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gLAWcal
Comment #272

**ENSURING CULTURAL CONSIDER-
ATIONS**

Based on

**Rogier Creemers “Cultural Products and
the WTO: China’s Domestic Censorship
and Media Control Policies”**



gLAWcal
Global Law Initiatives for Sustainable Development



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A gLAWcal comment on Rogier Creemers "Cultural Products and the WTO: China's Domestic Censorship and Media Control Policies" in Paolo Davide Farah and Elena Cima (Eds.) **China's Influence on Non-Trade Concerns in International Economic Law**

The author does well to compare the relative strength of trade law, and the weakness of cultural law. The UNESCO Convention includes provision ensuring cultural considerations on a variety of legal contexts, including trade practices. The text of the convention has the "objective to protect and promote the diversity of cultural expressions." In practice, this allows individual nations to have sovereign right to create policies that protect the cultural interests of each nation. Understandably, there will be certain disagreements amongst the cultural concerns of the various nations, putting international mediators at the center of many disputes stemming from the cultural considerations. The contrarian would say that cultural considerations are often just well crafted political ideas. Yet the author presents a convincing argument

of the staying power of cultural considerations as an important and equal legal consideration amongst other important factors. Going further, the author gives a case that cultural considerations can be an important tool for promoting ideas across national boundaries, especially in territories that wouldn't foster progressive ideas on their own. Even if there are notable case of cultural ideals pushing through as a promoting factor in legal scenarios, the weight and increasing body of jurisprudence on trade law tend to far outweigh the cultural considerations when placed head to head. Ultimately, this may prove to be the undoing of many rights and heritages of peoples across the globe. Unfortunately, this is a scenario that will only be discovered when the practice has completed.

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The gLAWcal comments are insight and short analytical pieces written by the gLAWcal team. The gLAWcal comments are based on, and inspired by, the books and chapters published within one of the [gLAWcal book series](#) published by Routledge Publishing (New York/London).

gLAWcal is an independent non-profit research organization (think tank) that aims at providing a new focus on issues related to economic law, globalization and development, namely the relationship between international economy and trade, with special attention to a number of non-trade-related values and concerns. Through research and policy analysis, gLAWcal sheds a new light on issues such as good governance, human rights, right to water, rights to food, social, economic and cultural rights, labour rights, access to knowledge, public health, social welfare, consumer interests and animal welfare, climate change, energy, environmental protection and sustainable development, product safety, food safety and security.

OUR MISSION

To collaborate with Government, Civil society and business community to balance the excess of globalization with Non Trade Concerns.

OUR GOALS

To influence policymakers, to raise awareness over Non Trade Concerns, to encourage stakeholder participation, and to disseminate gLAWcal’s publication results.



Email: research@glawcal.org.uk
Website: glawcal.org.uk
Facebook: gLAWcal - Global Law Initiatives for Sustainable Development
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