

FREE TRADE, CULTURAL POLICIES, AND THE DIGITAL REVOLUTION: EVIDENCE FROM THE U.S. FTAs WITH AUSTRALIA AND SOUTH KOREA

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ABSTRACT

Between 2002 and 2007, the United States has concluded 11 free trade agreements (FTAs) with different countries throughout the world, including Australia and South Korea. The above mentioned FTAs have entailed significant restriction on the ability of states parties to pursue cultural policies. Although the financial instruments of cultural policy have been exempted, the possibility for public authorities to adopt or maintain regulatory measures, such as domestic content quotas in the media, has been significantly curtailed; particularly as regard to the electronic commerce of digital products. When instruments of cultural regulation have been allowed, as is the case principally with Australia and South Korea, most of these exceptions have pertained to traditional or analogue media. Yet, this article discusses the specific exceptions that the United States has proved willing to accept concerning the new or digital media within FTAs reached by the two developed countries. It concludes, however, that the strict conditions that accompany the possible resort to such exceptions applying to electronic commerce raise questions as to their applicability.

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