



SUBMISSION FROM EQUITY TO CULTURE COMMISSION

Equity is the trade union that represents performers, directors, designers, stage managers and other associated talents who work in all media. In Scotland our members work across the whole landmass of the county in pubs, clubs, theatres and studios; in the street, outdoors, on location or a site-specific venue. The overwhelming majority of Scots come into contact with our members' work on a daily basis through television, cinema, radio, on video or in live performance.

CULTURAL RIGHTS

In contemporary Scotland, the artist lives on the margins of society. We believe that if it is to be a modern, plural and inclusive society, a Scotland that values its cultural output should be forced to re-evaluate the status of the artist. Artists, and cultural workers generally, if they are going to stay in Scotland need to be recognised as professionals who contribute to the economy and to whom a reasonable measure of financial stability is due otherwise they will be forced to follow the paths of previous generations by emigrating south or west. In our submission we make no apologies for focussing on the rights of the cultural worker. However we recognise the importance of giving cultural rights to citizens and that the level of provision will depend what these rights are.

If there is to be a Culture Bill laid before the Scottish Parliament we believe that it should seek to incorporate and expand upon the Charter of Fundamental Right of the European Union

http://www.europarl.eu.int/charter/pdf/text_en.pdf; ¹

Specifically Article 10, Freedom of Thought, Conscience and Religion
Article 11, Freedom of Expression and Information
Article 12, Freedom of Assembly and Association
Article 13, Freedom of the arts and sciences
Article 15, Freedom to chose an occupation
Article 22 Cultural, Religious and Linguistic diversity

It should incorporate sections of the Universal Declaration on Human Rights

<http://www.un.org/Overview/rights.html>;²

Specifically Article 22
Article 27

¹ Appendix 1

² Appendix 2

It should seek to incorporate the UNESCO Recommendations on the status of the Artist (1980)

http://www.unesco.org/culture/laws/artist/html_eng/page1.shtml³

And it should be informed by the OAS Protocol of San Salvador <http://www.worldpolicy.org/globalrights/treaties/achr-esc.html>⁴.

Specifically we believe that artists and cultural workers in Scotland should be entitled to earn a living by pursuing their art (Article 15 CoFREU) and therefore entitled to decent remuneration and social security support if necessary (Articles 34 CoFREU). We believe that artists and cultural workers should be protected through the right to freedom of expression and should be free from political interference (Articles 11 and 13 CoFREU) and should be entitled to freedom of assembly and the right to organise themselves (Articles 12 and 28 CoFREU). We believe that these rights should be emphasised and expanded on in a future Culture Bill.

However, in order to effect meaningful change, citizens should be given specific entitlements through these rights (e.g. the entitlement to go to a professional theatre production, to access museums and galleries with international collections etc).

The interface between Culture and Education needs to be re-examined. The Curriculum Revue should be encouraged to look closely at the 5-14 Expressive Arts module. Education should emphasise creativity and self-expression rather than control and conformity.

Across the whole of Scotland, the problems of exclusion from the cultural life of the nation vary massively. For some physical distance is the problem, for others the problems may be economic. Local Authorities currently are charged with 'making adequate provision' for the arts and culture. Equity proposes that, as now with both cultural provision and with education, the Scottish Executive creates the legislative framework for the creation of cultural rights and that local authorities are charged with delivering entitlements. Each local authority would therefore need to tailor its provision to the specific needs and identities of its communities.

Specific entitlements of the citizen would therefore change from place to place and from time to time taking into account specific circumstances. The Citizen's rights would be unalienable but provision would have to be made according to local needs and criteria.

However, in addition to local needs, there needs to be a body with responsibility for strategic provision. The national companies and institutions will obviously be the responsibility of such a body but so will many other organisations whose geographic reach is wider than a single local authority. As a result of the groundbreaking work pioneered by 7:84 theatre company in the seventies and eighties, we now have a host of small touring arts organisations whose remit, if not national, deserves national recognition and who would be in danger of being wiped out if purely local considerations were taken into account.

³ Appendix 3

⁴ Appendix 4

Funding structures-arms length

Equity's interest lies primarily in the professional sector. We believe, as stated above, that there is a need for a body that can make strategic decisions about national and sub-national provision.

It is essential that, whatever structures are put in place, the plurality of Scotland's cultures are recognised. When the Scottish Committee of the old Arts Council of Great Britain was formed it immediately adopted a set of values defined in Bloomsbury rather than in Scotland and this has caused significant resentment amongst Scotland's traditional artists ever since. Gaelic culture suffered previously from a government in Edinburgh and the Scots language is often overlooked, dismissed wrongly as a 'corrupt' form of English. Now, as Scotland increases its need and dependence on immigrant labour to sustain its economy it is essential that the cultures of all in Scotland are recognised and cherished. We should celebrate the differences of the many cultures in Scotland from highland to lowland; rural to urban; old to new and even East to West. Excellence not homogeneity should be our aim.

There is significant debate in both Wales and Scotland about structures of government and in particular, the arm's length principle. In Wales, the First Minister has instigated a process of public service reform calling on all Assembly Sponsored Public Bodies (ASPBs) to justify their existence. If they are unable to do this, their function will be subsumed by the National Assembly or the Cabinet of the National Assembly of Wales. The Arts Council of Wales' response encapsulates the arguments in favour of an 'arms' length body.

<http://www.artswales.org/publications/publication.asp?id=173> ⁵

In Scotland, former First Minister McLeish, called for a bonfire of the quangos. This turned out to be a damp squib as few Non Departmental Public Bodies (NDPBs) were burnt.

However, in both countries the tension between democratic control and the appointment of non-elected expertise remains strong.

A dedicated Ministry of Culture has three inherent dangers. The first is political control. The second is political pressure, which will ultimately be constituency based- we believe this will be at the expense of the professional sector, which often works across constituency boundaries. The professional artist's life is almost inevitably a peripatetic one. The last danger is that of orthodoxy. Governments are inherently conservative and reactive in nature.

The arm's length principle also has drawbacks. The Arts Councils come in for sustained criticism but this could be because their job is to make selective and contentious decisions. They have tended to become bureaucratic and managerialist hiding behind structures and strategies. They have not been successful at engaging with artists. (These criticisms are also levelled at the Culture Commission itself.)

Whatever body or bodies are put in place, they need to ensure that they are owned by the creative communities of Scotland and respond to the citizens of Scotland. We

⁵ Appendix 5

should strive for greater representation from working artists from all art forms than has been the tradition in the past

Specific areas of concern-current provision

Whist Equity welcomes the opportunity to contribute to the debate on the future of Scotland's culture we have specific concerns about current provision and levels of governmental support, which if not addressed could render the Commission's work meaningless.

The first is television broadcasting. Although the legislative framework for broadcasting is a reserved matter, the Commission and the Executive must have the right to call the public sector broadcasters to account for the way they serve the peoples of Scotland. It cannot be beneficial to the UK as a whole that all the decision makers in television live in the same city, eat in the same restaurants and view the world from the same place and time. Equity calls on the commission to campaign to have at least one BBC channel relocated to Scotland and to challenge the other broadcasters on their attitude commissioning work in Scotland.

The second area of concern is subsidised theatre. Government subsidy for individual theatres in Scotland is approximately half that of in England. We are experiencing a 'brain drain' of talent to England at the moment. Theatre workers are peripatetic and are quite naturally moving to work in places where there is more money, both to put on productions with and for pay. We believe this problem affects all the performing arts including opera, ballet and dance. The UK is a single labour market and if Scotland wants a thriving theatrical sector it will have address the funding difference. Football offers us a frightening example of what will happen if Scotland's subsidised theatres are unable to match their comparators south of the border.

Specific areas of concern-reserved matters

Copyright is a reserved matter. However we would urge the Executive, through its cultural policy to be positive in its support for the rights of artists to be acknowledged as copyright holders in their work. Through the World Intellectual Property Organisation we urge the Executive to encourage the UK and EU governments to take affirmative action to protect the moral rights and image rights of performers in order to enable performers to benefit from these rights.

We also urge the UK and EU governments to adopt the Bern Convention for the Protection of Literary and Artistic Works.

<http://www.wipo.int/clea/docs/en/wo/wo001en.htm>⁶

⁶See appendix 6 for further reference

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Please find below the submission from Equity to the Cultural Commission consultation process

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