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**WORLD CONGRESS ON
THE IMPLEMENTATION OF THE RECOMMENDATION
CONCERNING THE STATUS OF THE ARTIST**

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WORKING DOCUMENT FOR COMMISSION A

**THE SOCIO-CULTURAL ENVIRONMENT OF AUTHORS,
ARTISTS AND PERFORMERS**

This document has been drawn up on the basis of the reports on the questionnaires sent out by:

- (i) UNESCO to its Member States;
- (ii) the International Federation of Actors;
- (iii) the International Federation of Musicians;
- (iv) the International Dance Council;

and a study prepared by International PEN on issues relating to the Congress.

This study is based on: the replies of 40 Member States to UNESCO's questionnaire on cultural policies in favour of artists and the arts, the replies of 50 national unions of the International Federation of Musicians to the questionnaire on the status of music performers in 1997; and the replies to the questionnaire sent out by the International Federation of Actors to 55 of its members in 44 countries on the status of the performer in 1997. Synoptic reports on the questionnaires sent out by UNESCO, the International Federation of Musicians and the International Federation of Actors have appeared as separate documents.

INTRODUCTION

1. We have tried to gather together under the heading 'Socio-cultural environment of the artist' all the elements which contribute to the social, economic and cultural climate in which artists develop in countries belonging to different geo-cultural regions. The material, political, legal and financial means made available by states to promote the arts and artists at the national level, the new forms of expression and communication offered to artists by the 'information society' and their place in this context will be considered here. Under 'new roles for artists' we have tried to draw attention to the opportunities available to artists to become involved, for instance, in teaching activities and cultural projects in the community.

A. THE SOCIAL SITUATION IN DIFFERENT COUNTRIES: CULTURAL AND ARTISTIC INSTITUTIONS, SUPPORT FOR CREATIVE ACTIVITIES, LEGISLATION ON THE STATUS OF THE ARTIST

Three major themes emerge from the replies from both governmental and non-governmental sources on this issue, regardless of the region or country concerned.

(i) Cultural policy

2. The leading cultural institution in terms of both numbers and importance is the library (public libraries, university libraries, school libraries). The figures vary from 300 in Cameroon and 700 in Tunisia to around 1,500 in Norway. There also seems to be a sound museum network (24 museums in Nigeria, 33 in Costa Rica, 224 in Croatia, 170 in the Philippines). Cultural centres of various kinds play a leading role in promoting an active cultural life, in particular in the countries of eastern and central Europe, in some countries of northern Europe and in some Asian countries. On the other hand, there is a serious shortage of facilities for live performances (music, dance and theatre). Hence the replies to the question concerning developments in the status of the artist over the past 15 years (i.e. since the adoption of the Recommendation) varied widely, mainly according to the economic stability of the country concerned. **In the countries of Latin America and eastern Europe, the professional associations stressed the deteriorating status of the artist.** In western Europe and the Nordic countries there has been little change, other than in the positive sense of an improvement in intellectual property rights and in the negative sense of a step backwards on the social front. The professional associations also noted the alarming situation in which artists in Portugal claim to find themselves at the present time.

3. In Africa, the artistic professions are not really recognized as fully fledged professions since, strictly speaking, there are no markets for them. In Asia, the situation is somewhat different in that the audiovisual industry is once more booming. Consequently, in some industrialized or semi-industrialized countries artists have improved their status.

4. In literature and the visual arts, the status of the artist seems to have held its own over the past 15 years, despite the persistence of the crisis of the 1990s, mainly due to the support for creative activities provided by the public authorities.

(ii) Support for creative activities

5. During the last 15 years, there has been a worldwide decline in public funding for the arts. Unions have witnessed steady and consistent cutbacks by governments to opera and ballet companies, and national and regional theatre which now have increasingly to look for

private sector finance and corporate sponsorship for their continued existence. The relationship between private finance and the arts has perhaps created a different culture to which performers and their organizations must adapt.

6. Nearly all Member States which replied to the UNESCO questionnaire claimed to have a policy for the support of creative activities. That support varies in size according to the economic capacity of the country concerned, but there has been more decentralization of resources to the local and municipal levels. The share of the State budget allocated to culture appears to range from 0.1 per cent (in Japan) to 1 per cent (in Germany).

7. Although the professional associations consider that the disciplines, continuing training courses and establishments supported by public funds have now reached **very high artistic standards**, they also note a decline in public funding for the arts. One of the most damaging causes of decline is attributable to cuts in subsidies to the arts which are widely experienced, particularly in some industrialized countries of Western Europe

8. In French speaking Canada, government intervention was said to have been responsible for an improvement in the status of the artist.

9. Some countries (such as Japan and Peru) do not have a ministry for the arts and culture, which may indicate a somewhat restricted approach to the role of the state in regard to cultural matters. In Africa, although there are ministries for culture, they cannot cope with the demand for support for the arts, funded mostly through multinational aid.

10. Although the trend towards private funding is spreading, it is still very limited and reportedly, even in the best of cases, amounts to less than 10 per cent of the budgets allocated by States and their regions. This shortage of private aid at a time when public funding has been dwindling since the early 1990s is probably due to a policy failure on the part of governments in this area. Commission A may wish to make a proposal on this matter, in particular following the round table on the funding of the arts.

(iii) Legislation in favour of the status of the artist

11. For the great majority of artists associations and federations, the Recommendation has served as a tool in providing a checklist of goals to which they can aspire and possibly for raising awareness of important issues rather than a list of measures to be accepted as a package and legislated upon. Without legislative 'teeth' the Recommendation is seen to have been somewhat limited in its effect.

12. The larger the gap between the ideals of the Recommendation and the economic and social reality of the particular country, the less likely it will be seen to have made any inroads or had a useful effect in improving the professional status of the artist. Examples include:

13. Canada where the Recommendation was used successfully as a campaigning tool by ACTRA to lobby the Canadian Government to pass the Status of the Artist Act in 1994 (adopted federally and in Quebec). Canada is perhaps the most important example of a case in which the Status of the Artist has been legislated upon. The Status of the Artist Act comprises two sections - the first containing statements of principle, the second securing the bargaining rights already enjoyed by performers' unions in practice on behalf of their freelance membership. The Federal Act has limited scope but continues to be important for Canadian performers.

14. Bulgaria and Belarus, where unions indicated that Article 6 of the Recommendation was used successfully in helping to achieve improved and revised neighbouring rights and copyright law. In Ukraine, where the Recommendation was used persuasively in collective bargaining for resolving issues of the level of remuneration for performers and the question of introducing pensions for performing art teachers.

15. In Luxembourg and in Belgium, a long-awaited and much needed Law on the Status of the Artist has been produced in draft, but has still not been voted on by Parliament. In Argentina, the Recommendation was approved by the government, but has not been applied in reality.

16. In several other countries, including some which replied to the UNESCO questionnaire (Austria, Finland, Lithuania, Russia), reference is made to laws that are currently being drafted or to existing laws on, for instance, tax exemption for creative artists (Romania), the cinema (the Czech Republic, Greece, Peru) and public performances (Norway).

17. The Commission could usefully take up the matter of the conditions for the adoption of laws on the status of creative and performing artists at the regional and national level.

B. CREATIVE AND PERFORMING ARTISTS, EMPLOYMENT OPPORTUNITIES, STATUS OF WOMEN ARTISTS, NEW SOCIAL ROLES (EDUCATION, CULTURAL AND COMMUNITY ACTIVITIES), ASSOCIATIONS

(i) Employment opportunities

18. Live performance is an indispensable and fundamental part of the arts and one which has traditionally enjoyed a significant measure of public funding and subsidy in most countries. However, during the last 15 years, less and less money has been invested in it, and therefore live performance in almost every country surveyed seems to be the area in which the decline in public arts funding has been most keenly felt.

19. Temporary unemployment rates for performers (actors and dancers) are 80 to 85 per cent. Musicians are not so severely affected since their temporary unemployment rate varies according to country from 50 to 85 per cent. That is why it is common for performers, as well as creative artists (writers, painters, etc.), to have to take on another job or jobs in order to earn a living and pursue their artistic career.

20. The permanent employment market for performers, which was relatively well protected until recently, is being replaced by casual employment. Fewer permanent contracts (in an orchestra, for instance) are on offer.

21. The decline in arts funding is eroding the frequency and number of permanent contracts for the performing artist to such a large degree they may well disappear completely.

22. Hand in hand with the decline in the permanent contract status of performers is the general decrease in the length of employment contracts. The duration of a contract of employment for the performer in a live production can vary substantially depending upon the size of the cast, the costs of mounting the production, the potential touring life, etc.

23. In a number of Latin American countries, and in the commercial theatre of some Asian countries for example, the rehearsal period is usually not paid - therefore the artist indirectly subsidizes the production with his or her labour. As a result of cost cutting, less and less time is given to the artist for paid rehearsal periods.

24. Some organizations also drew attention to the phenomenon of deprofessionalization in the case of performers in several western countries. Elsewhere, the situation seems to be more stable, although there is a slight deterioration.

25. For writers, the idea that writing is a profession is not accepted everywhere. In any event, they generally have another job in addition to their literary activity, for example in teaching, publishing or administration.

26. Since the beginning of the 1990s, practitioners of the visual arts have seen the market collapse whereas in the previous decade it had flourished. In Africa, Asia, and to a lesser extent in Latin America, having a second job has always been necessary. In the past, family structures and State assistance enabled a greater proportion of visual arts practitioners living in Europe to devote themselves to their art. The current period threatens to be rather more difficult as cuts in public funding coincide with a very real crisis in values in the visual arts in particular.

27. Lastly, between 1 and 5 per cent of artists, of all categories, receive very high remuneration, whereas salaries for the great majority are comparable to the minimum industrial wage.

(ii) The status of women artists and authors

28. Around 35 per cent of the member associations of IFM and IFA which replied to the questionnaire thought the status of women had improved whereas 65 per cent thought that the status had stayed the same or had declined.

29. In the newly independent states of what was formerly the Soviet Union, the status of the female performer has in fact declined rather than improved as a result of the transition to a market economy, which has worsened living conditions for all workers regardless of gender (e.g. Belarus, Turkmenistan, Ukraine).

30. There is a significant perception amongst performers (actors) that there are now more roles for women and hence more work opportunities. With this increase, some members perceive women to be gaining greater recognition (Portugal). In some Latin American countries, there is a trend in which professional television actresses are losing employment to models, who are employed for youth and appearance rather than acting ability.

31. Unions of musicians, actors and dancers have often introduced anti-discrimination clauses in contracts and collective agreements, for example in the United States. Is there any evidence that there has been a direct improvement in women performers' status as a result of these provisions? At best, they serve as a reminder to employers of the all too often inferior status of women.

32. In television, some countries have legislated requirements under broadcasting licence regulations that the content of broadcasting must reflect the diversity of all people in society, with legal obligations imposed upon the broadcaster to adequately represent women and minority groups in programming (e.g. Australia, Canada and South Africa).

33. However, child care remains a problem, except in countries like Israel and the Netherlands where responsibility lies with the employer. Despite all efforts, women are still earning less than their male counterparts in performing arts from the top earning stars downwards to the minimum income earners.

(iii) New social roles for artists

34. The emergence of new audiences and art lovers depends on the provision of artistic education adapted to the needs of children and adolescents. The replies to the UNESCO questionnaire¹ show that Member States in all regions pay particular attention to arts education in schools. There are several observations to be made: (a) almost all the replies indicate that artists play some part - usually informal - in school education. A coherent system of arts education should be able to call upon professional artists as a matter of course; (b) primary and secondary schoolchildren rarely attend artistic events (theatrical performances, ballet, concerts, exhibitions, and so on) organized by municipal arts and cultural institutions - this is particularly true in the developing countries - with the result that schools tend to be cut off from the outside world; (c) some very interesting experiments for the popularization of art in underprivileged surroundings (towns devastated by unemployment, prisons) or isolated environments (hospitals, rural areas) have been astonishingly successful in stimulating creative activity (a project in which unemployed people in Lorient (France) wrote a novel, etc.).

35. Activities by artists in urban areas that are under construction or of recent date provide an opportunity to give new towns a centre in which a start can be made on building the social fabric. At a time when our societies are undergoing transformation, there is an increasingly urgent need for the artist to play a prominent part in the community.

36. The Commission may wish, in conjunction with the round table on this subject, to make proposals to the plenary on artistic education.

(iv) Associations

37. The right of artists to form associations or federations of professional organizations is asserted by all countries.

38. However, the right to free and unfettered collective bargaining is a principle that most governments support in principle, whether by way of their constitution or by national legislation but there is a general trend by governments to erode this principle in practice by direct interference in collective bargaining and/or indirectly by legislation.

39. For instance, professional organizations claim that collective bargaining dealing principally with working conditions in live performances and, to a lesser extent, with sound and audiovisual recordings and radio broadcasts, is still being 'violated' (in particular in Asia and several central European countries). It is reportedly inoperative in Portugal and under threat in the United Kingdom. It is common knowledge that it does not exist in a large number of African countries, because of weaknesses in the democratic system, in particular the lack of representative professional unions.

1. *Questionnaire on artistic education*, to which over 56 Member States replied (cf. the report on the questionnaire on artistic education in the world in document CLT/CONF.206/7).

40. Difficulties often occur in cinema and television, where agreements are not respected or denounced.

41. Many unions which had been free to practise closed shop agreements in the 1970s and early 1980s, were faced with stringent anti-union legislation in the 1990s which brought about the end of the closed shop agreement. Twenty-five per cent of the members indicated that the outlawing of the closed shop agreement has contributed to their decline in membership.

42. The percentage of non-unionized performers varies considerably from country to country. For example, in the field of music, it is reportedly over 50 per cent in Argentina, France, the Netherlands, Portugal and Spain, and under 25 per cent in the Czech Republic, Germany, Israel, Peru, Sweden and the United Kingdom. The number of union members is generally falling, with some exceptions (Israel and the Netherlands).

43. The professional criteria for membership in a performer's union are not the same all over the world, which can mean either that there is a real difficulty in defining a professional artist, or that such a definition is in reality often worthless. 'Amateurs' must be treated in the same way as 'professionals' provided they work, even if it is only occasionally. The major concern of unions, in addition to safeguarding jobs and defending the status of the salaried performer, is to negotiate minimum rates of payment.

44. Collective bargaining is almost non-existent for multimedia productions (CD-ROM and so on). Eight countries have some kind of collective agreement for new media (including Australia, Canada, Finland, United Kingdom and the United States of America).

C. ARTISTS IN THE INFORMATION SOCIETY

(i) Concentration of distribution

45. Whilst control over distribution is heavily concentrated in the hands of the major groups operating internationally, the number of small independent production companies is growing. These companies have little chance of prospering since they cannot compete with the major groups in the field of dissemination and distribution. They disappear rapidly (often without paying the artists) or, if they are successful, they are bought up by a major group.

46. The public sector's gradual withdrawal from the means of distribution is one of the new trends marking the close of the century. It does not seem to have fully grasped the extent of concentration and its consequences on pluralism in the dissemination and distribution of culture. The trend is towards the privatization of dissemination and distribution companies (including television and radio stations) and a certain abdication by the public authorities when it comes to maintaining a public service in the field of culture.

47. On the other hand, one can observe that the entry of new players has also brought about a more decentralized production process, a growth in independent production and therefore a more fragmented working environment for the performer. In the United Kingdom, for example, there are quotas for independent television production which has also changed production patterns.

48. Films and television programmes are now more often made with a larger international market in mind. This has in turn had an effect on the way television programmes and films are made not only in relation to the financing and marketing of the product but on the working

patterns and conditions of employment of the performer. This is particularly marked in American film and discreet language markets. However, most of the answers to the questionnaires reported a growth in multi-country productions. Therefore mostly industrialized countries, particular major international companies and multinational producers² are having an increasing effect on their work and the collective agreements.

49. In some countries, such as Denmark, Hungary and the Netherlands, performers have had greater employment opportunities in multinational co-productions, but the wages they are offered are lower.

50. One of the most important practical effects of satellite and cable broadcasting on performers is that it allows for many more channels to be broadcast to the public across national boundaries in a large number of countries, irrespective of the distinctive cultures and different languages.

51. As these broadcast technologies expand all over the world, the production of programme content for these new channels is increasingly bridging these cultural and language differences, becoming truly international. This is especially true of satellite broadcasting in the European market, which has taken a firm hold, as a result of which there is a growing free movement of programming and advertising across borders, with a significant proportion of programme content originating in the United States.

52. However, satellite and cable programming comprises mostly repeats of old television series, foreign programmes, sport and films. Therefore, it is to be expected that diversity and original content will not increase substantially with the expansion of the new broadcast delivery systems of satellite and cable, unless official regulations are introduced to support original national and local production and to ensure its distribution by the new media.

53. The most important impact of the development of digital broadcasting is that digital technology enables the broadcast signal to be compressed, which allows an analogue broadcast channel to multiply five times in broadcasting space. Quite simply, application of this technology could give substantial more space for programmes to be shown and for new programmes to be made. There are numerous predictions as to when all cable, terrestrial and satellite broadcasting systems in the world will be converted from an analogue to a digital signal. This race to further internationalize and find one uniform system for digital television is of tremendous importance globally and will largely depend upon co-operation in terms of investment, sharing expertise and technology. In almost all industrialized countries, digital broadcasting is around the corner. In other countries, especially in Africa, in the Arab states and to a lesser extent in Latin America, there is little known or discussed in terms of digital broadcasting plans. As with cable and satellite broadcasting, the most important question for performers will be whether digital broadcasting will create new work as a result of an

2. Some of these companies reported are:

Australia:	Fox, Cameron Macintosh / Really Useful / Village Roadshow
Canada:	Disney / Live Entertainment / Mirvish / all the US majors
Denmark:	Disney / Time Warner / Turner / Constantin Fox
Finland:	Disney
France:	Disney / Fox
Hungary:	Disney
Italy:	Finnvest
SAG:	Viacom / Time Warner / News Corp / Disney
Spain:	Disney / Time Warner

expanded original programming. Although there is very little certainty about trying to predict the future of broadcasting in a multi-channel environment, it is hoped that the public will want programming that is diverse, of quality and made locally.

(ii) Digital arts

54. Multimedia production combines the different media of text, graphics, animation, sound and moving image in one product or service. Although many multimedia products make use of sound and moving images in the form of voice-overs and on-camera performances, so far they seem to have made relatively little impact on the performers' working lives.

55. In any event, original multimedia productions are developing slowly and are still in an experimental phase. If there is a market breakthrough, the traditional cultural industries could be replaced. Already in the musical field, the flesh-and-blood musician can be replaced by a digital musician just as digital technology and computer animation techniques permit synthesized performances. It is likely that live actors and dancers will no longer be needed in recorded performances. Most performers seem relatively secure about the continued prospects for the profession (and indeed many of the new techniques require a live actor at some stage to incorporate realistic movement). In the literary field, for instance, automatic writing is not likely to replace the author, since it is the author in person who makes use of the potential of the machine.

(iii) The Internet

56. On-line communication or the Internet has, in the last decade, presented itself as an additional new mode of communication, going far beyond traditional broadcasting. Through the application of telecommunications, computer and digital technology, direct communication of recorded material in the form of text, sound and moving image can be made through telephone or other delivery networks. What this means for the artist is that a digitized recording of both moving image and/or sound can be exchanged on-line between private individuals anywhere in the world.

57. Although the Internet has had a profound impact in the sphere of private communication, education and research, it has, however, up until now had less impact in the entertainment industry. Predominantly used as a tool for promotion by entertainment companies, very little investment has been made in creating new original content. There is still no certainty whether the Internet is going to be a new medium of delivery for providing full entertainment programming in competition with traditional broadcasting. United States trends would indicate this is a strong possibility with the growing digitization of entire film collections by the entertainment companies.

58. The Internet has serious implications for the piracy of entertainment product as a result of the potential ease with which material can be copied with perfect first generation quality. Right-holders are consequently reluctant to allow their work to be used on-line without agreement and strong encryption methods and controls for monitoring the usage. Artists, however, are aware that their works are being used on the Internet without their consent.

59. The question is whether digital technology can stimulate national and local creativity and, if it can, how to promote its use at these levels. The Commission may wish to give an opinion on this matter, in conjunction with the round table on the new technologies.