

prospect of Canada negotiating a separate agreement on culture. However, such an agreement cannot be inconsistent with rules that likely will be formulated in the WTO.

I: THE DEBATE ABOUT TRADE AND CULTURE: THE CANADIAN AND AMERICAN VIEWS

The word culture has caused tension for many years in Canada-United States relations. What the Canadians refer to as cultural industries is what the Americans call entertainment industries. The complexity of the word is illustrated in Pierre Berton's *Why We Act Like Canadians*. In this book Berton informs Uncle Sam about Canadian culture in a series of letters. In one such letter Berton tells Uncle Sam:

As for culture we [Canadians and Americans] don't speak the same language. You think of culture in terms of opera, ballet, and classical music. To us it covers everything from Stompin' Tom Connors to Hockey Night in Canada. What is merely "industry" to you is culture to us. Books, magazines, movies, radio, television - all culture. Anne Murray is culture . . . Maclean's Magazine is culture. The government subsidizes them all, in one way or another, because all are genuine Canadian artifacts, distinct and unique, something that nobody else has - the ingredients of our national mucilage.¹

This paper will focus on Canada and the United States. This does not mean that this issue is uniquely a Canada-United States issue. The concept of culture is elusive and as a result there are wide-ranging definitions of the term. This lack of agreement has resulted in a debate about where culture ends and where industry or entertainment begins. This topic has generated new interest around the globe. Trade in the audiovisual sector was a major stumbling block at the end of the Uruguay Round. As a result of the differences in views between the Europeans and the Americans, the audiovisual sector was not addressed in the WTO's General Agreement on Trade in Services (GATS), the first-ever comprehensive agreement on services. Europeans, like Canadians, believed that certain policy measures, both domestic and international, were necessary to support the domestic industry in this sector.²

The government of Canada has declared that culture is a unique industry. The Liberal government states that, "Canadian culture embraces our shared perceptions and beliefs, common experiences and values, and diverse linguistic and cultural identities. Culture is the very essence

¹ Pierre Berton, "The Puzzle of Free Trade," in *Why We Act Like Canadians: A Personal Exploration of Our National Character* (Markham, Ontario: McClelland and Stewart, 1987), 9.

² Rebecca Goldfarb, *Canadian Protection and Promotion of Broadcasting: A Public Policy Constrained by Global Realities* (doctoral thesis), November 1997.