



EBLIDA Position Paper

How International Trade Agreements affect Libraries

EBLIDA Position Paper on International Trade Agreements

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1 EBLIDA, the European Bureau of Library, Information and Documentation Associations, is an independent, non-profit umbrella organisation of national library, information, documentation and archive associations in Europe. Subjects on which EBLIDA concentrates are European information society issues, including copyright and licensing, culture and education and EU enlargement. We promote access to information in the digital age, and the role of archives and libraries in achieving this goal. We represent the interests of our members to the European institutions, such as the European Commission, European Parliament, and the Council of Europe.

2 EBLIDA recognises that trade between peoples is generally accompanied by advances in culture and civilisation. International trade agreements, when properly drafted, will often bring improvements to the economic wellbeing of the countries concerned.

3 However, EBLIDA believes that trade agreements can have adverse effects on the public sector, and certainly on culture, education and the information society. Trade agreements can also hinder the efforts of developing countries to improve their economies. In EBLIDA's immediate area of professional interest, adverse effects are likely to arise if library services, or educational institutions

- become subject to competition from outside countries
and/or
- risk losing their support from public funds in the country in which they operate
and/or
- Are run largely, within one country, as commercial operations.

We note that the negotiation of trade agreements between countries is established as an ongoing process, and that as time goes by more services will come within the scope of trade agreements.

4 How our public libraries and libraries in education could, be affected by international trade agreements? Though libraries are generally thought to have nothing to do with trade, information businesses are expanding fast and are becoming ever more international in their reach. Their activities have an increasing involvement with libraries.

5 Libraries and the education sector provide services. Services are high on the agenda of bodies like the World Trade Organisation, which is working on its General Agreement on Trade in Services (GATS), and the European Commission, which is preparing a Directive on Services in the Internal Market. Under these agreements it may soon be possible for Foreign Service providers to demand 'access to the market'. In the library field they may be able to insist on setting up companies to run new libraries, or to run existing ones, taking advantage of the same level of public finance that libraries currently receive. International trade agreements aim to remove barriers to trade, and some companies and trade experts believe that the exclusive government delivery and subsidy of certain services is bad for free trade.

6 Although private ownership or control of libraries may seem a remote possibility, it could very well happen. We need to remember that trade negotiators are engaged in vigorous negotiation. They may wish to agree to commercial competition in library services simply as a way to achieve further agreement about a different service that is more important to them. And on the whole the current role of libraries is poorly understood. For example, the definition of library services currently in use by GATS appears to be based on a United Nations document of 1971 which is out of date.

7 Even if trade negotiators believe they are leaving libraries unaffected, agreements about competition in electronic information services may easily have a major impact on libraries. Indeed, commercial companies providing electronic information might declare, under the terms of a trade agreement, that libraries are competing with them, and demand the removal of 'unfair' public funding for libraries. Such a development might affect the handling by libraries of internet access and training, economic information research, the loan of videos and DVDs or bestsellers, and document delivery services for journal articles and books.

8 EBLIDA believes that, whatever may be the advantages of free trade in services, libraries need to remain firmly as a publicly-provided service. Only public provision can guarantee that libraries are fully accountable and (very important) that the information they provide aims to be unbiased and is gathered from the widest possible array of sources. Commercial provision cannot be relied upon to provide this important neutrality.

9 Amongst other international agreements EBLIDA views the Trade-related Aspects of Intellectual Property Rights (TRIPS) Agreement as especially adverse to the professional values of librarians. By treating intellectual property rights as tradable commodities TRIPS tends to disregard the balance sought in the Berne Convention between, on the one hand, the privileges of right-holders, and on the other, the needs of society (which in fact has conferred the rights in the first place by international and legislative instruments). The formal objectives of TRIPS do not recognise the importance of exceptions to rights, as a means of encouraging, without detriment to the right-holder, a flow of information for educational, social, and democratic purposes. Also, the TRIPS agreement does not recognise the moral rights of authors and other creative people. It therefore tends to support the control of rights by corporations rather than by individuals.

10 EBLIDA has these immediate concerns:

- the increased focus on services in trade agreements, especially the General Agreement in Trade in Services and possible European Directives on Services in the Internal Market
- the lively give-and-take of international negotiations, in which services are offered for foreign competition
- the remoteness of some negotiating delegations from the services they are discussing
- a lack of understanding by many policymakers of the activities of libraries and educational institutions in the modern world, and a lack of understanding of the potential consequences of the inclusion of libraries in trade agreements
- the supremacy of international agreements, negotiated by officials, over national legislation enacted by elected governments
- The vital importance in democratic societies of publicly-funded libraries in providing guaranteed access to information for all citizens, set against the emphasis in trade agreements of control and protection: that is to say, rigorously restricted access to information.

Against this background we reaffirm our belief

- that a robust public service is the best delivery mechanism for library, public information and educational services, on the grounds of the accountability it offers for the information it provides
- that libraries are important cultural institutions with significant roots in their local communities: as such are not easily run as purely commercial entities
- That as part of the information society, there must be a flourishing service for the supply of impartial information to all citizens, whether or not they are currently in the formal education system; and a robust public domain of information is essential for the health of democracy.

11 In conclusion, EBLIDA believes that local libraries, schools, colleges, universities, and other institutions may easily be affected by apparently remote trade negotiations. As the voice of users of information we must raise awareness of this issue.

12 We believe that, whatever the technical form of their services in giving access to information, now or in the future, libraries must remain a public service, accountable through democratic processes, maximising, within the law, citizens' use of publicly-available information.

13 EBLIDA urges its members to apply appropriate pressure, in collaboration with other relevant associations, on national governments. Members of EBLIDA will work, within their respective countries, with libraries and educational institutions, with associations of information workers, teachers and researchers of all kinds, health service employees, and civil society groups generally, to alert them to the possibility that the political accountability and local control of such services are potentially at risk.

14 The public provision of information, whether through education or through public libraries and similar agencies, is a vital role for national and local government in the information society. Librarians must rally support both nationally and internationally with non-governmental organisations working in the electronic information and civil society fields, to influence legislatures, national government, and international officials in favour of a robust public sector for libraries and high and impartial standards for their information services.

15 We ask our colleagues who share our concerns to urge the trade delegations of their governments **not** to make commitments under the General Agreement on Trade in Services in respect of

- publicly-funded and publicly accessible libraries (regardless of their institutional governance)
- All services provided by such libraries.

This statement was agreed in principle at EBLIDA's seminar in Cambridge on 2-3 March 2005 on trade agreements and libraries.

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