.aladi.org](http://www.aladi.org)
- Andean Community  
[www.comunidadandina.org](http://www.comunidadandina.org)
- Organization of Ibero-American States for Education, Science and Culture  
[www.oei.es](http://www.oei.es)
- Association of Caribbean States  
<http://www.acs-aec.org>
- CARICOM- Caribbean Community  
[www.caricom.org](http://www.caricom.org)

#### **Europe and North America:**

- Council of Europe  
<http://www.coe.int>
- EU - European Union  
<http://europa.eu>
- NAFTA- North American Free Trade Agreement  
<http://www.nafta-sec-alena.org>
- OAS - Organization of American States  
<http://www.oas.org>

#### **Asia and the Pacific:**

- The Pacific Community

[www.spc.int](http://www.spc.int)

- ASEAN – Association of Southeast Asian Nations  
[www.aseansec.org](http://www.aseansec.org)
- Asia-Pacific Economic Cooperation  
<http://www.apec.org>
- SAARC – South Asian Association for Regional Cooperation  
[www.saarc-sec.org](http://www.saarc-sec.org)

## **National sources:**

Many websites of **national ministries of culture** and of **national ministries of foreign affairs** provide useful information on bilateral agreements and multilateral treaties relevant to cultural mobility:

- Ministries of Foreign Affairs:  
[http://www.ediplomat.com/dc/foreign\\_ministries.htm](http://www.ediplomat.com/dc/foreign_ministries.htm)
- Ministries of Culture  
[http://en.wikipedia.org/wiki/Ministry\\_of\\_Culture](http://en.wikipedia.org/wiki/Ministry_of_Culture)

## **Non-governmental cultural organisations:**

Several websites of non-governmental cultural organisations have been identified as useful information sources for this study:

### **Performing arts:**

- FIA - International Federation of Actors  
<http://www.fia-actors.com>
- IETM - International network for contemporary performing arts  
<http://www.ietm.org>
- ITI - International Theatre Institute  
<http://www.iti-worldwide.org>
- IATA International Amateur Theatre Association  
<http://www.aitaiata.org>
- IACT- International Association of Theatre Critics  
<http://aict-iatc.org>
- ASSITEJ - International Association of Theatre for Children and Young People  
<http://www.assitej.org>
- UNIMA (Union internationale de la marionnette)  
<http://pagesperso-orange.fr/unima/index.htm>

- CECLCIT - Centro Latinoamericano de Creación e Investigación Teatral  
<http://www.celcit.org.ar/>
- SATI - South African Theatre Initiative  
<http://www.sati.org.za>
- CID - International Dance Council  
<http://www.cid-unesco.org/site/index.php>
- IOTPD - International Organization for the Transition of Professional Dancers  
<http://www.iotpd.org>
- AEPO-Artis - Association of European Performers' Organisations  
<http://www.aepo-artis.org>
- PEARLE (Performing Arts Employers Associations League Europe)  
<http://www.pearle.ws/>

#### **Visual arts:**

- AIAP/IAA - International Association of Art  
<http://www.aiap-iaa.org/>
- IAA – Europe - International Association of Art Europe  
<http://www.iaa-europe.eu/>
- EVAN - European Visual Artists' Network  
<http://www.e-v-a-n.org/>
- EVA - European Visual Artists  
<http://www.eartists.org/>
- ADAGP- Société des auteurs dans les arts graphiques et plastiques  
[http://www.adagp.fr/FR/static\\_index.php](http://www.adagp.fr/FR/static_index.php)

#### **Cinema and audiovisual:**

- FIAPF - International Federation of Film Producers Associations  
<http://www.fiapf.org/>
- Association internationale du film d'animation  
<http://asifa.net/>
- African Film Commission  
<http://www.africanfilmcommission.org/programs/>

#### **Literature:**

- International PEN  
<http://www.internationalpen.org.uk/>
- International Publishers Association

<http://www.ipa-uie.org/>

- African Literature Association  
<http://www.africanlit.org/>
- European Writers' Congress  
<http://www.european-writers-congress.org/>

#### **Music:**

- FIM - International Federation of Musicians  
<http://www.fim-musicians.com>
- IFPI - International Federation of Phonographic Industry  
<http://www.ifpi.org>
- IMPALA (Independent Music Companies Association)  
<http://www.impalamusic.org>
- IMC - International Music Council  
<http://www.imc-cim.org/>
- Asociación Internacional de Músicos Andinos  
<http://aima.8m.com/>

#### **Heritage:**

- ICOM - International Council of Museums  
<http://icom.museum>
- ICOMOS - International Council on Monuments and Sites  
<http://www.international.icomos.org>

#### **Cross-sectoral:**

- IFACCA - International Federation of Arts Councils and Culture Agencies  
<http://www.ifacca.org>
- Res Artis - world wide network of artist residencies  
<http://www.resartis.org>
- CISAC - International Confederation of Authors and Composers Societies  
<http://www.cisac.org>
- The Open Society Institute  
<http://www.soros.org>
- OIF - International Organisation for Francophonie  
<http://www.francophonie.org>
- Commonwealth Foundation  
<http://www.commonwealthfoundation.com>
- Culturelink

<http://www.culturelink.hr>

- ECA - European Council of Artists  
<http://www.eca.dk>
- Culture Action Europe (formerly European Forum for the Arts and Heritage)  
<http://www.cultureactioneurope.org>
- Compendium of Cultural Policies and Trends in Europe  
<http://www.culturalpolicies.net>
- OCPA - Observatory of Cultural Policies in Africa  
<http://www.ocpanet.org>
- ASEF - Asia-Europe Foundation  
<http://www.asef.org>
- Asian Cultural Council  
<http://www.asianculturalcouncil.org>
- ANA - Arts Network of Asia  
<http://www.artsnetworkasia.org>
- The South Project  
<http://www.southproject.net>
- The Power of Culture  
[www.powerofculture.nl](http://www.powerofculture.nl)
- Arab Fund for Arts and Culture  
<http://www.arabculturefund.org>

## **Selected publications**

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