

Friday, October 16, 2015

Conference IAA World and IAA Europe

Status of the Artist / “how to survive with art”

Venue: Lecture hall of the Museum of West Bohemia in Pilsen / Západočeské muzeum v Plzni

Address: Kopeckého sady 2, Plzeň 301 00



- 8.30 am Registration
- 9 am Official welcome of the Lord Mayor of Pilsen Martin Zrzavecký
Welcome and foreword of host and organizers
- 9.15 am Status of the Artist presented by Pavol Kral, Slovakia
Discussion and approval of common recommendation
- 11.15 am Importance of the 1% rule presented by
 Grete Marstein, Norway
 Pontus Raud, Sweden
 Werner Schaub, Germany
- Paying artists Campaign presented by Joseph Young, United Kingdom
- 2 pm MU agreement presented by Katarina Jönsson Norling, Sweden

French artists' status and the idea of an European federation of visual artists presented by Rémy Aron, France

Study of the Puerto Rican Artist presented by Marta Mabel Perez, Puerto Rico

3.45 pm Legal aspects of being an artist in the Czech republic presented by Matej Sykora, Czech republic

Successes and failures of artists in Australia, written report by Tamara Winikoff, Australia

Discussion

5 pm *End of session*

Welcome and foreword by Pavol Kral, Slovakia:



Ladies and gentlemen, dear artists, colleagues and friends, I am very happy that there are representatives of artists from about 30 countries of 4 continents. It is honor for me to welcome all of you on behalf of organizers of today's conference on Status of the artist. Please allow me warmly welcome Rosa Maria Burillo Velasco from Mexico - President IAA, Werner Schaub from Germany - new President IAA Europe, the whole team of Pilsen Biennial, headed by the President Jana Potužáková and Executive Director Gabriela Darebná, who with the cooperation of IAA Europe Office in Bratislava and Slovak Union of Visual Arts have prepared the conference, and last but not at least our special guest Lord Mayor of Pilsen Martin Zrzavecký, which I would like to ask for a few introductory words.

Welcome speech by Mr. Zrzavecký, Lord Mayor of Pilsen was followed by speech of President IAA Rosa Maria Burillo Velasco.

1/ Status of the Artist

Pavol Kral, Slovakia



Title of today's conference is Status of the Artist. More generally it can be said that we are going to talk about topic "how to survive with art". We have on the agenda not only Status of the artists and UNESCO Convention, presented by me, but also French artists' status presented by Rémy Aron from France, Importance of the 1% rule presented by Grete Marstein, Norway, Pontus Raud, Sweden, Werner Schaub, Germany, Paying artists Campaign presented by Joseph Young, United Kingdom, MU agreement presented by Katarina Jönsson Norling, Sweden, Successes and failures of artists in Australia, written report by Tamara Winikoff, Executive director of NAVA, Australia, and Study of the Puerto Rican Artist presented by Marta Mabel Perez, Puerto Rico.

I look forward to a constructive and fruitful discussion. Before we proceed to the first issue of the conference, I would like to introduce Marta Mabel Perez from Puerto Rico, who will lead discussion together with me.

Foreword to the issue Status of the Artist

Many countries are trying to resolve the situation. A possible solution is Status of the Artist, which defines who is an artist and then sequential Laws are possible to solve specific problems of artists.

Debate about Status of the Artist has started at IAA a few years ago, we debated about it not only at EC meetings but also at GA at Istanbul, 2012 and Oslo, 2013. At Slovakia debate about Status of

the Artist has started even 25 years ago. Last year Slovak Union of Visual arts published Status of the Artist, English and Slovak version of working document for general international debate that took place in 5 international association of artists (IAA, IAA Europe, ECA, ECCD, IFCCD) – everybody who is present here can have a piece of it.

Might it is high time to summarise where we are and where we are going to go.

I would like to go together with you through this issue step by step, try to answer some questions and at the end present a proposal Status of the Artist for Intergovernmental committee of UNESCO.

There will be also room for debate, of course.

If we want to change something, we have to understand what and why we propose to change.

If we want to implement the changes, the reason must be understandable for the public and responsible officials of the state: without their support, the changes cannot take place.

Therefore an essential condition for success is ability to:

- Define what we want to change and how
- Understand the problem and have information regarding positive examples and solutions, in particular from abroad
- Explain why the proposal is important not only for artists but also for the state
- Present reasons why the proposal is the logical fulfillment of international obligations of individual states
- Long-term and consistent effort to gain the widest possible support of artists at the national level
- Find all possibilities to obtain support and coordination within the international association of artists
- Try to gain the support of the official institutions, for example UNESCO

We can succeed with the goal to improve the legal and social status of artists, to improve their chance to earn with their artistic work for a living. The proof are positive examples from Sweden, Canada, Lithuania, Germany, Norway, Slovakia but also Morocco or Mexico and many other countries,

I would like to propose to make next logical step on this direction that is consistent with the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005): [Try to achieve consensus on the main principles of Status of the \(professional\) artist](#).

Why Status of the Artist?

I am persuaded that Status of the Artist is the “way” that can open the door to positive solutions for artists. I am interested in the legal and social status of artists but I would like underline that I am not interested in theory, but in the preparation of law that can really help to improve the conditions for the creativity, for art and culture, for artists.

If I consider February 6, 2006, the day when I wrote the first letter on behalf of Slovak Union of Visual Arts to Minister of Culture as the starting point of my official negotiations with state representatives, it is already almost 10 years of my more or less intensive work on the issue. Discussion

in Slovakia lasted a total of 25 years and only now we can say that we have succeeded in principle. I want to share with you my experience of this long process – with the aim to help you achieve the results faster.

[Is Status of the Artists just European issue?](#) Definitely not. Canada was the first country where the Status was approved about 25 years ago already.

[For which countries can be the Status of the Artist - or more generally sharing information and international cooperation with aim to improve status of the artists - more beneficial: For developed or for developing countries?](#)

I believe that for all of them.

The legal and social status of artists varies from one country to the other. There are also differences within Europe. This discussion may be most meaningful for countries where the legal and social status of artists is neither good nor satisfactory.

But also in countries with strong, developed economies and rather good effective system that support art and culture there is always room for improvement, and it is important to prevent setbacks, there is always something that could work better and more effective.

One example: might no one country except Sweden has so positive and effective system of supporting visual art exhibitions like so called MU agreement. We will talk more about it this afternoon.

[Are there reasons why the proposal is the logical fulfillment of international obligations of individual states?](#)

I am persuaded that correct answer is YES.

This year we are celebrating 10th anniversary of the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005).

In Convention is written a few times, for example in Article 4, paragraph 4, essentially this: art and business are not the same.

(Precisely: Cultural activities, goods and services refers to those activities, goods and services, which at the time they are considered as a specific attribute, use or purpose, embody or convey cultural expressions, irrespective of the commercial value they may have. Cultural activities may be an end in themselves.)

Contrary to this principle artists are - from point of view of the tax laws, social insurance etc - assessing the same like businessmen in many countries.

However, if the art is not the same like business, if the working conditions of artists are fundamentally different from those of businessmen, the relevant laws should take it into consideration.

Many countries are trying to resolve the situation. A possible solution is Status of the artist, which defines who is an artist and then sequential Law is possible to solve specific problems of artists.

Therefore I would like to propose to make next logical step on this direction that is consistent with the convention:

Try to achieve consensus on the main principles of Status of the (professional) artist.

Very important is the question: Is the Status of Artist important only for artists or also for the states?

I am persuaded that correct answer is: for BOTH.

I am persuaded that the support of art and culture is not a waste of money but a good investment of money. Art and culture are really not just a matter of entertainment or luxury. They are very important also from the point of view of economy: contrarily to the general opinion their contribution to the development of countries is not marginal.

Just for illustration a few examples from many documents, evidences of importance of culture sector for development of states. We can focus on last ten years:

- 2006: Economy of Culture,
- 2010, April 27: Androulla Vassiliou, European Commissioner for Education, Culture, and Multilingualism and Green Paper initiative
- 2015, June: Meeting of State parties to the UNESCO Convention, Paris

1/ A few numbers from *The Economy of Culture in Europe* (a study prepared for the European Commission a Directorate-General for Education and Culture in October 2006):

The cultural and creative sector turned over more than € 654 billion in 2003; this number says much more to us if we compare it with the car and ICT industry:

- the turnover of the car manufacturing industry was only € 271 billion in 2001
- the turnover generated by ICT manufacturers was € 541 billion in 2003

The sector contributed to 2.6 % of EU GDP in 2003. This number is also much more interesting when comparing it with some kinds of industry:

- the textile industry accounted for 0.5% of contribution to EU GDP
- the food, beverage and tobacco manufacturing sector accounted for 1.9% of contribution to EU

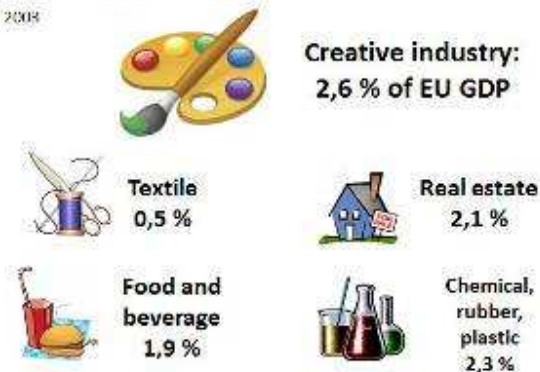
GDP

- real estate activities accounted for 2.1% of contribution to EU GDP
- the chemicals, rubber and plastic products industry accounted for 2.3% of contribution to EU

GDP

CONTRIBUTION TO EU GDP COMPARATION

In 2004



The sector's growth in 1999-2003 was 12.3% higher than the growth of the general economy

In 2004 5.8 million of people worked in the sector. Whereas total employment in the EU decreased in 2002-2004, employment in the sector increased (+1.85%)

46.8 % of workers in the sector have at least university degree (against 25.7 % in total employment)

2/ Androulla Vassiliou, European Commissioner for Education, Culture, Multilingualism and Youth, Brussels, 27 April 2010: *"Europe's cultural and creative industries are not only essential for cultural diversity in our continent; they are also one of our most dynamic economic sectors. They have an important role to play in helping to bring Europe out of the crisis"*

3/ The rather fresh information from June meeting of State parties to the UNESCO Convention, Paris, where I took part:

Draft speaking points for EU intervention(s) UNESCO 5 th Conference of Parties to 2005 Convention, Paris, June 2015: Since the Convention's entry into force, the EU and member States' policies have sought to safeguard and promote cultural diversity in Europe. We have also helped promote the cultural and creative sectors, who now contribute 4,4 % of EU GDP and offers jobs to 8.5 million Europeans – twice the size of the car industry, and including a larger proportion of young people than any other sector.

Or even 14 mil if we are taking into account the services linked to this sector = 6,5 % of all workforce

So I think we can agree with one of the results of study **Economy of Culture**: "The cultural and creative sector is a growing sector, developing at a higher pace than the rest of the economy". Maybe we could ask even a (little provocative?) question: who supports whom – the state culture or culture the state? If we compare contribution of culture and the creative sector to EU GDP (from 2.6% to 4.4 %)

with the support of art and culture by state in European countries (in Slovakia currently about less than 0.4 % of GDP) - it really looks like the state gets more from the culture than it gives to the culture...

So – cultural and creative sector as a whole is in good condition, but the most important part of it – the artists, without whom this sector cannot exist - are not in good “condition” at all. It can be said that in European countries artists are generally in worse situation than people in other professions, if we compare groups with the same level of education, duration of their activities and so on (**see: The Status of Artists in Europe, a study requested by the European Parliament’s committee on Culture and Education, completed in November 2006, author European Institute for Comparative Cultural Research, Bonn, and others.**)

There are many differences between European countries but the main problems of artists are very similar. And I don’t suppose that the situation of artists in South America, Asia, Africa is better. That is why we are persuaded that something for the improvement of the situation of artists should be done.

Importance of culture sector for the state from point of view of money, from point of view of contribution of culture sector to the GDP is thy only reason for the state to support art and culture?

No, definitely not.

Culture - same as education and health – cannot be measured only from the point of view of money. Society without culture (or education or health) would be a society with no future, even if it was a very rich society.

Art and culture should be supported by state, because questions of art and culture cannot be decided only by market: market is very often wrong, especially in the area of contemporary art. The “market” of his time did not recognize that Rembrandt was a genius, “market” ignored Vincent van Gogh all his life, “market” did not want even the Eiffel Tower at the beginning – people did not like it, only later they got used to it and now it is impossible to imagine Paris without its symbol.

A very great part of the cultural heritage of mankind would never have been created without the support of state: pyramids of Egypt, the statue of David or the painting of the Sistine Chappell by Michelangelo, to name just a few.

If we do not want to enjoy only what has already been created in the culture years, centuries or thousand years ago, if we do not want to repeat the same again and again, we do need contemporary art. Art that continues the new fresh dialogue with society.

And if we want to protect and promote contemporary art and culture we have to focus on the most important part of it: on artists. Without them, without artists who develop and maintain the flame of creativity, there is not - and cannot be - any contemporary art.

Is it really important to use all possibilities to obtain support and coordination within the international association of artists, to understand the problem and have information regarding positive examples and solutions, in particular from abroad?

Definitely yes.

Negotiation with the state authorities is always difficult but with information, with positive examples from other countries it is at least a bit easier. Therefore the first step is sharing information. And I can say that we have taken a significant step forward. This help us to succeed with proposal in Slovakia.

Debate about Status of the artists is an example of effective international cooperation: a proposed legal definition of a professional artist and a questionnaire on the status of an artist we sent to 5 international cultural organizations - IAA Europe, IAA/AIAP, IFCCD, IFACCA and ECA. I got answers from all of them. For example:

Ericarts: Germany (Prof. Andreas Wiesand)

International Association of Art Europe (IAA Europe): France (Anne Pourny), Norway (Grete Marstein).

IAA/AIAP: Chile, South Africa (Anton Loubser), Mexico (Rosa Maria)

International Federation of Coalitions for Cultural Diversity (IFCCD): Australia (Ray Argall), Morocco (El Hassane Neffali), Canada (great help especially from Charles Vallerand - lots of information - not only positive but very complex), Austria (Yvonne Gimpel)

International Federation of Arts Council and Cultural Agencies (IFACCA): Australia (Sarah Gardner)

European Council of Artists (ECA): Malta (Narcy Kalemata), Denmark (Elisabeth Diedrichs), Finland (Ilkka Niemeläinen), Lithuania (Cornelius Platelis)

[Can we succeed with the goal to improve the legal and social status of artists, to improve their chance to earn with their artistic work for a living?](#)

Definitely yes.

The proof/evidences are positive examples from Sweden, Canada, Lithuania, Germany, Norway, but also Morocco or Mexico and many other countries. And actually from Slovakia. A few line about it.

Very important condition for success is the long-term and consistent effort to gain the widest possible support of artists at the national level. The Slovak Union of Visual Arts and the Slovak Coalition for Cultural Diversity that are linked in the person of the President Pavol Kral, have gained a lot of acknowledgement and are now a well-respected organizations both at home and abroad. The Slovak Union of Visual Arts – Slovak NC - is the biggest association of professional visual artist at Slovakia. Slovak Coalition for Cultural Diversity represents actually more than 200 entities, associations from all fields of art - music, visual art, literature, theatre, TV, film, etc. SCCD is therefore the most representative and respected “spokesman” for artists in Slovakia actually. We have chance to initiate and comment proposal of law for culture.

Cooperation with Ministry of Culture already provides some results. A few proposals of law are in the process actually:

The Strategy of cultural development in Slovakia in 2014 – 2020 approved by Slovak Government in May 2014 and by the end of the year it has also approved its Action Plan with the concrete dates of the tasks; it contains several positive proceedings; the most important point is the

Government's commitment to increase the culture spending from present about 0,39 % GDP to 1 % GDP by the year 2020. If the government fulfil the objectives of the approved strategy it is really important for the development and better future of culture in Slovakia.

- The new Author Act , [approved by the Parliament on July 1, 2015](#)
- The new Construction Act contains an obligation to use % from the budget for visual arts and solves also the protection of artistic works in the buildings during additional works or reconstructions; was approved by the Government on 27 July 2015
- The new Fund for support of arts: approved by the Parliament in 2014, start to work from January 1. 2016; increase of the budget with 50 % in the year 2016 in comparison to the budget of 2015.
- The Government has approved the share of the Slovak art in the media a few months ago

And back to the Status of artists: positive result of the negotiations for the first time after 25 years;

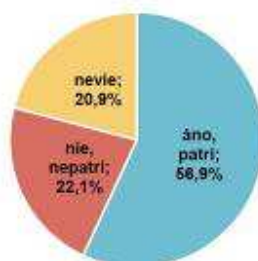
- April 2015 - [we have reached the consensus between the representatives of artists and the Ministry of Culture.](#)
- June 2015 - [completed the consultation process to the definitive form of the legislative act](#)
- August 11, 2015 - [proposal discussed at the Government Legislative Council](#)
- August 26, 2015 - [Status of the Artist approved by the Government](#); it has a chance to pass in autumn 2015 to the Parliament and if approved we could solve the following steps. There is a hope that the Act could be valid from the beginning of January 2016.

All principles we have promoted, as optionality, expertise, verifiable results and education were included, the result is reasonable and if it works, we shall have legislatively defined professional artists. Then we can start solving other concrete steps.

Interesting is the shift of public attitudes. SOZA agency prepared (in cooperation with us) the public opinion poll where they asked if the position of artists should be defined in the legislation as specific and 56.9% of respondents answered yes (just 22.1% against, 20.9% did not know to answer)

57% slovenskej populácie je za to, aby postavenie umelca bolo právne upravené zákonom

Q 18: V krajinách EÚ – vrátane Slovenskej republiky – v súčasnosti prebiehajú rokovania o tom, ako riešiť postavenie umelcov v spoločnosti, vzhľadom na špecifický charakter ich práce ako tvorcov umeleckých hodnôt v slobodnom povolani. **Malo by byť podľa Vás právne upravené postavenie umelca osobitým zákonom, podobne, ako je právne definované postavenie zamestnanca, živnostníka či spotrebiteľa?** Iba jedna možnosť odpovede



Totally hot news from last week: The proposal of law on Status of the Artist passed in Parliament on the first ballot, is forwarded to the Committee on Culture and the second round of voting in the coming weeks.

Is it important to try to gain the support of the official institutions, for example UNESCO?

Definitely yes.

Very important is UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions from the year 2005. I see the contribution of this UNESCO convention mainly in two dimensions:

- To improve people's access to culture – to give as many people as possible chance to take pleasure in art and benefit from the development of culture,
 - and on the other hand –
- To support the improvement of conditions for culture and art, give them a chance to develop.

We offer our experience to our partners and artists in other countries.

Therefore I proposed already (at the Fifth ordinary session of the Conference of Parties to the Convention at Paris, June 2015) to make next logical step on this direction that is consistent with the Convention: Try to get a consensus for a framework Status of the artist. I was elected there to the Intergovernmental Committee of the Convention on behalf of Slovakia for period 2015 – 2019 and I will do for the status of artists my best.

Draft of proposal for meeting of this Intergovernmental Committee of the Convention in December 2015:

- **As the current legal situation in many countries is not entirely in accordance with the UNESCO Convention,**
- **As the importance of the cultural sector for development of each country and its contribution to GDP is indisputable and continues to grow,**
- **As the cultural sector provides work for a significant number of people and may significantly contribute to reducing the number of unemployed in the world taking into account the potential of its further growth,**
- **As the cultural sector, unlike many industries supports sustainable development, it is not generally demanding for natural resources, does not increase substantially the energy consumption, does not produce waste, does not contribute to the pollution of our planet, requires relatively minor investment for development: its development potential is in particular in humans and it is therefore essentially limitless**
- **And considering other impact of the cultural sector, as set out in Convention UNESCO on the Protection and Promotion of the Diversity of Cultural Expressions from the year 2005, which to date has been ratified by over 130 countries worldwide**

- We propose that UNESCO should do the next logical step, following the first Convention, and recommend to Member States to support the implementation of the Status of Artist as a tool for solving specific problems of the cultural sector in different countries and significantly promote the development not only of the cultural sector but also society and sustainable economic development.

First step - Adoption of legislation which will determine who is an artist concerned on the basis of the recommended clear and transparent criteria:

The Status of the Artist should be concerns people who:

- a/ performing artistic activities of freelance,**
- b/ are professionally prepared for artistic and creative activity, or achieve demonstrable artistic and creative results,**
- c/ apply for registration of the Status of the Artist (registration is optional).**

The proposal respects fundamental principles:

- **Openness and transparency** of the system that makes it possible to include all those for whom the artistic activity is an essential part of their lives and affects their tax and social security
- **Professionalism**, guaranteed either by completing professional arts education or an assessment of other artists (if the results of creative activity of a person falling within the sphere of art or not), thus excluding the possibility of the monopoly of decision-making
- **voluntariness**

The second step:

In accordance with the real situation and possibilities of individual states gradual implementation of measures that will form part of the relevant laws.

As they will be supported by legislation under the Status of the Artist, targeted and effective specific actions directly address specific problems in individual fields of art already will be possible.

This is very briefly draft of the proposal. I try to unify the artists' views on this issue and as early as next week, just one day after the event here in Pilsen, I am participating in a conference IFCCD and ECCD in Belgium.

I would appreciate it if I can submit a proposal at the meeting of UNESCO with your support and recommendation, because the chances of success with the support of as many artists as possible, with support of the international association of artists is greater.

2/ “Art in public spaces”

Transparent processes, the involvement of the artist, definition of public spaces

Grete Marstein, Norway



Art and contemporary life

- The public space is an important arena for interaction
- The presumption is that the community; - municipality, county or state, have a common interest in investing in art as a value for the quality of life for their citizens

I will here focus on three aspects of the work with art in public spaces:

- The need of transparent systems concerning choice of buildings, places, artists and artworks
- The role of the visual artists, not only as executer of the artworks, but also in the planning and selection process.
- The definition Public spaces/ buildings. The need to increase the kind of building activities by the State/County/Municipality that will be included in the system.

I will use examples from Norway when I discuss these three aspects:

In Norway:

- When the state is building, 0,5 to 1,5% of building costs is allocated to art.
- The per cent will mainly depend on the degree of public access to the building.
- In addition state companies, that are responsible for infrastructure buildings; such as waterpower stations, dams, roads, bridges and airports , have agreements to do the same
- In addition state companies, that are responsible for infrastructure buildings; such as waterpower stations, dams, roads, bridges and airports , have agreements to do the same
- The Norwegian Military Forces has also such an agreement
- a municipality and other regional authorities will receive an extra economic contribution from the state when they chose to invests in art in public buildings

How to ensure transparency?

- 1 All projects has to be published in relevant Medias
- 2 The selection of the jury/committee on each project has to be chosen through an open process
- 3 As a rule there should be an open invitation to all relevant artists to submit their documentation of interest
- 4 The result of the selection is public

In Norway:

When a decision to build a new public building is madeThe Norwegian state agency for art in public spaces KORO will appoint one or two art consultants (Depending on the amount of money allocated).

A special **Art committee**(AC) for that specific building project will be established consisting of :

- The art consultant(s)
- The architect
- The owner of the building
- One representing the users (mainly those who will work there)
- And in some cases where there are other strong public interest: someone from that group

Art consultants

- The role of the art consultant is to ensure the artistic quality of the project. The art consultant chairs the art committee for the project and in many cases will also act as project manager. All art consultants must have relevant professional backgrounds in the arts.
- In addition to ensure that there is relevant art competence in the selection committee/jury, this has also become an important income source for a large number of artists.
- KORO arranges introductory courses for artists and others with relevant professional expertise who may be interested in working as art consultants. These courses explain the work involved in realizing public art projects and the role of art consultants and committees.

- KORO arranges courses, ideas workshops and seminars for art consultants. These are open to all art consultants, whether or not their names appear on the register.

The Art committee

- When everything works well the AC will be appointed when the building still is in its planning process.
- However this is not always so, and often decisions are already made that will influence the work of the committee

The AC will make a budget for the whole project. This will include:

- Competition costs
- The cost of art production
- The management of the project
- Salary to the consultant
- Documentation and mediation

The consultant will analyse the project and propose places for art and suggest art forms for the committee.

When this is decided the AC will have mainly three ways to select artists and artworks:

An open prequalification:

- A WEB page is made where all available info about the project is available
- A call for artists, that are interested in the project, to send in their CV and art documentation, is published
- The consultant will look through all these files and select a shortlist to presented to the AC

An open or a limited competition

The AC can also decide to go straight to a competition with invited artists

- The consultant will then search for relevant artist and make a shortlist for the committee

A third option is to invite one specificartist for the work

- This is often done when the budget is small

How to enlarge the scope for art in public spaces?

In Norway we have also established art funds for art in public outdoor spaces. This may result in both permanent art works and temporary art works

Art scheme for outdoor public spaces (URO)

- URO is a grant and production support scheme that makes a contribution towards the realisation of art projects in outdoor spaces and other areas for free public access.
- Both contemporary art and public spaces are witnessing rapid development. The purpose of the scheme is to promote production of art projects and works of art that can contribute towards the study and further development of the general understanding of the potential of art in public spaces and how the art can make a contribution.
- A number of the projects supported by KORO are provisional and target a widely diverse general public. There is a focus on artists with projects that have the potential to form part of public discourse and debate, providing comments, critique or alternative perspectives on relevant social issues, historic events, the understanding of culture, etc. The URO scheme has also

produced good examples of how art can make a contribution towards the development of spaces and local identities

- As opposed to KORO's other art schemes, the URO projects do not have a building owner or public institute that is allocated and shall manage a work of art. Generally, it is the artists, curators and producers who are responsible for the works of art allocated to public spaces and other areas for public access, often in cooperation with institutes, municipalities, etc. Project execution is provided either by the project owner or as a cooperation between the project owner and KORO

Norwegian municipalities and counties

A limited number of Norwegian municipalities and counties have established their own art schemes with specific funding allocated to art in public environments. They have also established professional systems for execution of art projects. Capacity to display the importance of art for the design of various public spaces. Funds from the KOM scheme shall also help finance investments of particular relevance and interest for the municipalities. KORO is currently investing in projects where art contributes to urban development, and projects that explore and develop the relationship between art and libraries, as libraries are deemed to be significant common arenas for culture.

Regional art centres also provide services to municipalities and counties within the field of art in public spaces.

Art scheme for rented properties and older buildings owned by the government (LES)

The purpose of the LES scheme is to provide art to governmental agencies and institutes that are either housed in rented properties or in government buildings built prior to 1998. The scheme is open for applications and holds a new round of allocations every two years. There is a wide diversity among the types of buildings and facilities that have received works of art via the scheme. They range from major, representative, prestigious buildings and advanced, specialised buildings to more modest office buildings for general administrative purposes. The space for art and requirements for art in these buildings is just as diverse as in other government buildings.

Applicants represent all types of public agencies and institutes. The art projects can be completed either as location-specific assignments produced for a specific context, or as purchases of existing works of art. When the terms of rental are sufficiently long term, the scheme also allows for works of art that are integral to the actual building in question.

Conclusions

All in all these four state run schemes provide a vast range of working opportunities for artists. As the variations of buildings and the purpose of the buildings cover a large spectre a lot of different art practices are invited to work in this structure. In addition it provides good and interesting working possibilities for artists as consultants.

An important point to maintain the public and politicians willingness to trust and invest in art in this kind of art production is that it is governed by transparency.

3/ Importance of the 1% rule

Pontus Raud, Sweden



Dear colleagues in the IAA, perhaps it is a happy coincidence that we IAA Europe now meet our colleagues in the IAA World, for many of us for the first time! We should look over the possibility of having this meeting a bit more often. Like the World Championships in football takes place every fourth year there ought to be artists from around 5 corners that meet every fourth year.

One important issue for the Swedish IAA committee is freedom of speech. The last years the committee have worked for cities of refuge, a program runned by ICORN, namely the cities municipal who provides a place for an artist on the run, where the artist receive accommodation, financial support and a most important, a temporary residence permit. Nowadays, all types of persecuted artists seek refuge by ICORN, not just writers that it was from the beginning. There could be journalists, bloggers, musicians and now also visual artists.

ICORN have earlier opposed the idea to allow visual artists to become part of the "refugee-city program" but now the city of Gävle, in northern Sweden, as the first city in the world has decided to receive a Visual Artists. It has been a difficult process when a right-wing populist political party has opposed the proposal. *

In december, Malmö city in Sweden, will have a nordic conference with a focus on artists on run and focus to inspire more cities to follow Gävle.

Another topic that concerns us in the Swedish IAA COMMITTEE is the artists' livelihoods. We believe that the 1% rule is a possibility and we hope that more countries would revise their ability to bring about a chance at several jobs for artists.

1% is unique in the cultural field because it refers to an economically measurable goal. One purpose of the initiative was to create economic opportunities for the artistic design develop cultural and social values of the society's common public spaces, values that would create a sense of well-being and quality of life. Another intention was to prepare new opportunities for artists in the visual and shape the area to participate in the design of their new habitats, which was owned and built for the public.

When the Swedish Arts Council started, in 1937 to manage the artistic decoration of state buildings, the government made a decision in principle – 1% rule. Since then, the rule has been a benchmark recommends that at least one percent of the cost of public new construction and redevelopment should go to artistic expression.

The idea of a fixed percentage of public space in the building was born in France in 1936, and at the time of the decision of Parliament applied percent rule already in Germany and the USA. In the early 30's spreading depression across the U.S. and Europe and brought with it a very high unemployment. A particularly vulnerable group were artists and percent rule was a way to create jobs. 1% rule proved to be effective in the U.S. alone created over 200,000 new jobs. Today, most European countries have introduced 1% rule including Belgium, France, the Netherlands, Norway and Sweden, and Germany and Italy have introduced 2%. The percentage rule is also used in Australia and the U.S. where over 100 cities or states apply the rule.

In Sweden, the State Art Council for the official conformation at the national level, but the percentage rule applies also to regional and municipal level. Motive has been two. First, to make art accessible to the public and aesthetically enrich public spaces. Secondly, to create the conditions for a professional artist community by providing employment opportunities for Visual Artists. More than half of Sweden's municipalities apply percent rule and most regional cultural plan mentions that it will work for percent rule applies.

EU strategy Europe 2020 aims to create growth and strengthen the labor market, and one of the EU Commission's recommendations is to make use of the cultural sector's potential to achieve this goal. Enprocentsregeln have as described above proved to be an effective strategy for the development of new forms of collaboration and jobs for creative professionals such as architects, artists, designers, crafts people and designers, and other professionals involved in the planning and building process in its various stages. We therefore recommend that the IAA percent rule is introduced as part of the EU 2020 Strategy and the EU's new cultural program will take effect from next year (current EU cultural program is valid for 2007-2013).

Recently, the United Nations Committee of Experts on Cultural Rights, the first report on artistic freedom. The report draws attention to artists uneven relationship with its clients as a problem and a threat to freedom of expression, while it determines that artistic creativity is necessary for functioning democracies. States are obliged to protect, defend and support the artists and their artistic freedom.

- UN report shows that a dependence on funders, both public and private, are likely to restrict the artists' freedom. The state should protect artists, independent and good economic and social conditions, says Katarina Jönsson Norling, new director for Swedish National Organisation for artists (KRO) and accommodation in Älvkarleby.

The report also states that States should encourage public and private demand in order to increase the artists' ability to get paid for their work.

- There are great challenges for the Swedish government. Making the purchase of contemporary art deductible and lower VAT art to six percent, or VAT on books would increase the private demand for art. And by strengthening the implementation of percent rule, which means that at least one percent of the budget for public construction and renovations will be placed on artistic creation, we would get both more pleasant environments and increased demand for artists' services, says Katarina Jönsson Norling. UN Committee of Experts on Cultural Rights provides a view of culture creators situation worldwide. It shows the relationships between artistic rights and how they help to protect both artistic and democratic processes. Good conditions for a free and independent creation is far from obvious to all, and the report shows that there are economic and political obstacles on all continents. Violations of cultural rights should be given more attention by States, the report states, and one way is to support safe havens for artists.

- Sweden has a history of standing up for human rights and freedom, and has long offered the persecuted writers sanctuaries. Sweden can now become a role model by taking a step further and also provide refuges for threatened and visual artists. To support the communities that have shown interest in the question should the state contribute additional resources, says Johan Winge City, director of Swedish Craftsmen and Industrial Designers (KIF).

The issue of the 1% rule will be in focus for the Swedish National Organisation (KRO) the forthcoming years. KRO have expressed a wish to create an international discussion about the 1% rule, especially within the background of the enormous unemployment in Europe.

1% is unique in the cultural field because it refers to an economically measurable goal. One purpose of the initiative was to create economic opportunities for the artistic design develop cultural and social values of the society's common public spaces, values that would create a sense of well-being and quality of life. Another intention was to prepare new opportunities for artists in the visual and shape the area to participate in the design of their new habitats, which was owned and built for the public.

4/ Art in architecture in Germany

Werner Schaub, Germany



The practice of implementing art in public buildings has a very long tradition in Germany. Even at the time of the Weimar Republic in the 1920s, a law existed regarding this issue. However, speaking about the historical development today would be going too far, especially since the situation in the two German states differed after World War II.

I will therefore limit myself to today's practice and how it has evolved.

Governing bodies of various political levels are independently responsible for art in public buildings:

- The federal government
- The Bundestag/Parliament
- The governments of the 16 states
- The districts
- The municipalities

The federal states have very different regulations: some states such as Bavaria and Baden-Württemberg base their decisions on the practice of the federal government. Other federal states such as Thuringia, Saxony-Anhalt, and Lower Saxony rarely implement art in their new buildings.

Furthermore, most districts and municipalities apply very different practices; some of them have developed very good methods (e.g., Munich, Karlsruhe, Frankfurt am Main, and Nuremberg, as well as very small towns such as Singen or Schwetzingen, and the Rhein-Neckar district).

The federal government and the Parliament have been following a binding regulation that came into force in 2005. This regulation has a history which shows that a strong artist organization may be able to influence policy through the power of persuasion:

Following the 1994 Bundestag decision that Berlin was to become the new capital, we, the Federal Association of Visual Artists (BBK), asked Minister Töpfer, who was responsible for the move, for a personal meeting. We were able to convince him that art would have to play an important role in the construction of all the ministries in Berlin, both in new buildings and in the renovation of existing buildings. This is good for the cultural image of Germany. The minister commissioned me, as a BBK representative, to draft a paper on how this project could be implemented. He accepted my proposal to appoint an advisory council that would develop a concept for all federal government buildings. This advisory council, which began its work in 1995, consisted of 4 artists and 3 art historians. I was also a member of this council. Whenever a building came under advisement, its architect also became a member of the council.

The implementation of our concept took 6 years. During this period, 89 contracts were awarded to individual artists for a total of more than 19 million euros. Only in two cases were commissions awarded directly; all other contracts were awarded through competitions. About half of these competitions were advertised throughout Europe.

Since there was some money left over, I proposed to the government to buy prints for the hallways. The BBK created a call for proposals in which only professional artists could participate with up to 5 works each. All submitted works were exhibited in an empty building for 3 weeks and the staff of all ministries were able to select works for their hallways and offices and thus served as the jury.

After this campaign, the Art Advisory Council of the federal government was disbanded. Its work (and, above all, the results) received high praise from the government, and a catalog containing all works created was published.

A final meeting of the advisory council was scheduled for September 11, 2001, at the Reichstag in Berlin. This meeting was never held: 3 of the members had already arrived, but the others had been slightly delayed. Suddenly, the attacks in New York triggered Alert Level 1, and all entries and exits were automatically sealed for several hours.

The successful work of this art advisory council was not without consequences: the government had already moved to Berlin; now the Minister of Transport, Building and Urban Development was in charge. As a representative of the BBK, I had a formal discussion with him and suggested to appoint a committee that would advise the government on matters regarding art in architecture in the future, building on the positive experience involving the Art Advisory Council. Minister Tiefensee welcomed this proposal and appointed the "Sachverständigenrat Kunst am Bau der Bundesregierung" at the end of 2001.

This committee, which began its work in 2002, is composed as follows:

- 4 artists
- 3 art historians

- 1 cultural journalist
- 1 representative of the Ministry of Construction
- 1 representative of the Ministry of Culture
- 1 representative of the Ministry of Defense (because all barracks feature art in architecture without exception!)
- 1 representative of the Federal Office for Construction
- 1 representative of BIMA (Federal Office for Real Estate Affairs)

I have been a member of this committee since its establishment. It meets 3 times a year and discusses various questions about art in architecture and submits proposals on competition procedures. Since 2006, biannual workshop discussions have taken place which are designed to address specific questions about art in public as well as private buildings. These events are open to the public and held in various cities throughout Germany. One or two presentations about the specific subject matter and a panel discussion are followed by an open discussion with the audience. A publication is produced for every workshop discussion, including the contributions from the audience.

Above all, however, the council of experts developed an “Art in Architecture Guide.” This guide has been accepted by the government. It is a regulation, and therefore is as mandatory as a law. It has been in effect since August 24, 2005 in coordination with the Ministry of Finance, which guarantees its funding.

The guide’s preface states:

“ ... Federal buildings should ... reflect the level and understanding of building culture in our country and serve as a national calling card. Art in architecture is therefore an integral part ... of public responsibility.”

The following are the most important aspects of the “Art in Architecture Guide”:

1. It is mandatory for the following buildings, whether they be newly constructed or altered, renovated, etc.:
 - All ministries
 - All subordinate authorities
 - All 242 German embassies around the world
 - All of the more than 600 German schools abroad
 - All state buildings in which the federal government has a financial interest (e.g., all universities in Germany)
 - All federal research centers.

2. How much money must be spent on art in architecture:

The amount of the sum spent on art is graded according to the cost of construction. This applies not only to the building shell but also the “usual level of technology” (!):

 - Construction costs below 20 million euros: 1.5%
 - Construction costs of 20 to 100 million euros: 1%
 - Construction costs of over 100 million euros: 0.5%

Especially with larger building projects, several contracts are usually awarded to different artists between whom the available sum is divided.

3. Selection procedure:

Direct awards, as they were previously possible, are no longer envisaged. All contracts are awarded exclusively through competitions. The following types of competitions are foreseen:

- Open competition:

Open competitions are anonymous. The jury selects several of the received visual ideas/sketches, depending on the budget (usually about 10). These artists are then invited to the second phase of the competition.

The first phase of this "ideas competition" is open to all artists. Participants are not compensated.

If an artist is invited to the second phase, he/she will have to submit a model and scale drawings. For this, he/she receives a fee, usually between 2000 and 3000 euros. During this phase of the competition, the artist who will be awarded the contract is determined.

Although the artists who were invited to the second phase are known, even this phase is anonymous, meaning the jury does not know which design was submitted by which participant.

Important: the jury for the second phase may not contain any jurors who served on the jury for the first phase, thus excluding any possibility of favoritism.

- Competition with prior application procedure:

The procedure is the same as that for the open ideas competition in two phases. The difference is that participants do not have to submit an idea during the first phase but instead submit reference materials such as catalogs or previous works of art in architecture.

Participation is completely open. The second phase equals that of the open ideas competition.

- Competition by invitation:

In principle, this procedure is also a competition consisting of two phases. However, there is no call for proposals, since the jury agrees on a specific number of artists in the first phase who are then invited directly. These artists also receive a fee for the further development of their idea and the jury, who decide on the award, must again be completely different from the jury during the first phase.

4. Publication of competitions

- All competitions must be announced by the building authority in the journal "kultur politik" published by the BBK as well as in the German Federal Gazette.
- The competitions for buildings starting at 20 million euros are all advertised internationally. Therefore, this information is provided to the cultural attachés of all European embassies with the request to publish it in their respective countries.
- For buildings that will cost more than 100 million euros, this information is also communicated to the embassies of all non-European countries.

So much for the current practice.

An online overview is currently being developed in which all works of art in government buildings will be presented on the Internet, including information about the artists and competitions. The council of experts supervises the work on this overview. Completion will take another two years, since more than 10,000 works must be covered.

Finally, I would like to provide a concrete example to show that although everything does not always work smoothly, there has been a positive change of consciousness in recent years.

“Willy Brandt Airport” in Berlin is funded by the states of Brandenburg and Berlin; the federal government only covers 30%. Therefore, neither state felt bound by the Guide; the inclusion of art was not provided for and the federal government was powerless. The BBK then intervened with the governors of both federal states. Discussions convinced them that this airport in particular, which aspires to be a gateway to the world, cannot do without art. In the end, 2.1 million euros were available for art and 6 competitions were held.

As you probably all know, the airport is far from finished.

The art is, however, and therefore the next workshop discussion will take place at this construction site.

Dear colleagues, thank you for your attention.

5/ Paying artists Campaign

Joseph Young, United Kingdom



- Background to a-n/AIR
- Campaign Timeline
- Diversity as a key issue
- Successes
- Challenges
- Report and guidelines
- The future

Background

a-n The Artists Information Company is the UK's largest visual arts membership body representing a UK-wide community of 19,000 artists to stimulate and support contemporary visual arts practice and affirm the value of artists in society. Established originally 35 years ago as an information sheet and then a magazine and in 2013 made the move to digital.

A hybrid membership body; funded 25% by Arts Council England as an NPO organisation; the other 75% coming primarily from membership fees and a mixture of advertising and collaborative projects with other organisations. A-n decided against becoming a union given previous experience in UK sector of unions self-combusting!

Drawn from our artists membership is an advisory body called AIR Council which gives a platform and voice for artists, identifying and exploring issues that impact on their practice and gives a focus for campaigns – it is from AIR Council that the need for our Paying Artists campaign was generated back at the end of 2012. I remember the conversation... Austerity hitting artists hard, but what to do? where to start? Background of 35% cuts to arts funding. When everyone else in a publicly funded gallery is getting paid, the artists should be paid as a right.

First of all:

In 2003/04, a-n was commissioned by Arts Council of England within the National Artists Development Strategy to “give guidance to visual artists, and those employing visual artists, on appropriate rates of fee and payment for work undertaken or presented to a public”.

The result of this consultation was a [Code of Practice for the Visual Arts](#) and research into [Artists’ fees and payments](#) in 2004 which led to a daily rates and fees framework, now widely used as a reference point for artists and the sector. NB this framework does not cover fees for exhibitions, but for other kinds of commissions, residencies, day rates, community projects.

a-n/AIR [Paying artists campaign](#) aims to improve the pay and conditions for visual and applied artists who show work in publicly-funded galleries.

Key features of the Paying Artists Campaign:

Evidence-based

- Based on in-depth research commissioned from DHA
- **‘Name and fame’** – focuses on peer-to-peer endorsement of good practices and role models within publicly-funded galleries and visual arts projects.
- **Kite marking scheme has been mooted.** This is more popular with artists than with the commissioning organisations. Discussed at recent Manifiesta cultural solidarity debate in Ostend, Belgium in September. I am hoping to meet with this campaign grouping again in December. “Fair Trade for art and artists”
- **Transparency** – artists’ fees and terms of reference to be clearly identified within gallery policies and in their external communications.
- The study had three phases:
 - Phase 1** - An online survey, designed in consultation with members of the AIR Council, exploring artists’ experiences of exhibition practice;

71% of artists did not get paid for exhibiting in a publicly funded institution. These are shocking figures but borne out by experience elsewhere. Such as Platform BK. Also could be influenced by a proper fee not being set aside in production budgets.

63% of artists had turned an exhibition opportunity in a publicly funded gallery in the previous year because they couldn't afford to.

71% of artists earn less than £10,000 a year from their practice.

Phase2 - interviews with artists and those running and curating exhibition spaces;

Reports from the above published last year in the run-up to the launch of the campaign in **Phase 3**, drawing together evidence from across the survey, interviews, case studies entitled "Securing a future for the visual arts".

Phase 4 Consultation Phase – last autumn and a report

Pressure coming to them from above by arts councils, without injecting more money

- *Over simplicity of campaign message*
- *Implications for group shows*
- *Potential antagonism of people taking Paying Artists campaign into their own hands*
- *Fear of negative publicity around current payment policies*
- *Importance of personal choice - galleries able to set their own fee structure*
- *Level of NPO funding to be considered relative to % of organisations public funds*
- *"Civic festivals have to 'perform' and programme activity without any extra budget - where realistically does the money come from to pay artists?"*
- *Periphery programming more problematic than exhibition programming*

As part of this we researched other models internationally...

Comparator schemes –examination for appropriateness to the UK, including Sweden (MU/Reko), Ireland, Norway, Poland, France, Australia, Canada and USA (W.A.G.E)

The galleries were talking us very clearly that it couldn't be over bureaucratic or they would not be able to support it. Sector wide support has been crucial.

Phase 5 Regional Artist Activists

- 1 hustings (became #7 trending topic in the UK)
- 1 panel discussion
- 1 fly-poster campaign
- 1 relay race
- 1 giant cake parade
- 1 informal talk
- 1 news item on Good Morning Scotland
- 2 interviews with Regional Advocates
- 1 interview on Radio Cardiff
- 4 artist commissions
- 11 artists employed by a-n
- 16 artists paid
- 6 mailings
- 150 slices of cake
- 156 images
- 2 videos
- 8 a-n news stories
- 8 articles in the press

121 thunderclappers (reaching 171, 484)

26 conversations with arts organisations

76 MPS, PPCs and councillors contacted

365 people directly involved in activity [attendees, participants]

827 new Sign-ups to campaign

1199 new followers of @AIR_artists [March to May] 2500 badges

3000 postcards

Phase 6 leading to a final report and guidelines published in May 2016

Aim is for the finished framework to be scaleable = to work for large/small/medium sized organisations and hopefully eventually also across the commercial sector.

- Campaign Team meets regularly to advise and direct strategy along with our consultants DHA, as well as AIR Council. Latest - invited curators and gallerists onto our Campaign Team.

Successes

- Endorsement from established artists – YinkaShonibare MBE and Jeremy Deller
- Labour Party – Jeremy Corbyn MP explicitly referenced the Paying Artists campaign as part of his campaign pledges on culture
- Case Studies galleries
- Arts Council England – inclusion in NPO agreements
- Arts Council Wales; Creative Scotland
- Joint Submission to the Treasury in advance of the Autumn Statement with CVAN

Challenges

- Austerity and funding cuts
- New cuts currently being modelled of between 25-40% by DCMS on top of previous 5 years cuts amounting 20-30% if taking into account cuts to local authority spending
- Philanthropic private investment meant to cover shortfall
- Arts Council have used National Lottery money to keep overall impact of cuts so far to around 15%. Lottery money will no longer be an additionality in the future

Summing up

All of this activity has cost a huge amount of money and quite frankly would not have been possible without the efforts of a large number of people - for the support of the a-n board to founder Susan Jones, who stepped down from her role last Autumn and handed over to Jeanie Scott. Jeanie has had a lot of challenges to face in making sure that the campaign didn't overshadow everything else that a-n was trying to do. From professional development, membership services, jobs and networking.

Final Report & Guidelines

The principles underlining the guidelines are that artists should be rewarded alongside a gallery's relative success and that each gallery should be able to support an artist working full time for each of their gallery spaces and that the fees offered should therefore be roughly commensurate with the a-n daily rates toolkits. These toolkits take as their baseline comparative incomes from other

professional sectors and calculate a daily rate based on a number of possible days of freelance fees in a year minus the professional costs associated with an artists practice depending on both their type of work and their experience.

In order to produce a workable draft framework the current draft guidelines are therefore based upon turnover. We have explored other models using data from levels of grant income but because the proportion of galleries turnover that comes from public monies varies so wildly we have not gone down this route. As of yet we have not been able to model this as it requires either FOI requests or the cooperation of galleries themselves to share their recent turnover figures so as we can gauge the fairness of the proposed system. At this stage we are still open to fundamental change.

Reflects the UK sector and the dominant narrative of operating publicly funded institutions as if they were a private sector organisation: also the increasing stress(as I have pointed out) on attracting philanthropy to replace central government funding. This is inherently problematic as outside London the money simply isn't there. Businesses want "a sexy investment" – so typically a large, internationally famous brand or at the very least likely to attract tourist dollars. Small regional spaces which directly support artists and more experimental work (what I believe public subsidy is here to do) simply cannot compete in this arena and rely entirely on central govt funding to survive.

Professional development

Developing a tool kit for artists and carefully tailored professional development whether that be online or through group workshops, or individual payed for sessions. Galleries have told us that they want this...

I'm going to finish with a story. I attended an event in Bristol last year to speak on a panel about Paying Artists and a prominent live art producer pulled me aside afterwards and told me the story of a mid career artist whom he had met recently to talk through a commission. They had a very intense and productive two hour meeting. At no point did the artist mention money...finally the commissioner made what he thought was a low offer that he was prepared to negotiate upwards. To his surprise the artist didn't question the fee and accepted it immediately. And that is the problem. Until artists themselves are prepared to stand up and demand a fair payment for the work then nothing will change. I hope the Paying Artists campaign has and will continue to improve the general climate so that artists feel they can ask for a fair exhibition fee for their work and the practice of not being offered a fee is eradicated from professional practice. Hopefully, with the support of a-n and the institutions themselves we can put the notion to rest that artists make work "for the love of art". Artists are professionals with families, mortgages, rent and bills to pay and deserve the same treatment we expect for everyone else.

Thank you...

See also attached:

- Paying-Artists- Artist-Led-Manifesto.pdf** - 5 pgs*
- Paying –Artists-Exhibition-Payment-Guide. pdf** - 16 pgs*
- Paying Artists.pptx** - 9 pgs*

6/ MU agreement

Katarina Jönsson Norling, Sweden



See attached:

MUagreement KatarinaJN2016.pdf

- 46 pgs

MU_eng.pdf

- 9 pgs

7/ French artists' status and the idea of an European federation of visual artists

Rémy Aron, France



Dear friends,

I am very happy to speak to you today about the status of visual Artists in France and particularly in this assembly of European Artists with which we have very strong complicities and friendships, for such a long time.

I will start with a little history of what visual Artists is in our today's world and what led to the special status of La Maison des Artistes in France.

Today, as you know, and since the war, we cannot consider that there are aesthetic criteria recognized by all.

This is a fact and it is in this way that the Artist's status was covered by social security in France. The only reality of professional Artists is a reality of exchanges between the finished Artwork and art lovers. The commercial reality is made either by the Artist or through diffusers and galleries.

La Maison des Artistes has its origin, after the war, the support of Artists. Artists came together in an association to help the disadvantaged. In the 60s, the French Artists fought for recognition of a specific status of visual Artists, they have occupied public spaces, they gathered for petitions and manifestos; they imposed their collective presence in public space. At that time, during the decade of the 60s, politicians have understood that visual Artists were important to the cultural life of the Nation and at

the same time Artists were fragile because they were working alone in their studios. The visual Artists are struggling to emerge collectively.

During this period it was decided by mutual agreement between the professional organisations of Artists and the French State to invent an original system that would allow Artists to have social security cover in the same way of all workers but very advantageous, compared with contributions of an independent economic actor.

Indeed, professional Artists from France contribute up to 16% of the artist's annual income of their artwork while a trader, an artisan or self-employed contributes up to 40 or 45% of annual turnover. The administrative setup is also rather original, as the art diffusers, galleries, auctioneers and others contribute to the social security system of artists up to 1.1% of their turnover.

This is a system, therefore, borne by national solidarity as the Artists are covered by the standard social security protection. Of course there is an affiliate threshold, below which Artists are subject to this scheme but not affiliated to it, i.e. threshold that does not open automatically the rights to social security. The contribution, however, remains mandatory since we are in a supportive social security system to which all financial exchanges contribute.

This affiliate threshold is 8577 euros per year. Artists whose incomes are below this threshold are able to contribute for a lump sum payment corresponding to this minimum threshold. Membership in the system is for the professional visual Artists in France, a real professional recognition. Recent studies prove that unlike other social security schemes, this scheme remains in surplus. We can say that this scheme could be an example for the whole Nation.

We must know that all Artists who are not identified at La Maison des Artistes in France are either amateurs or ignoramuses who do not know the law or cheaters, that is to say, Artists who work illicit because this scheme is mandatory for visual Artists from the first euro collected.

This is the social security framework that has been expected jointly by the artists and the public authorities. The first stone was laid in 1965. La Maison des Artistes was chosen as a representative association of Artists to shelter the social security system of the visual Artists.

Nonetheless, La Maison des Artistes has dual missions, which are complementary. On the one hand, La Maison des Artistes shelters the social security scheme for visual Artists which is controlled by the two ministries, Culture and Social Affairs and on the other hand La Maison des Artistes develops an associative mission which is the resource centre for visual Artists working in France.

Indeed, La Maison des Artistes develops missions of general interest to the visual Artists in a spirit of togetherness, mutual support and reflection to enhance the professional status of visual Artists through information, professional advocacy, solidarity and support.

In addition to the associative missions and thanks to the membership card, Artists members have easier access to many places of culture and professional services at negotiated rates. Thus, services provided allow access to membership to:

- a specialised support (social consultations, legal consultations, accounting consultations, tax and social welfare committee, prevention, ...)
- professional and dedicated solutions (complementary health insurance contracts, regional network, ...)

- a support for the creation (grants, equipment grants, tariff benefits from specialised retailers of Fine Arts ...)
- a support to diffusion (artistescontemporains.org, ...)

Today, 55,000 Artists are identified which 19,000 Artists voluntarily participate in the life of the association and to the collective decision. La Maison des Artistes is the largest community of Artists in France.

In the 2000s, many Artists working in France in the context of French art market alerting us and were concerned about the situation of professional visual Artists and their status in the rest of Europe.

I recall here that a visual artist has two identifications:

- one is an identification of its activity, proper to the tax system, namely the number *Siren / Siret* obtained from *CFE URSSAF*,
- the other identification is proper to the social security services from La Maison des Artistes and thus to the security social system, it is the *numéro d'ordre*.

Naturally, we had the idea of setting up a convention on the social status of Artists in Europe. But it was important for us that this convention was not controlled by the government but by the artists themselves who could describe precisely as responsible European citizens, the situation in each country of Europe. I will not provide the history of this convention because there are many among you who contributed to the convention.

It seemed natural to us to appeal to the European associations of the IAA, which for some of them totally carry the mission of developing and improving the condition of the Artist in each country and in the world.

It was very important to defend, promote and publicise the Convention. Following the work that led to this agreement we realised that the Artists of France probably enjoyed one of the most advantageous social status in Europe.

It became clear that if we had come to imagine a levelling down of the social security for Artists in Europe, the social protection of artists so advantageous in France could be the figurehead in order to fight against this principle of levelling down.

7 years later, world geography, economics, multiple tensions and crises upset many things. Since always, I mean, even since ancient times, the circulation of Artists has always been European, not to speak of the medieval cathedrals, Renaissance, travel of Artists to Rome, the Grand Tour etc.. The visual Artists have always visited Masters from all over Europe and their culture was done in line with the European territory.

Today, when nationalist tensions, self obsession, fears of others and traditions that would be a firmly "no" and not an opening, it seems essential that the Artists once again resume their collective destiny beyond the boundaries and give a strong signal of their willingness to contribute to the Europe of Culture, to the opening of Europe and to the Europe of Art.

I do not want to forget that the social status of Artists in France was created in the claim, in a power struggle with the government.

Today we can think that Europe must create a strong political power to be present on the world scene. This is the time for Artists to organise in order to create a strong and coherent European Union federation of Artists to assert the position of creators facing public authorities.

That is why we would like to take the initiative with the Artists of the European Union and with their representative associations, to create a federation of European Artists who could act in politics, on the diplomatic scene and in the artistic world.

For the record, there are generally three actors in the cultural landscape:

- the State, which has its role in the general interest and creation of structures as in heritage conservation;
- the market with its own laws: speculative market and market of proximity and
- Artists by their representative associations and professional structures.

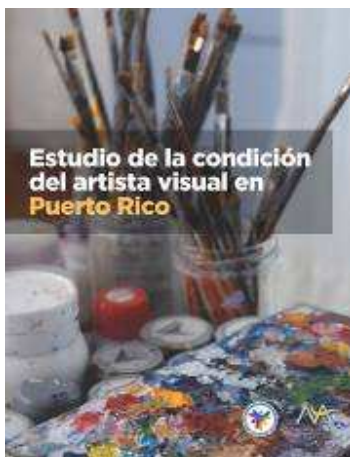
If we want to create Europe, a federal Europe, it is the time to engage in the creation of a strong federation of Artists of the European Union of 28.

Thank you.

8/ Study of the Condition of the Visual Artist in Puerto Rico

Marta Mabel Perez, Puerto Rico

(Conducted between March, 2010 and November, 2011)



The results of this study reflect the opinion of the people surveyed and not necessarily that of the Museo de Arte de Puerto Rico or Estudios Técnicos, Inc.

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EXECUTIVE SUMMARY

The Museo de Arte de Puerto Rico (MAPR), through its Program of Artist Assistance (PROA) and with the help of technical-studies firm Estudios Técnicos, Inc. (ETI), has produced the first “Study of the Condition of the Visual Artist in Puerto Rico.” With this study we propose to investigate the situation of visual artists in Puerto Rico in terms of their socio-demographic, educational, and occupational status and also vis-à-vis the art market and the cultural environment. We propose to disseminate the information that emerges from this study in order to increase recognition of the profession of visual artist and thereby make a contribution to the discussion, implementation, and achievement of new public and private initiatives to promote artistic production in Puerto Rico.

Methodology

Work began on the “Study of the Condition of the Visual Artist in Puerto Rico” in March and was completed in November of 2011. The multi-method approach that was chosen provided information from a number of sources and perspectives. The methodology selected was triangulation, in which the results obtained from the analysis of primary and secondary sources are integrated in order to contrast and validate the findings.

The feedback from primary sources was solicited through surveys and focus-group interviews of visual artists and professionals in the fields of art and culture. With regard to statistical data on art and culture that would throw light on the significance of comparable measurements, those data available in Puerto Rico were used, then complemented with data from the most recent United States census (2010). A view of the legal, economic, and social context, as reflected in secondary sources, was also included.

ORGANIZATION OF THE STUDY

Phase I: Exploration of the subject	Phase II: Gathering data from primary sources
Review of secondary sources	Survey of visual artists
Operational definition of the concept	In-depth interviews with opinion leaders
Visual Artist	
Focus group with artists	Benchmarking exercise
Final design of the methodology	Data, opinions, and perceptions

Phase III: Interrelation of findings, and recommendations

For the interviews with artists, a guide containing structured questions was used, in order to obtain specific information from the artists in the socio-demographic, educational, and occupational areas and with regard to the art market and cultural environment. **(See Appendix 6: Survey for the “Study of the Condition of the Visual Artist in Puerto Rico.”)**

ACTORS WITHIN THE VISUAL ARTIST’S CAREER ENVIRONMENT IN PUERTO RICO

The visual artist

Galleries, buyers, and other leaders in the sphere of demand

Opinion leaders in the institutional and political sphere

The sample of visual artists to be approached for the survey was chosen on the basis of the Museo de Arte de Puerto Rico’s Artist’s Directory, the most complete list available. (This register is voluntary, however, so does not represent the entire universe of artists in Puerto Rico.) The sample consisted of 301 artists (30% of the Directory’s 1,100 artists), distributed across 6 regions: North, East, West, Center, South, and Metro. The regions’ boundaries were drawn on the basis of the criteria of concentrations of

artists and economic activity. The survey was carried out over the period April–August of 2011 and administered personally in 95% of the cases. In the remaining 5%, it was administered by telephone, primarily to artists who had difficulty traveling to the place where the survey was to be given.

Visual Artists Surveyed (by region)

Region	Number	Percent
North	36	12.0%
East	34	11.3%
West	27	9.0%
Center	16	5.3%
South	42	14.0%
Metro	146	48.5%
Puerto Rico	301	100%

Numeric base: 301 individuals surveyed

Source: Survey carried out by technical-consulting firm Estudios Técnicos, Inc., in collaboration with the Museo de Arte de Puerto Rico, for the “Study of the Condition of the Visual Artist in Puerto Rico” (2011). (See Table 1.)

Municipalities Comprising the Regions Surveyed

Once the survey of the visual artists was concluded, interviews were conducted with professionals in the fields of art and culture who had wide experience and knowledge of the plastic arts and were thus able to offer an informed opinion that might represent another perspective on the subject of the study. The interviews were based on a list of guided questions designed to elicit the professional’s opinion.

These interviews were conducted over the period from July 7 to August 11, 2011. They were carried out both personally and by telephone on the day and at the time most convenient for the person being interviewed. A total of 34 individuals (20 women and 14 men) took part in the interviews. The group was comprised of 6 collectors, 5 gallery owners, 4 museum directors, 4 curators, 3 educators, 3 owners of alternative spaces, 3 cultural impresarios, 2 cultural entities, 2 historians, 1 lawyer, and 1 representative from the government tourist office. The average years of experience or activity within the sphere of culture was 18, although the years of experience ranged from 1 to 40.

MOST SIGNIFICANT FINDINGS

The study’s most significant findings are detailed below. In certain cases in which percentages are given, only the most significant figures are included, in order to highlight the most noteworthy characteristics. Thus, the percentages will not always add up to 100. In other cases, the percentages may exceed 100 due to the possibility of multiple responses to any given question.

During the period over which the “Study of the Condition of the Visual Artist in Puerto Rico” was being carried out, the island’s economy was in its fifth year of recession. The economy of Puerto Rico has experienced negative growth since 2006. In late 2010, the island’s economy is 2.7% smaller than in 2001, and it continues to face a situation that has been described as “fragile.” In 2012, it did experience growth of 0.6%, due in large part to the impact of funds from the federal ARRA program.

Demographics

- The profile of the visual artist in Puerto Rico has the following general characteristics: mostly male, with an average age of 50, married, with two children over the age of 18, and residing in an urban area in a property owned by him or her. The artists tend to be in good health, have a medical insurance plan, almost half with a retirement plan, and one-third with disability insurance.

- Males predominate, at 71.8% of the total number of artists surveyed. The highest level of female representation is found in the Metro region, with 33.6%. In Puerto Rico, 54% of all individuals employed are male.
- The median age of the visual artists surveyed is 50, and somewhat fewer than half (47.2%) are married. The median age of all individuals employed in Puerto Rico is 40.
- Almost half the group surveyed (48.5%) come from the Metro region, while the smallest percentage come from the Center (5.3%). This distribution is similar to that of the total number of persons employed, by region, on the island.
- 67.1% of the visual artists live in urban areas.

Box:

General demographics of Puerto Rico

At the present time, Puerto Rico is in a transitional stage with respect to its demographics. There has been a decline in population from 3,808,000 inhabitants in 2000 to 3,725,000 in 2010. Over the past decade, some 300,000 people have left Puerto Rico, and 160,000 have returned.

Those leaving the island are the younger individuals, and they also tend to have higher levels of education than those returning and than the general population of Puerto Rico. They tend to have higher incomes and an occupational structure of a greater percentage of jobs requiring higher skill levels.

Education and training

- The group of visual artists in Puerto Rico has a high educational, cultural, and achievement level. It is clear, however, that in the modern world one must master many skills in the areas of business and business administration as well as in one's professional career.
- During the year 2009–2010, some 353 students were granted university or college degrees in the visual arts, most with bachelors degrees, followed by certificates, masters degrees, and associate degrees.
- The educational level of visual artists tends to be higher than that of the average worker on the island. Some 67.8% of the artists surveyed have a bachelors degree, 38.9% have a masters degree, and 7% have a doctorate. Most of the degrees are in areas related to art.
- Some 88.2% of the visual artists surveyed who reported that they had a bachelors degree earned it at an educational institution in Puerto Rico. The remaining artists earned their degree in the United States or another country. A high proportion financed their studies with scholarships and loans.
- Some 63.5% of the artists surveyed have continued to broaden their knowledge with continuing education.
- Many of the artists interviewed work in more than one medium. Some 68.4% work in painting, 33.6% in drawing, 29.6% in sculpture, 24.6% in prints, and 21.6% in new media.

Box:

Education in Puerto Rico

In Puerto Rico, 35,719 students earned undergraduate and graduate degrees in 2009. The median educational level of the general population of 25 years of age or more is an associate degree.

Box:

Economic and occupational situation in Puerto Rico

One of the economic aspects most affected during this period of recession in Puerto Rico is employment. Between 2005 and 2008, unemployment stood at around 11%, but in 2009 it rose to 13.4% and by 2010 it reached 16.1%. The projection for the next few years is that it will hover around 15%, due to the structural fragility of the economy.

On the other hand, the impact of this increase in unemployment has been mitigated by an increase of nearly 80% in welfare payments, through a program known in Puerto Rico as the Programa de Asistencia

Nutricional, or PAN. Payments through this program rose from \$1.112 billion in 1999 to \$1.929 billion in 2010.

The Planning Board of Puerto Rico estimated that the economy would return to positive growth in 2012 and would maintain growth of about 1% over the next few years.

For its part, the consulting firm Estudios Técnicos, Inc., has estimated that to return to the real size of the economy in 2006, the island's Gross National Product will have to grow at a rate of 1.7% until 2019.

Economic and occupational status

- The U.S. Census Office's Bureau of Labor Statistics has reported that between 1999 and 2009, it identified approximately 1,234 positions held by professionals in the visual arts who were working for an employer in Puerto Rico.
- Almost all the artists surveyed (97.3%) were currently active.
- Some 51.9% of the visual artists practicing their profession as salaried employees work full time, while 48.1% work part time. The Eastern region has the greatest proportion of visual artists working full time, with 66.5%, followed by the Metro region, with 55.3%.
- Seen from another perspective, of the 301 artists interviewed, 58.5% (176) were also employed in a parallel career and of these 176, some 55.4% (97) were doing so full time, largely in areas related to education and art. The average monthly income of visual artists working at two jobs is \$3,707. In 2010, an individual with a bachelors degree in Puerto Rico earned, on average, \$2,535 a month, and with a masters degree, \$3,572.
- Some 64% of the artists surveyed receive remuneration for the jobs they do as visual artists, and that remuneration averages \$2,051 a month. The average monthly income per household (including income from spouses or partners) is \$2,622. The mean income of a worker in Puerto Rico in 2009 was \$2,197.
- On average, the artist has been working for 25.8 years in his or her professional career as a visual artist. The average time of employment of all individuals in Puerto Rico in 18 years.

The visual artist's studio and social condition

- The large majority of visual artists (90.8%) who practice their profession have their own studio or workshop. For 84.6%, the workshop is in the residence, which is not advisable.
- Some 22.9% of all the artists surveyed have a team or support staff to help produce their art works.
- On average, a visual artist in Puerto Rico invests around 72 hours in the production of an art work, but it is difficult to determine the economic value of the hours of work invested. The average artist produces 14 works per year.
- On average, artists in Puerto Rico devote 115 hours to research before and during the work.
- Some 39.9% of the visual artists interviewed have some physical and/or mental health condition that has been diagnosed by a doctor, and 32.6% have disability insurance. The percentages relating to health issues are similar to those of the general population of Puerto Rico, while the disability-insurance numbers are higher.
- Some 88.4% of visual artists have a health insurance plan, which in most cases is private. Of all the artists surveyed, almost half (49.0%) have a retirement plan. The other 51% do not. The artists with the least amount of savings are in the Metro region.

Box:

Art in Puerto Rico

In Puerto Rico, art experienced a kind of boom during the second half of the twentieth century, when the government funded important educational and public-art initiatives.

The condition of the visual artist in Puerto Rico had its best moments in the 1980s and 1990s, with a rise not just in the fostering of artistic production but also in the purchase of art works by individuals

and public and private organizations. Entities such as private corporations, banks, and insurance companies were important patrons of the arts.

Production and exhibition of art works

- Some 78% of the artists interviewed have taken part in group exhibitions, and 77.2% in individual exhibitions; 34.7% have exhibited their work in group shows by local artists off-island, and 4.1% in individual shows abroad.

- On average, artists in Puerto Rico take part in, or organize, 7 exhibitions per year. Some 41.2% of the artists surveyed have had exhibitions in a commercial gallery.

- Some 89.3% of the visual artists surveyed take part in or organize exhibitions often, and almost half (49%) have had the opportunity to exhibit their work in a museum.

- Of the artists surveyed, 79% find it difficult (39.7%) or very difficult (39.3%) to find financing or sources of funds to help them create their works or establish their own business.

- Some 60.1% of the artists interviewed want to exhibit in a museum; 50%, in universities; 44% in public spaces; 43% in alternative spaces; and 19% in galleries. The Museum Association of Puerto Rico reports that there are between 90 and 100 museums on the island.

Value and sale of art works, and contribution to the economy

- Visual artists produce an annual average of \$8,681 in sales. Almost half of the artists (47.7%) who reported on their average annual sales said that sales have fallen by 54.5% in comparison with 2009–2010, while 13.1% reported that sales had risen.

- Visual artists use more than one sales channel for their work: 74.3% use direct sales; 42.7% use a commercial gallery; and 2.7% use dealers or representatives. Some 23.3% also employ various means of advertising. Normally, an artist uses multiple sales channels.

- Some 55.4% of visual artists consider their work a cultural offering, while 4.0% see it as a profession.

- The average percentage of profit that artists tend to expect to obtain from the sale of their works is at least 69.5%.

- Some 44.5% of the visual artists in Puerto Rico are able to export about 24.9% of their total art production, and do so mainly through contacts that they themselves have established. The export of art represents an important source of income.

- On the basis of the artists identified and the average annual sales as reflected in the survey, one can conclude that visual artists in Puerto Rico make a direct contribution of \$12.2 million to the island's economy. Obviously, this activity has a greater effect when one takes into account the indirect and induced effects of the contribution.

Administration of a professional career

- Most of the visual artists handle their own finances or administer or manage their professional career. Some 80.1% keep their own books and manage their commercial career as an artist and 14.9% consider it easy to do.

- Some 51.2% of the artists surveyed find it difficult or very difficult to administer and manage their commercial career as an artist, and 14.9% find it easy.

- About half (49.5%) of the artists surveyed are aided by private sponsors; 24.3% by friends, family members, and relatives; 22.6% by personal funds or savings; 16.6% by loans; and 12.0% by scholarships.

Legislation, and legal protection of art works

- The handling of the island's artistic heritage has room for improvement. Although 33.9% of artists find it easy or very easy to keep an inventory of their works, 38.2% say that it is difficult or very difficult.

- A little over half (54.8%) of the visual artists surveyed keep a ledger or inventory of works of art, while 78.4% keep an inventory of the documents related to their artistic production (such as letters of

acceptance to biennials, contracts for projects, catalogs, newspaper clippings, photos from their research trips or participation in biennials or art fairs, and anything else that documents their career).

- As for the maintenance and care of the works they produce, 42.5% of the artists surveyed say that they find it difficult or very difficult, while 24.9% say it is neither difficult nor easy.

- Some 29.6% of all the visual artists surveyed have decided who their executor will be, and in 90.0% of the cases it is a family member. Most of the visual artists interviewed (90.7%) have not made a will involving their artistic legacy.

Recommendations

In keeping with the goals of the “Study of the Condition of the Visual Artist in Puerto Rico” stated at the beginning of this summary, below are detailed recommendations aimed at increasing recognition of the profession of visual artist and fostering discussion, implementation, and achievement of new public and private initiatives that promote artistic production in Puerto Rico, in hopes of improving the general conditions of life of the island’s artists. The recommendations have been divided into areas.

Social sphere

- Establish a multi-sector group to design a communications campaign to stress the educational, cultural, and economic importance of the visual arts. This group should include representatives from all the components of the world of art, as well as from government, academia, and the various traditional communications media and new technologies.
- Offer workshops to the community that take advantage of the knowledge and talent of our artists. In addition to their benefit to the community, the workshops would help increase recognition of the profession and production of art.

Educational sphere

- Enrich the curriculum of educational institutions at all levels with visual arts programs to awaken students’ sensitivity to visual art and its production.
- Incorporate into undergraduate and graduate curricula in the visual arts the following types of courses: (1) business management and administration, (2) marketing and promotional strategies, (3) proposal writing, and (4) inventory and documentation of art works.
- Develop graduate programs that include training for professions such as curator, critic, gallery owner/manager, art historian, art appraiser, museologist, cultural impresario, etc.
- Incorporate into undergraduate and graduate curricula the legal aspect of the field of art, especially information on exclusivity contracts and copyright (intellectual property rights), in order to stimulate visual artists to educate themselves and seek advice on the subject.
- Include permanent on-line continuing education programs for artists as part of the offerings of educational institutions and organizations.

Economic sphere

- The government, joined by the island’s public and private sectors, should continue to offer art fairs and biennials in which local and international artists take part, thereby highlighting the importance of art to society.
- Offer financial support to visual artists by sponsoring exhibitions and also helping make artists and their work more visible through the internet and social networking as a vehicle of export.
- Work with the tourism sector to integrate and highlight local art as one of the attractions that Puerto Rico has for the visitor.
- Promote the creation of a broader market for art, to include not just gallery owners, art consultants, and collectors, but also the public and corporate sectors.
- Internationalize artists as a group through alliances with other countries, to raise the profile of our art.

Art market and cultural sphere

- Establish an emergency fund for artists.
- Decentralize exhibition spaces and the art market outside the Metro region.
- Develop and give continuity to art festivals and biennials and disseminate publicity for these activities on the internet and through social networks, in order to broaden the areas of opportunity and allow the visual artists of Puerto Rico to increase the exposure of their works and expand their market.

- Continue working to publicize artistic production through museums and galleries, which play an important role in the art world.
- Take measures to institutionalize the sector and develop strategies for the commercial and promotional aspects of the sector.

Legal sphere

- Encourage formalizing the contractual relationship between artists and clients in the public and private sectors.
- Develop direct support and incentives for artists with the passage of legislation and sponsorship of public-art projects.

Recommendations by professionals in art and culture

Below are presented recommendations for improving the condition of artists and art production in Puerto Rico offered by specialists in art and culture to the state government, municipal governments, the private sector, educational institutions, museums, cultural entities, and the Puerto Rican public in general.

State government

- Promote legislation in support of the arts and artists; pass legislation promoting the art market and encouraging a cultural policy separate from other interests.
- Establish a program of public art that will benefit the art community.
- Integrate the Tourism Company into efforts to encourage and promote the visual arts.
- Design strategies for the economic development of the art market.
- Give greater emphasis to the arts in education.
- Promote exhibition spaces.

Municipal governments

- Provide resources so that artists in the municipality can create and exhibit their work, whether by providing them with materials, or spaces for studios and workshops, or through fellowships.
- Establish municipal policies that foster an appreciation of art and development of a healthy environment for art.
- Promote exhibition spaces.
- Support the municipality's artists.

Private sector

- Support visual artists financially (through fellowships and/or contributions) as part of a commitment to social and cultural philanthropy.
- Purchase art, or be a patron of local artists during the various stages of their career.
- Promote visual artists by investing in art works and forming collectives.

Educational institutions

- Diversify undergraduate and graduate curricula in the visual arts and remain in the vanguard of curricular design.
- Begin educating students in primary and secondary school as to the importance and value of art, and in art appreciation.
- Promote art as a career or profession.
- Establish scholarship funds in collaboration with the private, public, and non-profit sectors.

Museums

- Educate artists and the community by offering and promoting exhibition spaces.
- Promote the value of art to the community.
- Continue to collaborate in internationalizing Puerto Rican art and artists.
- Stimulate the development of internships and similar programs related to the professions of the art world.
- Support and promote emerging artists.
- Foster tourists' interest in visiting museums where they can see the island's art production.

Cultural entities

- Promote collaboration between and alliances with artists' groups in Puerto Rico.
- Educate the citizenry on Puerto Rico's art and culture, as well as on existing cultural programs.

- Provide spaces to be used by artists as workshops and studios.
- Coordinate integrated cultural activities.
- Expand offerings and publicize activities.

The Puerto Rican public in general

- Support and appreciate the arts in Puerto Rico by attending exhibitions and purchasing works of art.
- Become educated as to the value of the arts, and in art appreciation.
- Promote the art market.

New text:

General Plan for the Development of the Creative Industry

1. Creative-Industry Consortium

Establish a consortium of creative industries spearheaded by the government in collaboration with the private and third sectors. The consortium's goal would be to stimulate the development of visual artists through tools, education, and permanence within the sector.

- a. *Administrative and financial training*: Develop continuing-education courses aimed at providing knowledge and helping insert art-industry professionals into the labor force (self-employed, public, or private).
- b. *Mentoring and internships*: Encourage internships and practices in companies, agencies, and institutions within the creative industry.
- c. *Center for Continuing Research*: Develop a center for formal research into the needs and classifications of professions and the development of the creative industry.
- d. *Professional norms and standards*: Establish norms and standards for high-quality work in the creative industry.
- e. *Plan for integrated communication and public relations*: Develop an island-level marketing plan in which local art will be promoted and the artist will be portrayed as a professional. This will include development of an "artist registry" that can be a resource in the production of goods and services in both the private and public sectors, and can serve to make those sectors aware of the importance of using these local resources.

2. Multi-Sector Taskforce

- a. Public
- b. Private
- c. Third Sector

9/ Legal aspects of being an artist in the Czech republic

Matej Sykora, Czech republic



Presentation by Matej Sykora, member of czech non-profit organisation Fair Art deal with a specific relation between art and law and its main goal to show how the law penetrates into the realm of art and what are the main consequences of this phenomenon. The lecture was divided into three main parts. In the beginning he tried to outline some of the basic and general questions such as:

Why (if at all) art needs law?

Why art can not be as regulated by law as other areas of human activities?

After that he presented briefly how legal aid for artists is realised in the Czech republic and how it might be improved.

In the third part of the presentation he pointed out some of the most common legal problems which (professional) artists in the Czech republic face.

10/Successes and failures of artists in Australia

report by Tamara Winikoff, Australia

The Australian arts sector is in revolt against recent government funding decisions. In this year's national budget, a large amount of funding was removed from the Australia Council for the Arts, the statutory authority which makes funding decisions at arm's length from government through a peer assessment process. Now this money is to be used to set up a new government program under the direct control of the Arts Minister: the National Program for Excellence in the Arts (NPEA) - <http://arts.gov.au/nationalexcellenceprogram>. This is a major departure from previous arrangements and was not based on any consultation, research or evidence based arts policy. Because the Arts Minister will have final decision-making authority we foresee the danger of the politicisation of grant decision-making and a potential threat to artists' freedom of expression.

There is some background to this. In 2013, the previous Labor government had launched a national arts policy and increased the budget to the Australia Council to provide support for what was described as 'unfunded excellence', ie good projects that were missing out because of lack of funding. It also commissioned a review of the Council which led to the implementation of a set of reforms to its governance structure and processes which began to be rolled out in 2014. But before this process was fully implemented, the following year everything changed for the worse. A conservative government was voted in and early in 2014 the first cuts were made to the arts budget. In addition, the Arts Minister took a modest amount of money away from the Australia Council to support his own pet project – a new National Book Council. While there were protests both at the cuts and his interference in the process, these were relatively small incursions.

However, in response to this year's much bigger changes, the arts sector has been loud and persistent in its protest. The reason is that the impact will be really major. Many valuable Australia Council grant programs immediately disappeared and the long-term multiyear support programs for organisations were frozen. With the discretionary budget of the Australia Council cut by more than one third, what is in jeopardy is core operational support for the small to medium organisations which form the backbone of the sector and provide a platform for the work of contemporary living artists. The new NPEA program does not give direct support either for core operations or to artists. Rather it has been designed to favour the 28 major performing arts organisations which largely present a traditional repertoire of opera, ballet and classical music and already get the lion's share of funding.

There has been a ripple effect on other levels of arts funding. Grants to organisations are often worked out in partnership with state and local governments, which also fund the arts. They see this as an attempt by the national government to shift responsibility onto them and are resisting.

This situation has mobilised a massive and largely unified response from the arts sector under the banner Freethearts - <http://www.freethearts.com.au>. It is being co-ordinated by a small group of peak national bodies most of whom are members of ArtsPeak (the confederation of national peak arts organisations and state arts industry councils). As co-convenor of ArtsPeak, our organisation – the National Association for the Visual Arts (NAVA) – has been one of the leaders <https://visualarts.net.au/campaigns/federal-arts-budget>.

ArtsPeak lobbied successfully for a government inquiry which is currently underway. There were a record number of submissions made and public hearings are being conducted around the country. NAVA has provided factual information on its website, guidelines for making a submission and model letters for arts people to send to various politicians.

Freethearts' actions have included a petition with 12,000 signatories, letters to politicians, delegations meeting with various politicians and large public meetings demanding reversal of the decision. There have also been public demonstrations including a dance event co-ordinated around the country and a visual arts satirical response - a widely distributed 'heARTless' poster depicting the Arts Minister George Brandis (see attached) and a gallery of photo-shopped images superimposing the Arts Minister's face into famous artworks – the Art of Brandis <https://www.facebook.com/TheGeorgeBrandisLiveArtExperience>.

The media have taken an active interest with a continuous stream of coverage fuelled by regular media releases. They have published critical comments from high profile individuals including some philanthropists as well as various arts group representatives. Social media has also been used extensively.

Most importantly, we believe this united protest was responsible for the Arts Minister losing his portfolio when our very unpopular Prime Minister was replaced in mid-September, resulting in several changes of ministers. The new Arts Minister has yet to show his hand but has been saying that he is listening to our complaints. We are not hopeful that everything will be restored but it does open the possibility for negotiation. ArtsPeak is actively seeking a meeting with him.

Meanwhile, all this has been the catalyst for the arts sector to work together on some long term planning and the development of policy. A big gathering will take place on 6th November and early next year we are planning a national summit on 'Valuing the Arts'. The key issues under discussion are the need for:

- non-politically partisan national cultural policy and research
- increased financial support from both government and the private sector
- effective advocacy and a united voice for the arts.

This has meant that NAVA's efforts on other areas of arts policy have been overshadowed. Under the Status of the Artist umbrella, we still have on our agenda maintenance of the resale royalty which is also under threat, mandated payment of artists' fees, copyright, tax, social security and pension arrangements for artists.

I know many of these issues will be being discussed at the IAA meeting and greatly regret not being able to participate. However, I look forward to hearing a report of the proceedings of the meeting.

Best wishes from your Australian colleagues.
Tamara Winikoff OAM
Executive Director
National Association for the Visual Arts (NAVA)



SLOVENSKÁ KOALÍCIA PRE KULTÚRNU DIVERZITU

SLOVAK COALITION FOR CULTURAL DIVERSITY

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Bratislava, Slovak republic, November 16, 2015

Mrs. Danielle Cliche

Chief of Section of the Diversity of Cultural Expressions

Secretary of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions

UNESCO

Paris, France

Dear Madam Secretary,

I would like to ask you to add to the agenda of the Intergovernmental Committee on the Convention on the Protection and Promotion of the Diversity of Cultural Expressions the topic:

Recommendation of UNESCO on the Status of the Artist.

The intention is to open this topic as I have previously mentioned at the Fifth Ordinary Session of the Conference of Parties to the Convention at Paris in June 2015.

We propose to prepare the next logical step that is consistent with the Convention UNESCO 2005: to recommend to Member States to support the implementation of the Status of the Artist as a tool for solving specific problems of the cultural sector in different countries that can significantly promote the development not only of the cultural sector but also society and sustainable economic development.

I am sending attached:

1/ Draft proposal for a recommendation UNESCO

2/ Brief comment to this proposal

3/ Link to the publication *Status of the Artist / Working document for a general international debate*

- a detailed commentary with examples from 22 countries over 4 continents

4/ Selection of conferences and adopted recommendations by the international association of artists on this issue in the last years

With best regards

Pavol Kral

President of Slovak Coalition for Cultural Diversity

President of Slovak Union of Visual Arts

Member of Council for Culture of Government of Slovak republic

Member of Executive Committee of IAA /AIAP and Coordinator for Europe

Vice-President of European Coalition for Cultural Diversity

Member of Intergovernmental Committee UNESCO on Cultural Diversity

1/ Draft of proposal for a recommendation to UNESCO

- As the current legal situation in many countries is not entirely in accordance with the UNESCO 2005 Convention

- As the importance of the cultural sector for development of each country and its contribution to GDP is indisputable and continues to grow

- As the cultural sector provides work for a significant number of people and may significantly contribute to reducing the number of unemployed in the world, taking into account the potential of its further growth

- As the cultural sector, unlike many industries that support sustainable development, is not generally demanding for natural resources, does not increase substantially energy consumption, does not produce significant waste, does not contribute to the pollution of our planet, and requires relatively minor investment for its development - its development potential is in creative human resources and therefore it is essentially limitless

- And considering the other impacts of the cultural sector, as set out in Convention UNESCO on the Protection and Promotion of the Diversity of Cultural Expressions from the year 2005, which to date has been ratified by 140 countries worldwide, including the European Union

- We propose that UNESCO should prepare the next logical step, following the Convention 2005, and recommend to Member States to support the implementation of the Status of the Artist as a tool for solving specific problems of the cultural sector in different countries that can significantly promote the development not only of the cultural sector, but also society and sustainable economic development.

First step: The adoption of legislation which will determine who is a professional artist defined on the basis of the recommended clear and transparent criteria.

The defined Status of the Artist should include people who:

a/ perform artistic freelance activities

b/ are professionally trained for artistic and creative activity, or achieve demonstrable artistic and creative results

The proposal respects the fundamental principles of:

- **Openness and transparency** of the system that makes it possible to include all those for whom the artistic activity is an essential part of their lives and affects their tax and social security

- **Professionalism**, guaranteed either by completing professional arts education or an assessment by other artists (if the results of creative activity of a person falls within the sphere of art or not) – thus excluding the possibility of the monopoly of decision-making

- **Voluntariness** – registration under the Statute of the artist is not mandatory, it depends on artists decision to apply for registration of the Status of the Artist or not

The second step: In accordance with the real situation and possibilities of individual states **gradual implementation of measures that will form part of the relevant laws.**

As they will be supported by legislation under the Status of the Artist, **targeted and effective specific actions will directly address specific problems in existing relevant fields of art.**

2/ A brief comment to this proposal

a/ Foreword to the issue Status of the Artist

Many countries are trying to resolve the situation of artists. One of a possible solution is Status of the Artist, which defines

- who is an artist

- and then sequential Laws are possible to solve specific problems for artists.

The debate about the Status of the Artist started a number of years ago - at Slovakia 25 years ago and only now can we say that we have succeeded. All the principles we have promoted, as optionality,

expertise, verifiable results and education were included - the result is reasonable and we have legislatively defined professional artists in Slovakia (approved by Slovak Parliament on 11th November 2015). We can now start solving other specific issues.

Last year the Slovak Union of Visual Arts published Status of the Artist working documents, in English and Slovak versions, for general international debate. **The debate about Status of the artist is an example of effective international cooperation:** the members of international art organisations IAA Europe, IAA/AIAP, IFCCD, ECCD, IFACCA, NAVA and ECA took part in the debate on Status of the Artist.

Nevertheless, each country has until now always started from zero. It is time to join forces, to share experience and try to agree common solutions to practical cultural problems. Many countries are working individually on creative solutions. Key examples can be cited from Sweden, Canada, Lithuania, Germany, Norway, Slovakia but also Morocco, Mexico and many other countries.

We can collect working prototype solutions and use them like recommendation for others. We need diversity in culture - not in how the law operates!

With the support of UNESCO, we could save time and energy - we could make the process more efficient. It's in the interest of both - the artists and the whole of society.

We can succeed with the goal to improve the legal and social status of artists, to improve their chance to earn a living through their artistic work: **negotiation with the state authorities is always difficult but with information, with positive examples from other countries it is at least a little easier.**

We want to share with other countries our experience of this long process, to make international comparisons of best practices and lessons learned in the legal definitions of artists – with the aim to help them achieve working improvements faster.

b/ Status of the Artist and the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005).

This year we are celebrating 10th anniversary of the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005). In the Convention it is stated a few times (e.g. Article 4, paragraph 4): **art and business are not the same.**

(Precisely: Cultural activities, goods and services refers to those activities, goods and services, which at the time they are considered as a specific attribute, use or purpose, embody or convey cultural expressions, irrespective of the commercial value they may have. Cultural activities may be an end in themselves.)

Contrary to this principle artists are - from the point of view of tax laws, social insurance etc – assessed the same as businessmen in many countries.

However, **if the art production is not the same as business, if the working conditions of artists are fundamentally different from those of businessmen, the relevant laws should take this into consideration.**

A possible solution is Status of the artist, which defines who is an artist and then sequential Law is possible to solve specific problems for artists. Therefore we would like to propose to make the next logical step on this direction that is consistent with the convention:

Try to achieve consensus on the main principles of Status of the (professional) artist.

c/ Status of the Artist and the UNESCO recommendation / 1980

UNESCO's recommendation on the status of the artist proposes a formal definition for all artists: *'Artist' is taken to mean any person who creates or gives creative expression to, or re-creates works of art, who considers his [sic] artistic creation to be an essential part of his life, who contributes in this way to the development of art and culture and who is or asks to be recognised as an artist, whether or not he is bound by any relations of employment of association'.*

We fully respect this definition. Recognition based on philosophical and a very general definition is correct as a starting point, **but in practice, such a definition does not clearly distinguish the artist from other workers** (from the point of view of tax, social security or other government institution officer worker). So we are not able to continue negotiations with responsible representatives of the state without having rules that are applicable in practice.

The aim is to find the way to solve the specific problems of artists whose artistic activity generates revenues and thus has an impact on their income tax and social security (hence to distinguish them from a wider group of “artists” we use the term “professional artist”).

d/ Is the Status of Artist important only for artists or also for society, for the state?

I am persuaded that the correct answer is: **for BOTH.**

The support of art and culture is not a waste of money but a good investment of money. They are very important from the point of view of the economy: contrarily to the general opinion their contribution to the development of countries is not marginal.

A few examples from many documents gives evidence of the importance of the culture sector for the development of states (within the period of last ten years):

- 2006: Economy of Culture
- 2010: Green Paper
- 2015, June: Meeting of State parties to the UNESCO Convention, Paris

d/1 A few numbers from *The Economy of Culture in Europe* (a study prepared for the European Commission Directorate General for Education and Culture in October 2006):

The cultural and creative sector turned over more than € 654 billion in 2003; this number says much more to us if we compare it with the car and ICT industry:

- the turnover of the car manufacturing industry was only € 271 billion in 2001
- the turnover generated by ICT manufacturers was € 541 billion in 2003

Contribution to EU GDP (in 2003)

- Textile industry	0.5%
- Food and beverage industry	1.9%
- Real estate	2.1%
- Chemical, rubber and plastic industry together	2.3%
- Creative and cultural industry	2.6%

The sector's growth in 1999-2003 was 12.3% higher than the growth of the general economy

In 2004 5.8 million people worked in the sector. Whereas the total employment in the EU decreased in 2002-2004, **employment in the sector increased (+1.85%)**

46.8 % of workers in the sector have a university degree (against 25.7 % in total employment)

d/2 Androulla Vassiliou, European Commissioner for Education, Culture, Multilingualism and Youth, Brussels, April 27, 2010, said:

"Europe's cultural and creative industries are not only essential for cultural diversity in our continent; they are also one of our most dynamic economic sectors. They have an important role to play in helping to bring Europe out of the crisis"

d/3 The new information from the June 2015 meeting of State parties to the UNESCO Convention, Paris:

Draft speaking points for EU intervention(s) UNESCO 5th Conference of Parties to 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions, Paris, June 2015:

Since the Convention's entry came into force, the EU and member States' policies have sought to safeguard and promote cultural diversity in Europe. We have also helped promote the cultural and creative sectors, who now contribute 4.4 % of EU GDP and offers jobs to 8.5 million Europeans – twice the size of the car industry, and including a larger proportion of young people than any other sector.

e/ Is the importance of the contribution of the culture sector to the GDP of the state, the only reason for the state to support art and culture?

No, definitely not:

Culture – in the same way as education and health – cannot be measured only from the point of view of money. Society without culture (or education or health) would be a society with no future.

Art and culture should be supported by the state, because questions of art and culture cannot be decided only by the market: the market is very often wrong, especially in the area of contemporary art. The “market” of the time did not recognize that Rembrandt was a genius, the “market” ignored Vincent van Gogh throughout his life, and the “market” did not initially even want the Eiffel Tower to be built – people did not like it, only later did they get used to it and now it is impossible to imagine Paris without this symbol.

A very great part of the cultural heritage of mankind would never have been created without the support of the state: pyramids of Egypt, the statue of David or the painting of the Sistine Chapel by Michelangelo, to name just a few.

f/ How does the contribution of culture reflect into the social status of artists?

We can agree with one of the results of the study of Economy of Culture: *“The cultural and creative sector is a growing sector, developing at a higher pace than the rest of the economy”.*

The cultural and creative sector as a whole is in good condition, but the most important part of it – the artists, without whom this sector cannot exist - are not in a good “condition” at all. It can be said that in European countries artists are generally in a worse situation than people in other professions, if we compare groups with the same level of education (see: *The Status of Artists in Europe*, a study requested by the European Parliament’s committee on Culture and Education, completed in November 2006, author: European Institute for Comparative Cultural Research, Bonn, and others.)

There is also a general lower social security of artists because of their irregular income, short term contracts and the nature of cultural work. Here are some figures from Eurostat (2007) on the situation in the EU:

	Employed in culture	Employed in general
Temporary job	16%	13%
Part-time job	25%	17%
Freelancers	29%	14%
Second job	number of employed in culture is almost double of employed in general	
Working at home	29%	13%

There are many differences between European countries but the main problems of artist economies are very similar. We cannot suppose that the situation of artists in South America, Asia or Africa is better. This is why we are persuaded that the improvement of the situation of artists should be seriously considered.

The Status of the Artist could be the important step for starting the process of improving the situation of artists economies and creating a positive environment for the creation of art.

g/ Is the Status of the Artist just a European issue?

Definitely not. Canada was the first country where the Status was approved about 25 years ago.

h/ For which countries can the Status of the Artist - or more generally international cooperation and sharing information with the aim to improve status of the artists – be more beneficial: for developed or for developing countries?

I believe that for all of them. The legal and social status of artists varies from one country to the other. There are also differences within Europe. **This discussion may be most meaningful for countries where the legal and social status of artists is neither good, nor satisfactory.**

But also in countries with strong, developed economies and rather good effective systems of support for art and culture, it is important to prevent setbacks, and there is always room for improvement, there is always something that could work better and more effective.

One example: Sweden has a positive and effective system of supporting artist exhibitions rights called [MU agreement](#) – which is supported through state negotiation.

This support activity can be an inspiration and learning tool for other countries.

3/ Detailed commentary - link to the publication

Status of the Artist / Working document for a general international debate:

<http://preview.triad.sk/svu/StatusOfTheArtist-Engl-Slovak.pdf>

4/ Selection of conferences and adopted recommendations

The International Association of Art (IAA) has developed a number of events on this issue in the last few years (debates on this issue were held in Berlin - Germany, Istanbul - Turkey, Antofagasta – Chile, Bratislava and Kosice – Slovakia, Seoul - South Korea, etc).

4/a/ September 21 – 23, 2012, Gallery UMEKKA, Bratislava, Slovak republic: 3rd Congress of International Federation of Coalition for Cultural Diversity (IFCCD and ECCD)

Pavol Kral presented the Slovak project on Status of the Artist and international analysis; approved, see Work plan 2012 – 2014, adopted at the 3rd Congress of IFCCD:

Issue: Cultural measures – Status of the Artist

Goal: Measures aimed at nurturing and supporting artists and others involved in the creation of cultural expressions

Proposal: International comparisons of best practices and lessons learned in legal definitions of artists, in the form of a comparative table

Lead: Pavol Kral, Slovakia

4/b/ October 5, 2013, Oslo, Norway: The 10th General Assembly of the International Association of Art Europe (IAA Europe) approved recommendation:

The 10th General Assembly of the International Association of Art Europe approved the following, in Oslo, Norway, October 5, 2013: Call upon Member-State governments to draw from the best practices of specific laws on the Status of an Artist to improve the social, creative, employment and taxation conditions of artists taking into consideration their creative contribution to each nation's cultural development.

4/c/ October 16, 2015, Conference Status of the Artist / “how to survive with art”, which was held under the leadership of Pavol Kral in Pilsen – European Capitol of Culture 2015, Czech republic (keynote speeches presented representatives of artists from Slovakia, Norway, Sweden, Germany, United Kingdom, Puerto Rico, France and the Czech Republic) with the participation of artist delegates from 28 countries of America, Africa, Asia and Europe (fifth continent - Australia - was represented in the form of written contributions by Tamara Winikoff, Executive Director of the National Association for the Visual Arts - NAVA): Pavol Kral presented the concept of Status of the Artist for the negotiations of the Intergovernmental Committee of the UNESCO Convention on the protection and promotion of the diversity of cultural expressions (Paris, December 2015). Delegates unanimously supported the proposal.

4/d/ October 17 - 18, 2015, Pilsen, Czech republic: 18th General Assembly of IAA / AIAP (International Association of Art, umbrella organisation for a few hundred thousand professional visual artists of the world, IAA/AIAP UNESCO, 1 rue Miollis 75732 Paris Cedex 15 - approved recommendation:

18th General Assembly of IAA / AIAP recommends National Committees to join discussion about the status of an artist, support rational solution about frame proposal defining it and use it in negotiation with the responsible representative of states with the aim to improve social and legal rights of artists.

18th General Assembly of IAA / AIAP recommends IAA Member State Governments to take into consideration the positive experiences obtained by preparing the law "Status of an artist" and implement the best ideas in the process of improving social guarantees, creative working conditions, work and taxation conditions of artists, thereby taking into consideration the artist's creative contribution to each nation's cultural development.

For more information see international analyse on Status of the Artist:

<http://preview.triad.sk/svu/StatusOfTheArtist-Engl-Slovak.pdf>

4/e/ October 23 - 24, 2015, Congress of International Federation of Coalition for Cultural Diversity (IFCCD a ECCD), Mons - European Capitol of Culture 2015, Belgium: Delegates from around the world welcomed information presented by Pavol Kral about significant progress in fulfilling tasks approved at the Congress IFCCD in Bratislava in October 2012 - preparation of Status of the Artists.

Five priorities IFCCD for the coming years:

1. *Participating in the development of national cultural policies*
2. *Safeguarding the cultural exception in trade agreements*
3. *Contributing to training and education programs on cultural diversity*
4. *Pursuing international cultural cooperation activities*
5. *Review of [status of the artist](#) and copyright legislations*

4/f/ November 6, 2015, Conference: The Significance of Institution in the Processes of Culture, Lithuanian Academy of Sciences, Gedimino pr. 3, Vilnius, Lithuania. Pavol Kral, Slovakia, in his speech (with title *Culture life and social and legal status of the artists in Slovakia: What has changed over the years?*) presented proposal of the law on Status of the Artist.

4/g/ November 11, 2015: proposal of law on Status of the Artist [approved by the Parliament of Slovak Republic](#). To come into force from 1st January 2016.

Photodocumentation of discussion at the conference













GA IAA Europe, Pilsen 2015











GA IAA/AIAP Pilsen 2015













Executive committee meeting, press conference, opening of the exhibition, breaks and Good bye 😊





























Good Bye Pilsen :)
See you Berlin :)