

BOOK REVIEW

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Juneyoung Lee, *Culture and International Trade Law: From Conflict to Coordination*

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In Bach's 'Coffee Cantata', an early reflection on the influence of trade, there emerges Europe's growing fascination with coffee that began to reshape societal and cultural norms. Humorous yet incisive, it offers a window into challenges faced by contemporary international law in reconciling international trade dynamics with the imperative of preserving cultural diversity. By representing social changes instigated by a simple drink, 'Coffee Cantata' parallels today's legal discussion in which international rules seek to promote free trade and protect cultural assets. It is a fitting prelude to a book review of *Culture and International Trade Law: From Conflict to Coordination*, by Juneyoung Lee.

Divided into three principal parts, initially, the book examines the theoretical and organizational frameworks that link culture with societal structures. Afterwards, the analysis explores the relationship between culture and trade across domestic, multilateral, and preferential levels, highlighting the dynamics of cultural exchange in the global market. Finally, the third part focuses on legal solutions for aligning cultural objectives with trade goals, emphasizing the need for collaborative efforts among policymakers, cultural entities, and trade organizations to foster economic growth while preserving cultural heritage. The central argument of the book is that it is possible and necessary to harmonize cultural diversity protection with free international trade principles. This harmonization calls for innovative legal approaches, supporting cultural preservation and economic globalization. This perspective moves away from traditional views that often present culture and trade as opposing interests.

Fundamentally, Lee presents an ambitious and innovative examination of culture's role in international trade law, adopting an original approach by integrating conceptual and institutional perspectives. This analysis is important in several ways. Firstly, it seeks to redefine culture within international trade law. Traditionally, culture has been understood narrowly in this field. Lee proposes a more inclusive and dynamic definition, acknowledging the complexity of cultural exchanges in a globalized setting. Secondly, the work stands out for its interdisciplinary approach, drawing on sociology, anthropology, and international law to offer a multifaceted view on culture in trade. This blending of perspectives is laudable and relatively new to the trade and culture scholarship. Thirdly, emphasis on cultural diversity marks significant development. This book aligns with broader international efforts, such as the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, to underscore the critical role of cultural diversity, which in trade discussions are identified as a cornerstone of global trade dialogues. Moreover, analysing the roles played by international institutions in shaping cultural policies informs the governance challenges and opportunities in integrating culture into international trade law. This scrutiny is very important for recognizing the potential for, and barriers to, more effectively incorporating cultural considerations into the trading system.

Part 1 of the book sets the stage by offering a solid foundation for readers. It successfully lays the groundwork by introducing key concepts and norms guiding the understanding of culture in international trade law. This foundational setting naturally leads to emerging questions regarding specific ideas and areas that, owing to a single volume's scope limitations, could not be comprehensively explored. Ripe for future research, these areas predominantly revolve around two significant issues. One is the role of non-state actors, such as non-governmental organizations (NGOs), cultural institutions, and the private sector in bridging culture and trade. These entities are instrumental in championing cultural preservation, shaping policy debates, and executing projects that weave culture into trade discussions. A more detailed analysis of how cultural sectors – film studios, music production companies, and publishing houses – impact cultural policies and trade agreements could reveal their profound influence on international trade dynamics, as explored by Wallace-Bruce (2001) in an analysis of Hollywood's influence on French withdrawal from the Multilateral Agreement on Investment negotiations. Additionally, the contributions of NGOs and civil society organizations to advocating cultural diversity and heritage protection within trade agreements merit closer examination. These efforts are crucial for understanding how cultural considerations are integrated into global trade frameworks, influencing negotiations, and outcomes. Finally, informal international lawmaking presents an intriguing perspective on how non-state actors contribute to the development of norms and policies at the culture and trade intersection. Involvement of industry groups, such as the International Chamber of Commerce, in formulating best practices, guidelines, and standards demonstrate a more adaptable and inclusive method of tackling the challenges posed by the integration of culture and trade. This approach may allow for broader engagement beyond traditional trade negotiations, accommodating the cultural complexities in a globalized economy.

Part 2 analyses the cultural considerations and international trade relationship, through a trio of analytical advancements. It commences by exploring domestic cultural policies, focusing on economic justifications for government intervention in the cultural sector. Lee evaluates the economies of scale, externalities, and the public goods argument, assessing their impacts on trade while probing the rationale for differentiating cultural products in trade policies. This book mentions the influence on trade of cultural industries, including the American Motion Picture Association. This depth of analysis is inspiring because it bridges economic theories with concrete policy practices across various nations in a systematic manner. Afterwards, the examination extends to how culture is addressed within multilateral and plurilateral trade agreements (PTAs). Lee identifies specific cultural provisions and deciphers their effects on fostering cultural diversity and preserving national policy space, such as the European Union's Television without Frontier Directive and the Audiovisual Media Services Directive. Through case studies, such as the NAFTA model, insights emerge into the difficulties of crafting cultural exceptions in trade agreements. The final analytical strand investigates the dual objectives of protecting cultural diversity and encouraging trade liberalization. This analysis presents a perspective on the debate surrounding cultural protectionism within the trade context, including a discussion of the key issue of the utility and impact of cultural exceptions in trade agreements on cultural diversity.

However, the analysis can be extended to certain areas. Examining cultural policies in PTAs and the multilateral trading system, for instance, could benefit from further reflecting on the effectiveness of cultural exceptions and reservations in safeguarding cultural diversity. Such explorations could critically assess the tangible impact of cultural exceptions within PTAs and the World Trade Organization (WTO) in promoting cultural diversity and supporting domestic cultural industries. Also, with digital technologies altering cultural exchange and trade, the book could have expanded its analysis to address the specific challenges and opportunities presented by digital trade for cultural content. Issues such as copyright laws' evolution to meet the challenges of digital distribution and digital platforms' responsibilities in promoting cultural diversity are becoming increasingly problematic. These areas will become critical in years to come towards

understanding the sustainability of cultural industries, the diversity of cultural expressions, and new challenges posed by digital technologies in international trade.

Part 3 advances the analysis of the prospects for the convergence of culture and international trade law by proposing regulatory solutions and innovative methodologies aimed at bridging the gap between these two domains. This not only invigorates academic reflection but also charts a course for policymakers striving to reconcile the demands of economic globalization with the cultural preservation imperative. One of Lee's hallmark contributions is introducing innovative legal frameworks, notably a proposed 'Plurilateral Agreement on Trade and Culture'. Inspired by the Information Technology Agreement, this instrument specifically addresses the challenges posed by the integration of cultural aspects into trade agreements. This idea is groundbreaking in its departure from the conventional binary of trade liberalization versus cultural protection, proposing a bespoke solution that acknowledges the unique nature of cultural issues within international trade contexts.

Furthermore, Lee's emphasis on non-dispute settlement approaches stresses the trajectory towards a more conciliatory and collaborative model of international engagement. Fundamentally, by advocating for informal lawmaking, monitoring, and negotiation as viable alternatives to traditional dispute resolution mechanisms, this approach underscores the potential for 'softer' and methods that are more cooperative to address conflicts at the intersection of trade and culture. Such strategies rightly acknowledge the evolving nature of international norms in this area and suggest that non-confrontational avenues could offer more constructive outcomes in situations where formal disputes might heighten tension.

Integrating cultural considerations into trade negotiations, particularly through PTAs, also introduces strategic insights for trade negotiators. By considering PTAs as vehicles for advancing cultural objectives, Lee's analysis opens new avenues for research on how trade policies can be designed to support cultural diversity while maintaining the international trading system's overall integrity. However, reading the book raises further questions regarding the role of public participation and transparency in enforcing cultural provisions. As Hammam (2019) shows, engaging civil society and cultural stakeholders in monitoring compliance not only enhances transparency but also accountability, thus presenting an opportunity to effectively facilitate public involvement. However, this leads to enquiries into mechanisms that can ensure an inclusive and transparent enforcement process. Moreover, the consideration of sanctions or remedies for violating cultural provisions touches on a delicate aspect of the trade-culture nexus. Certainly, such measures' calibration to ensure compliance without triggering retaliatory actions that could escalate into broader trade disputes would be crucial. This entails exploring the appropriate and pragmatic types of sanctions to encourage adherence to cultural provisions while mitigating adverse impacts on international trade.

In conclusion, the book under review contributes significantly to academic scholarship on the culture and international trade law intersection. Through comprehensive examinations, Lee prompts readers to consider the enduring dialogue between cultural preservation and economic expansion, illustrated by Bach's 'Coffee Cantata'. Lee's book underscores the significance of a multidisciplinary approach, merging insights from cultural studies, economics, and international relations to tackle current challenges in international trade law. By advocating for novel regulatory solutions, the book addresses the need to manage cultural preservation and economic expansion. Moreover, Lee's exploration of informal international lawmaking and the integration of cultural considerations into trade negotiations highlights potential changes in trade rules-making. Crucially, her call for institutional coordination between the WTO and UNESCO emphasizes the importance of upholding cultural diversity while ensuring the international trade system's integrity. Lee's work provides a framework for understanding culture's complexities within international trade law and policy studies. As an indispensable resource for academics, government officials, trade policy practitioners, and those interested in understanding the culture-trade dynamics, *Culture and International Trade Law* offers a solid foundation for further exploration

and addresses contemporary challenges, marking an important milestone in the ongoing debate on this critical intersection.

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