

CREATING “SHELF SPACE”: NAFTA’S EXPERIENCE WITH CULTURAL PROTECTION AND ITS RELEVANCE FOR THE WTO

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ABSTRACT

The relatively swift negotiation and implementation of the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions (CCD) invites us to consider what came before it and what may follow. This article reviews experience with the creation of cultural “shelf space” under the North American Free Trade Agreement (NAFTA) through the use of a cultural “exception” and how this experience served as an important impetus for Canadian leadership in the negotiation and conclusion of the CCD. The article goes on to consider the CCD’s potential impact as custom and process in the creation of cultural “shelf space” internationally.

KEYWORDS: *UNESCO, CCD, NAFTA, WTO, cultural protection, MFN obligation, general exception, customary international law*

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