

# THE LIMITATIONS OF A LEGAL APPROACH TO THE REGULATION OF CULTURAL DIVERSITY IN THE WTO: THE PROBLEM OF INTERNATIONAL AGRICULTURAL TRADE

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## ABSTRACT

*Cultural diversity encompasses a wider range of ideas and notions focussing on different products, industries and methods of expression. Deciding what makes this range of activity “cultural” is not fixed, but changes from individual to individual. It’s impossible to find a single magical “core” of what the problem is, “culture” should be regarded as a complex, or “polycentric” problem with multiple strands, each representing a different description of what the problem is. Traditional regulatory solutions based on a definition of what “culture” is are therefore not appropriate, instead a more fluid approach is required which makes full use of diplomatic settlement where all can be accommodated. This article shows how disagreements between the WTO negotiators on the Doha Development Round agenda topics are inevitable in the light of deep cultural divisions because each negotiator perceives each subject, the existing rules and the*

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*necessary amendments differently. Rather than ideas which might be described as traditional cultural industries like telecommunications and audiovisual products, this article focuses on the issue of international agricultural trade, trying to illustrate the breadth and importance of “culture” to all aspects of international trade regulation.*

**KEYWORDS:** *culture, cultural diversity, agriculture, Agreement on Agriculture, polycentric problems*

“Cultural Diversity” suggests a multiplicity of ideas and values through which each element of humanity expresses its individuality. Modes of artistic expression, for example painting or dance; ways in which peoples live, food they choose to eat, methods of food preparation, historical values, as well as products with special significance, all come together in diverse and unpredictable ways to mark societies out as distinct from each other. Protection of this variety is important in a world of increasing globalization as a consequence of the growth in international trade.

Our immediate reaction to this dilemma might be to protect diversity through a global system of rules linked into the existing World Trade Organisation (WTO)’s regulatory scheme which can be enforced in the event of violation. However, culture’s inherent diversity and complexity means that traditional regulatory solutions based on single understandings of what culture is might be inadequate. This article explores the nature of the problem of “cultural diversity.” It argues that it is a multilayered problem which can be described in many varied ways, all of which are correct. The discussion focuses on one description of the problem: it argues that “culture” refers not just to products, artistic expressions and ways of life; it also drives our response to rules generally. In other words, our cultural values shape how we see any subject, irrespective of whether that subject is specifically linked to cultural products and artistic expressions or not. It also colours what we think our regulatory response should be and how we think new rules should be constructed as a consequence. The article therefore aims to show how disagreements between the WTO negotiators on the Doha Development Round agenda topics are inevitable in the light of these deep cultural divisions because each negotiator