



UNESCO East Asian Forum on Cultural Diversity

유네스코 동아시아 문화다양성 포럼

27-29 June 2005 • Tower Hotel, Seoul, Republic of Korea

UNESCO

Korean National Commission for UNESCO

Korea Culture and Tourism Policy Institute

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BASIC INFORMATION

- 1. General Information**
- 2. Programme**
- 3. List of Participants**
- 4. Country Report Guidelines**

GENERAL INFORMATION

1. Background

As early as 1945, UNESCO called for the defense of the “fruitful diversity of ... cultures”, a concept which has since grown continuously in importance for the organisation. Worldwide there exist over 5,000 ethnicities and 6,000 languages, and research shows that almost no country is entirely homogenous linguistically, ethnically or religiously.

In addition to pre-existing diversity, during the latter half of the 20th century, the world has witnessed ever-increasing levels of migration. Globally there are now around 175 million persons living outside their country of birth.

Throughout the same period and at an ever-faster rate, the world has been experiencing globalisation. Progress in communication and transport technology has had an effect not only on our geographical perception of the world, but also on world culture. The effects of globalisation on culture have been and will continue to present themselves as both opportunities and threats. The threat is apparent on the international level where more economically powerful nations dominate other countries culturally, and also within countries where one social group or ethnicity overshadows others.

New ways of thinking, increased population movement and the mounting effects of globalisation have fostered continuous development in UNESCO’s stance on the diversity of cultures, which was consolidated in the unanimous adoption in 2001 of the Universal Declaration on Cultural Diversity.

The Declaration established a new ‘standard-setting instrument’ to fortify the organization’s conviction that respect for cultural diversity and intercultural dialogue is one of the securest guarantees of development and peace.

The regional forum will thus provide an opportunity for the various participants to exchange ideas and opinions and to discuss the Declaration with the goal of improved understanding of its contents and intent. Through initial discussion on the Declaration’s twelve Articles and subsequent in-depth dialogue on the twenty main lines of the Action Plan for implementing the Declaration as well as the sharing of case studies under the main themes of the Convention, it is hoped that the countries present will gain a detailed and practical understanding of the Declaration and its implementation.

Discussion will then focus on the application of the Declaration’s beliefs and principles on the cluster countries’ public circles. The aims are to instigate change in the applicable policies that affect all levels and all aspects of society within the cluster countries, and to help the cluster countries promote and endorse cultural diversity in all public circles. The goal is to encourage and uphold cultural pluralism as an end to cultural conflict.

2. Expected Outcome

- Consolidation of participants' understanding and interpretation of the Declaration.
- Deepened understanding of the main lines of the Action Plan for the implementation of the Declaration.
- An appreciation of the relevance of the contents and beliefs of the Declaration to each of the cluster countries.
- A fuller awareness of the applicability of the Declaration to all public circles and all aspects of society in each of the participating countries.
- The formulation of multi-level, country-specific plans for the implementation of policy reform as relevant to the principles of the Declaration.
- The formulation of multi-level, country-specific plans for the implementation of policy reform as relevant to the principles of the Declaration.

3. Organizers

UNESCO Office Beijing
Korean National Commission for UNESCO
Korea Culture & Tourism Policy Institute

4. Date and Venue

- Date : 27-29 June 2005
- Venue: Seoul, Republic of Korea

5. Participants

Government officials from the relevant departments of all cluster countries (DPR Korea, Japan, Mongolia, China and Republic of Korea) were invited to attend along with representatives from all areas of the public sector. Officials from UNESCO and international expert also attend as resource persons.

PROGRAMME

27 June 2005 (Mon)

Venue: Rex Room, Tower Hotel

09:00-09:30 Registration

09:30-10:00 Opening

- Musical Performance
- Opening Address by *Dr. LEE Samuel (Secretary-General, Korean National Commission for UNESCO)*
- Welcoming Address by *Dr. LEE Yong-wook (President, Korea Culture & Tourism Policy Institute)*
- Congratulatory Remarks by *Ms. Beatrice KALDUN (Programme Specialist for Culture, UNESCO-Beijing)*

10:00-10:20 Group Photo and Break

10:20-11:00 Introduction

Cultural Diversity and UNESCO
Ms. Beatrice KALDUN

11:00-12:00 Keynote Presentation

Cultural Diversity and its Implementation
Mr. Olu ALAKE (Head of Community Partnerships and Programmes, Commission for Racial Equality in U.K)

Discussion

12:00-13:40 Luncheon hosted by the President of the KCTPI

13:40-15:10 SESSION I : Understanding of the Declaration - The Present State of Cultural Diversity in East Asia

Moderated by *Prof. LEE Keun-Gwan (Dept. of Law, Seoul National University, R. of Korea)*

I-1. Session Introduction - Principles enshrined in the Universal Declaration
Ms. Beatrice KALDUN

I-2. Country Report: China
Mr. LI Jiangang (Director, Bureau for External Cultural Relations,
Ministry of Culture, China)

I-3. Country Report: Republic of Korea
Mr. PARK Jong-taek (Deputy Director, International Cultural
Cooperation Division, Ministry of Culture and Tourism, R. of Korea)
Dr. RYOO Jeung-ah (Chief Researcher, Korean Culture and Tourism
Policy Institute, R. of Korea)

15:10-15:30 Break

15:30-17:00 SESSION I (Continued)

I-4. Country Report: Mongolia
Prof. TOGOOCH Dorjdagva (Dept. of Philosophy, National University
of Mongolia)

[Discussion] Prof. HAN Geon-soo (Dept. of Cultural Anthropology,
Kangwon Nat'l University, R. of Korea)
Prof. KIM Hyoo-jong (Dean, Graduate School of Culture and
Arts Management, Chugye University of the Arts, R. of
Korea)

General Discussion

19:00-20:30 Dinner hosted by Secretary-General of the KNCU

28 June 2005 (Tue)

Venue: Rex Room, Tower Hotel

09:00-10:20 SESSION II : Application of the Declaration's Principles

Moderated by Prof. KIM Moon-hwan (Dept. of Aesthetics, Seoul National
University, R. of Korea)

Session Introduction – Ideas for Implementation of the Declaration
Ms. Beatrice KALDUN

II-1. Cultural Diversity and Development
Prof. KONO Toshiyuki (Professor of Law, Kyushu University, Japan)

II-2. Cultural Diversity and Cultural Goods and Service
Dr. YOON Yong-joong (Analyst, National Assembly Budget Office, R.
of Korea)

Discussion

10:20-10:40 Break

10:40-12:00 SESSION II (Continued)

II-3. Cultural Diversity and Cultural Rights

Dr. LEE Dong-yeun (Director, Research Center for Culture and Society, Cultural Action, R. of Korea)

II-4. Cultural Diversity in the Information Society

Dr. QUE Xiaohua (Advisor for Cultural Policy, Bureau for External Cultural Relations, Ministry of Culture, China)

II-5. Cultural Diversity and Creativity

Mr. BATMUNKH Norov (Director, Dept. of Culture, Ministry of Education Culture and Science, Mongolia)

12:00-13:30 Lunch

13:30-15:30 SESSION II : [Group Discussion]

II-7. Cultural Diversity Programming Lense

Moderated by *Ms. Vanessa ACHILLES (Consultant, UNESCO-Bangkok)*

- Introductory Presentation
- Group Discussions
- Discussion Result Presentations

15:30-15:50 Break

15:50-18:00 SESSION III : [Panel Discussion] Cultural Diversity and Regional Cooperation in East Asia

Moderated by *Mr. Olu ALAKE*

III-1. *Prof. XIE Zheping (Researcher, Center for UNESCO Studies at Renmin University of China)*

III-2. *Mr. HUH Kwon (Head, Culture Team, Korean National Commission for UNESCO)*

III-3. *Ms. LUVSANJALBUU Munkhzul (Culture Program Specialist, Mongolian National Commission for UNESCO)*

III-4. *Dr. KWAK Sook-hee (Training and Education, Asia-Pacific Centre of Education for International Understanding (APCEIU))*

III-5. *Ms. OHNUKI Misako (Director of Culture Division, Asia/Pacific Cultural Centre for UNESCO (ACCU))*

III-6. *Ms. SON Kyung-nyun (Director, Urban Research & Int'l Cooperation Team, Executive Agency for Culture Cities in Korea)*

Discussion

29 June 2005 (Wed)

Venue: Rose Room, Tower Hotel

09:30-10:30 Final Discussion and Adoption of the Recommendation

10:30-10:50 Closing

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COUNTRY REPORT GUIDELINES

These guidelines are to assist participants in the preparation of their Country Report(Session I), which is a report on the national status of Cultural Diversity, as implied by the Declaration.

UNESCO Universal Declaration on Cultural Diversity

Identity, Diversity and Pluralism

Article 1. Cultural Diversity: the Common Heritage of Humanity

Article 2. From Cultural Diversity to Cultural Pluralism

Article 3. Cultural Diversity as a Factor in Development

Questions:

1. Please state the general definition(s) of “Cultural Diversity” in your country, and, if it exists, its embodiment in governmental policy(ies).
2. Which areas have been/should be identified in your country to promote the concept of “Cultural Diversity”?
3. How does your country see its policies on cultural diversity contributing to national development?

Cultural Diversity and Human Rights

Article 4. Human Rights as Guarantees of Cultural Diversity

Questions:

4. What is the situation in your country in protecting the rights of persons belonging to minorities and those of indigenous peoples?
5. How does your country make efforts to defend the rights of persons belonging to minorities and those of indigenous peoples, and what are the difficulties in doing that?
6. Please identify the policies, measures and programmes to protect the rights of minorities and indigenous peoples in your country.

Article 5. Cultural Rights as an Enabling Environment for Cultural Diversity

Questions:

7. What is the situation in your country in protecting the cultural rights implied in Article 5 : language diversity, access to quality education for cultural identity, and participation in cultural life?
8. How does your country make efforts to ensure cultural rights, and what are the difficulties in doing that, with respect to language diversity, access to quality education for cultural identity and participation in cultural life?

9. Please identify the policies, measures, and programmes that protect cultural rights, including those that specifically take into account differences of region, gender and social class.

Article 6. Towards Access for all to Cultural Diversity

Questions:

10. What is the situation in your country in protecting the accessibility of cultural diversity implied in Article 6 : freedom of expression, media pluralism, multilingualism, equal access to art and to scientific and technological knowledge, access to the means of expression and dissemination?
11. How does your country make an effort to ensure access for all to cultural diversity and what are the difficulties in doing that, with respect to freedom of expression, media pluralism, multilingualism, equal access to art and to scientific and technological knowledge, access to the means of expression and dissemination?
12. Please identify the policies, measures and programmes that protect access for all to cultural diversity in your country.

Cultural Diversity and Creativity

Article 7. Cultural Heritage as the Wellspring of Creativity

Article 8. Cultural Goods and Services: Commodities of a Unique Kind

Article 9. Cultural Policies as Catalysts of Creativity

Questions:

13. What is the situation in your country in recognizing and protecting the rights of authors and artists?
14. Please identify the policies, measures and programmes that protect the rights of authors and artists in your country.
15. What is the situation in your country in recognizing the specificity of cultural goods and services and in promoting their related industries?
16. Please identify the policies, measures and programmes in which your country encourages the production and dissemination of diversified cultural goods and services locally and globally.

Cultural Diversity and International Solidarity

Article 10. Strengthening Capacities for Creation and Dissemination Worldwide

Question:

17. How does your country make an effort to promote international and regional (at the East Asian level) exchange of cultural goods and services or cultural exchanges and how do those efforts contribute to cultural development and international solidarity?

Article 11. Building Partnerships Between the Public Sector, the Private Sector and Civil Society

Questions:

18. How does your country build partnerships between the public sector, the private sector and civil society to promote cultural diversity? What is the extent of these networks and do they include the existence of an information database?
19. Please provide us with examples of successful partnerships.

Article 12. The Role of UNESCO

Question:

20. What role should UNESCO play to promote the cultural diversity at a national, regional and international level?

INTRODUCTION

Cultural Diversity and UNESCO

유네스코와 문화다양성

Cultural Diversity and UNESCO

Beatrice KALDUN

Programme Specialist for Culture

UNESCO Office Beijing

Office of the Representative to DPR Korea

Japan, Mongolia, PR of China and Republic of Korea

It's an honour to be here with you all to discuss cultural diversity and the role UNESCO has in preserving, protecting and promoting it within the world today. I want to first take a little time to introduce cultural diversity, followed by a short appraisal of UNESCO's work historically in this field before addressing the continually changing situation we are currently faced with in terms of the opportunities, challenges and threats that our ever evolving planet provides, and how we at UNESCO are working to meet these challenges.

In a world of over 5,000 differing ethnicities and 6,000 languages the most obvious point to make is that cultural diversity is an undeniable fact that extends to all corners of the globe permeating and influencing everything from what we eat and drink to the books we read to perhaps most importantly the window through which we view and perceive the world. With such a multitude of communities and languages comes a rich blend of beliefs, values, traditions and practices all worthy of the same respect and equal platform. Thus cultural diversity provides a fountain of knowledge and creativity we can all draw from.

Not only is cultural diversity prevalent between countries but also within them and further contributing to this heterogeneity is the growing number of people trading the country of their birth to reside abroad. (Latest figures list the number of migrants having doubled since the 70's with presently around 175 million residing away from the country of their birth – "International Migration Report 2002" of the UN Department of Economic and Social Affairs.

Set against this background UNESCO today works to promote international cooperation among its 191 Member States and 6 Associate Members in the fields of education, science, culture and communication. We aim to provide a forum for the dissemination and sharing of ideas and knowledge underpinned by a respect for shared values, rights and cultural differences, an approach that has taken on added significance in the wake of increased world terrorism.

It has long been UNESCO's belief that respecting and safeguarding culture is a matter of human rights and that, in turn, respect of certain fundamental freedoms is a prerequisite to the health and vitality of cultural diversity. Such fundamental freedoms include:

- Freedom of thought, conscience and religion
- Freedom of opinion and expression
- Freedom to participate in the cultural life of one's choice

Looking back on UNESCO's approach to cultural diversity, both in theory and in practice one can see how the attitudes to cultural diversity and the understanding of its importance have evolved in response to our ever changing world.

In the study "UNESCO and the issue of Cultural Diversity – Review and Strategy 1946-2004" collated by UNESCO's Division of Cultural Politics and Intercultural Dialogue, UNESCO's evolution in this field is grouped into 4 broad overlapping periods, which may not be all inclusive, but are considered useful in suggesting some theoretical trends and practical implications of UNESCO's approach to cultural diversity in the past, with a view to reinforcing and refining efforts in the present and future.

Firstly in the aftermath of the Second World War UNESCO's focus was aimed primarily on advancing education and knowledge as the keys to peace and this was underlined by the coining of the now famous UNESCO maxim "wars begin in the minds of men".

Ever since its founding UNESCO has traded on the belief that aiding reconstruction in devastated countries and publishing new findings in the field of science were not enough. It was necessary, through education, social and natural science, culture and communications, to work towards a far higher ambition: to build peace in the minds of men.

From this it followed that through the cultivation of knowledge, ignorance, the root cause of suspicion, mistrust and war among people, could be overcome. The study adjudges that at this time culture had yet to become politicized.

The second period, marked by a proliferation of newly independent nations, (is categorized "Culture and Politics") and signified the movement of the culture debate into the political arena. Indeed the unique cultural heritage and customs of these new countries was placed at the forefront of the justification for their independence. Culture had thus quickly become a political issue.

The third period ("Culture and Development") is viewed largely as an extension of the second as the idea of culture as a political power took hold. Countries such as those newly independent and those developing, were, through their cultural heritage, provided with the means by which to move forward autonomously.

Finally under the fourth period, "Culture and Democracy", we see a move to foster improved understanding and tolerance not just between societies but also within them. Focus has been placed on intra-societal problems, especially in urban centers and on the (theoretical and practical) issue of minority rights, and the co-existence of diverse cultural communities.

These periods have not directly replaced one another over time per se but rather have added to an overall discourse and reflect changing attitudes and perceptions to cultural diversity in response to changes in the world. However it should also be noted that while UNESCO has moved forward and made great progress in the post half of the last century, and despite certain changes, the continuity in its mandate and mission are unmistakable.

In the world today we are faced with new challenges, none bigger than those posed by globalization. Globalization should not just be thought of in terms of the increase to worldwide circulations of information and ideas. Economically speaking it entails an increase in capital flow, transnational investment and international trade, thereby integrating all countries into a single giant world market.

This new communications driven world market has brought about a radical change not only in the economic and technological order, but also in our attitudes and perceptions of the world, both geographically and culturally. It has permeated all facets of life and cultural diversity is no exception. Indeed this new dimension requires a redefinition of the types of actions and strategies to be established in order to preserve and promote cultural diversity.

So what are the challenges?

The main challenge is to accentuate the positives engendered by globalization which has served to create the conditions for renewed dialogue among cultures, and to offer unprecedented potential in terms of expression and innovation. Taking advantage of these new possibilities being offered by globalization and regulating them are vital actions so that all cultures may achieve full recognition, without undergoing exclusion in an emergent global economy.

Tempering the enthusiasm generated by these potentials is the risk of marginalization to the most vulnerable countries. Here at UNESCO we believe culture in general, and cultural diversity in particular, is facing three significant challenges:

Firstly, as already stated, globalization, in its powerful extension of market principles, and by highlighting the culture of economically powerful nations, has created new forms of inequality, thereby fostering cultural conflict rather than cultural pluralism. The threat is evident on the international stage where the larger economic powerhouses dominate smaller less prosperous nations culturally, and it is also clear to see within countries where one ethnic or social group overshadows others.

Secondly, States are increasingly unable to handle on their own the cross-border flow of ideas, images and resources that affect cultural development.

Finally, the growing divide in literacy (digital and conventional) have made the cultural debates and resources an increasingly elitist monopoly, divorced from the capabilities and interests of more than half the world's population who are now in danger of cultural and economical exclusion. Indeed the UNESCO Director General, on World Day for Cultural Diversity for Dialogue and Development this year, referring to the growing threat to cultural diversity, succinctly observed that "the digital divide, manifested in the great disparity of access to information and communications networks, lack of training in use of new technologies and unequal capacities for creative work and dissemination there of, only accentuates that vulnerability."

A glance at a few statistics serves to underline the present state of cultural diversity and (the magnitude) of the task and effort needed by us all to redress the balance:

- The approximately 6,000 languages that exist in the world do not all have the same number of speakers: only 4% of the languages are used by 96% of the world population.
- 50% of the world languages are in danger of extinction.
- 90% of the world's languages are not represented on the internet.
- Some 5 countries monopolize the world cultural industries trade. In the field of cinema, for instance, 88 countries out of 185 in the world have had their own film production.

Thus the situation is outlined and the challenges are set. I will now turn attention to the role UNESCO is fulfilling presently as we strive to adapt and develop our approach to

best take advantage of the potentials offered, and to counter the threats posed, by globalization in the world today.

As a look at UNESCO's history establishes, the need to study and to handle situations of cultural pluralism on every societal level has remained a vital and indispensable focus for the Organization's activities. This attention to cultural pluralism ensures that UNESCO remains proactive and relevant in the most pressing of international relations today.

In its efforts to harness the possibilities arising from the slipstream of globalization, UNESCO highlights the necessity to protect tangible and intangible heritage in its plural aspects as well as the diversity of contemporary intellectual and artistic creation. With regard to tangible heritage here in North East Asia, the region is blessed with a history stretching back many thousands of years and thus is rich in tangible heritage sites. Sadly, the forces of time, the elements, natural disasters, war, social upheaval, and now rapid economic growth threaten many of the physical treasures left to this region and the world. UNESCO programmes in this area seek to identify, highlight, study, stabilize, preserve, and sometimes restore these tangible monuments of the past.

A further channel through which UNESCO has sought to redress the cultural diversity imbalance is the UNESCO World Heritage Convention, adopted by the General Conference of UNESCO on 16 November 1972 in response to increasing threats to sites of cultural and natural heritage, especially in countries that have neither the financial nor the technical and scientific resources they need to mitigate the dangers. The listing of World Heritage sites has had a hugely positive impact on many of the smaller or less prosperous nations of the world, bringing, as it does, much needed international assistance that goes a long way to securing the site's future preservation. It also provides a focal point for national pride with worldwide exposure, and of course the influx of tourism.

More recently the World Heritage Committee, seeking to assist with efforts to provide improved parity in cultural diversity throughout the world, has given greater attention to the protection of non-monumental cultural heritage and to the interface between culture and the environment through the preservation of cultural landscapes. The UNESCO World Heritage Centre, which serves as the international secretariat for the World Heritage Committee and Convention, is developing a "global strategy" with the aim of enhancing representation on the World Heritage List. The aim is to ensure that the cultures of peoples who have no monumental architectural heritage but are represented in other equally important and impressive ways – such as cultural landscapes – are also placed on the List and afforded international protection. This relatively new direction for the World Heritage Convention is particularly important here in the Asia and Pacific region where so much of the land has been uniquely transformed by human cultural activity and where so many of these sites are now under threat from development and tourism.

North East Asia is further afforded a wealth of variety in the way intangible heritage manifests itself, from oral traditions, performing arts, customs and rituals, to festivals, clothing, crafts and food. Through the existence and transmission of this intangible cultural heritage, a group or community provide themselves with a sense of identity and commonality. UNESCO is committed to preserving these aspects of culture in addition to the more tangible properties. Indicative of this commitment was the adoption in October 2003 by Member States of the Convention for the Safeguarding of the Intangible Cultural Heritage. This Convention assigns a place of pride and recognition in its own right to intangible cultural heritage and is set to fill an important gap in the set of UNESCO international legal instruments that aim at the protection and safeguarding of our heritage.

Cultural goods thus defined are not mere consumer goods; they express a vision of the world and the most complete identity of individuals and peoples. Particular attention is paid, therefore, to the commercial exploitation of cultural goods, which are also symbols of identity. This means taking copyright into consideration and remaining vigilant to the respect of intellectual property and the constitution of new global markets. It is equally important, in the view of UNESCO, that the development of new technologies should not weaken cultural diversity. In this regard, UNESCO insists on the need to promote pluralism of media, linguistic diversity and the presence of local contents in cyberspace.

One specific area concentrated on by UNESCO in recent years with regard to the commercial exploitation of cultural goods has been the problem of the international trade in illicit cultural items. The 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property was intended to greatly reduce this. However, for some time it was a great concern that the majority of States where cultural objects...were traded or collected, were not party to this Convention. UNESCO has made a major effort over recent years to persuade these States to join these Conventions, and that effort has paid rich dividends.

As a part of UNESCO's efforts to improve and enhance mutual understanding of cultural diversity within Asia, UNESCO is developing the creation and growth of networks such as the Asia Pacific Performing Arts Network (APPAN) – a unique network of artists, practitioners, scholars and professionals, young and old, who engage in the protection, enhancement and revitalization of traditional and contemporary creativity through research, exchange, education and networking.

UNESCO Office Beijing is also entrusted by the UNESCO Director General to organize such events as the UNESCO Children's Performing Arts Festival in East Asia. First held in 2001, and this year to be held in Macao, China, this festival has become an eagerly anticipated annual event alternately held in one of our cluster countries in East Asia, providing a basis for cooperation and cultural exchange among the children representing China, the Democratic People's Republic of Korea, Japan, Mongolia, and the Republic of Korea. Through the experience of sharing both traditional and contemporary songs and dances a wonderful opportunity is afforded for the development of intercultural understanding and mutual respect among the participating children.

Now I would like to reflect briefly on what has been the biggest step forward for UNESCO in recent times and the main reason we are gathered here, the 2001 adoption of the UNESCO Declaration on Cultural Diversity. We will be looking in depth at the Declaration over the course of this forum but let me stress that the impact it has made has provided renewed impetus in our common goal of the healthy worldwide development of cultural diversity and the ultimate goal of peace. The Declaration broadly aims to channel diversity towards constructive pluralism through the creation of state and societal mechanisms to promote harmonious interaction between cultures. To achieve this goal, both the State and civil society have an important role to play by promoting equality and inclusiveness, allowing individuals to enjoy the security of individual and plural identities within an accepted social and democratic framework. Effectively the main contribution of the Declaration has been to offer UNESCO and the international community at large its own 'roadmap' towards a more culturally plural, more culturally informed, and more culturally prosperous world.

In preparation to this Forum, you all had opportunity to read or study the Declaration, but let us briefly look at the Declaration as a common background for our forthcoming discussions.

The Declaration consists of 12 articles grouped under four main headings:

- Identity, Diversity and Pluralism;
- Cultural Diversity and Human Rights;
- Cultural Diversity and Creativity;
- Cultural Diversity and International Solidarity.

To implement the Declaration an accompanying action plan lists 20 steps to assist in the achievement of the Declaration's objectives.

[followed by a brief walk through the forum programme]

A tangible outcome of the forum will be a set of recommendations (draft title: Seoul 2005 Recommendations on Cultural Diversity). We will provide you with a draft version that each one of you can and should reflect upon during the forum. We will collect your comments and inputs in the afternoon of 28 June, finalize the Recommendations and expect to adopt the recommendations in the morning of 29 June – in accordance with the forum programme.

It is in our hands to achieve what the Declaration sets out and I sincerely hope and believe that events such as these can make a real impact in the direction and focus we require to implement the strategies set forth.

Thank you all very much for your time.

KEYNOTE PRESENTATION

Cultural Diversity and its Implementation

문화다양성의 정책화 방안

**FROM PRINCIPLE TO POLICY –
APPLICABILITY OF THE UNESCO
DECLARATION ON CULTURAL
DIVERSITY INTO CULTURAL
POLICY**

*A presentation to UNESCO East Asian
Cultural Diversity Forum (27-29 June 2005, R.
of Korea)*

**By Olu Alake (Head of Community Partnerships and
Programmes, Commission for Racial Equality, United
Kingdom)**

June 2005.

1. INTRODUCTION

When the wise women and men who wrote the Universal Declaration of Cultural Diversity completed their paper, I am not sure if the scene we currently have is one they actually envisaged – an English-born Nigerian-raised man invited to discuss the applicability of cultural diversity policy into the practice of East Asian countries, using the United Kingdom's experiences as a reference point...? Ladies and gentlemen, this, is diversity in action!

It is indeed a pleasure to be here with you today. My particular thanks to Ms Sunkyung Lee for making the initial contact a few weeks ago through our esteemed mutual friend Naseem Khan, who was on the European steering group which fed directly into the UNESCO Declaration. This is my first visit to South Korea, and even from the little I have seen in the last 24 hours, it shall certainly not be my last time in this beautiful country.

I am humbled to have been invited to this gathering to share with you some of the experiences that the UK and England in particular has obtained from its long and often turbulent history of engagement with cultural diversity, both as abstract concept and also as practical everyday living reality. I have to say that even though I have delivered several similar presentations in countries as diverse as Sweden and Croatia in Europe and Trinidad in the Caribbean, this is the first time I have been listed anywhere as an 'Expert'. Several of my friends and colleagues shall be having a lot of fun at my expense with that one for a very long time to come, so thank you for this UNESCO East Asia!

While I do not see how anyone can really claim to be an 'expert' on cultural diversity, I will immediately flag that what I am most certainly not is an expert on East Asian cultures. That is why you my esteemed friends are here. What I can hopefully bring is the benefit of my experience and suggestions of how you might want or need to focus the general principles of CD into your own national and organisational contexts.

Cultural Diversity is a complex and difficult subject – or a simple matter of fact and circumstance. How you view it will largely be a function of where you need to or are able to locate yourself within the context of any particular discussion. In this presentation, which I hope to get through in about half an hour, leaving us adequate time for discussion thereafter, I will look at some of the practical difficulties that we have had in England with Cultural Diversity. A lot of what I say will be particular to our own peculiar social and political circumstances, but there will be transferable lessons for any country new to this area of work. I will also be referring to some case studies at various points in the presentation – most of these examples are all deliberately derived from a particular cultural organisation in the UK, namely the Arts Council England. The reason for doing this is threefold: one, so that you can see how much effort one organisation can put into trying to make a policy 'real' and tangible, yet still not get it totally right all the time, two, because I used to be Head of Cultural Diversity at Arts Council England and am quite familiar with the examples, and three, because being the arts, they always have some good pictures I can use in my presentation to distract you intermittently from the sound of my voice!

GENERAL CONCEPT OF CD

The first challenge that you will face in implementing a cultural diversity policy is defining what you actually mean by Cultural Diversity. There is a deliberate vagueness in the Declaration itself on what CD actually is. While a definition of 'culture' is readily given very early in the Declaration¹, no such attempt was made to define CD itself. The convenient implication is that a semantic interpretation could most logically be appropriated when referring to it – in this context, CD is the **fact** of a plurality of culture and cultural expressions in a given environment.

¹ Culture being regarded as the set of distinctive spiritual, material, intellectual and emotional features of society or a social group, and that it encompasses, in addition to art and literature, lifestyles, ways of living together, value systems, traditions and beliefs.

However, this is not always the case. Within the supporting articles to the Declaration and implicit within the mainlines of the action plan, could be discerned other interpretations of CD. These would include such as the diversity of cultural products (Articles 7 to 9), the diversity of inter-nation-states (Articles 10 to 12), and a more sociological interpretation of cultural diversity as differentiated human groupings.

Even in the UK, there is no universally-accepted or sanctioned definition of CD. In fact, in everyday parlance now, CD is a euphemism for race and ethnicity. To say that you are a 'culturally diverse' society to them would mean that there are various people from several Diasporic groupings within that defined space. In fact, there has been a more specific further drilling-down of the definition by other bodies – for example, in its Cultural Diversity Action Plan 1998, Arts Council England defined cultural diversity as referring to "African, Caribbean, Asian and Chinese Arts". This definition is understandable within the context of the instrumental policy to which it was referring – the challenge the Council faced was how to engage with artists of these marginalised ethnic minority communities, who had been unrecognised, unfunded, under-respected and misunderstood because of their deemed cultural (actually racial) differences to the 'white' majority population.

As a result of this new-found concern by the Arts Council to address these communities, a naming continuum was developed – they were called ethnic minorities communities arts, then ethnic arts, then Black arts, then Black and Asian arts, African/Caribbean and Asian arts, and then, culturally diverse arts. Now ACE define CD as, '*meaning the full range and diversity of the culture of this country. In some cases the focus will be on race and ethnic background and in others on disability, for example*'. Now, where the first definition was too specific, for instrumental purposes, this new one was probably too wide! However you look at it, CD became a signifier for the 'otherness' of those communities as identified by the White majority population. Does it matter what you call it? Yes, it does. Swift language changes or inconsistent usage of definitional meanings will result in real and perceived confusion of the agenda and will make reaching whatever end-point has been identified infinitely more difficult.

It has been widely accepted now and was fairly obvious to many from the outset, that for all its merits, the Declaration fell far short of being able to provide any real protection for cultural diversity in this era of accelerated globalisation. A direct response to this has been the current consideration for a more binding instrument on the Diversity of Cultural Contents and Artistic Expressions. This separation in itself will provide some more clarity on what we actually mean by cultural diversity in the Declaration, as there would be a clear separation between whatever definition is agreed on, and the diversity of cultural content and artistic expression.

LESSON: CALL IT WHAT YOU WANT IT TO BE, AND BE CONSISTENT IN ITS USAGE.

For the rest of my presentation, and being very cognisant of the varying ways in which you might be interpreting or defining CD as countries, I will refer to it in the loosest possible terms and alert you to any specific usages as they occur.

2. THE DECLARATION IN PRACTICE:

I hinted above that the Declaration itself falls short of being an effective instrumental policy in some very important ways. There is however, very strong merit in the Articles as conceptual starting points, and there is much scope for developing activities, partnerships and programmes from them, which can have meaningful and sustainable impact on the cultural well-being and development of the various peoples in our countries. Going through each Article, one can readily find practical examples of several activities that are already in existence in other member states. I will highlight a few of them as case studies.

The first three Articles are framed under the broad principle of 'Identity, Diversity and Pluralism. Article 1 is particularly significant in its reference to cultural diversity as the common heritage of humanity. This is important because when most people are asked about their culture, and

specifically where their culture comes from, many have no answers. It is rare for anyone to see their culture as being derived from or even majorly influenced by other cultures. This is not overly surprising in today's globalised and increasingly Americanised McWorld, where people's focus is now more on the individual than the society. Recognising that there is an innate common heritage of cultural diversity for all people is a means of ensuring that in small but significant ways, the tide of cultural individualisation can be stemmed in the hearts and minds of many people.

We have already mentioned the problem of definition of culture and cultural diversity specifically. Added to the problem of definition is the associated problem of application, as the concept is applied to so many different things and to so many different groups of humans all at the same time, that this impacts its understanding. It simultaneously makes all people the same and yet it makes groups of them different from one another. As if these two problems were not enough, there are also the difficulties associated with the different types of culture as it comes in different forms or versions. Humans learn different versions of their culture(s). There is the problem of culture being taught and learned as *truth*, as the most correct or right way to believe and behave—the basis on which people judge the beliefs and practices of other groups of people and their cultures. And lastly, culture as something that all members of all groups learn and share, does not appear to apply in the complex and diverse nation-state context. All of these things become pronounced in the complex societies characterized by cultural diversity, and they produce their own special challenges.

To address these challenges, various attempts have been made to inform, educate and celebrate the diversity of the many cultures that together make up the rich fabric of contemporary British (at least in the urban areas) societies. In the 1980s especially, in the thrall of the policy response of multiculturalism (the conceptual precursor to cultural diversity), there was a plethora of activity, mainly supported by sympathetic local government authorities, to have multicultural festivals and shows and concerts. This resulted in what has come to be rather disparagingly known as the 'Steelbands, saris and samosas' phenomenon, as these were the ubiquitous cultural symbols mobilised to show how 'right on' or politically correct the organising body was. While there is nothing wrong with these symbolic elements per se, they fell into disrepute as a collective representation, because they did not offer anything other than a celebratory moment. As good and exciting as some of these events were (and I recall going to some multicultural gatherings in packed football stadia crowds of over 50,000!), they are empty vessels by themselves, unless they are forming a part of a programme of activity that seeks to seriously challenge and engage the hearts and minds of the people.

LESSON: DO NOT ENGAGE IN ONE-OFF CULTURAL DIVERSITY ACTIVITIES.

CASE STUDY: THE REPECT FESTIVAL IN LONDON

Rise, formerly the Respect festival, is London's top **free** music and dance festival, celebrating the capital's diversity and promoting anti-racism in a day-long festival

Headline acts in the last 5 years have included international and homegrown stars from the worlds of music, dance and comedy. Events take place across the capital, in boroughs, parks and community centres. They encompass:

- [Festivals and outdoor events](#)
- [Exhibitions](#) - to include winning entries in [photography competition](#)
- [Music and theatre](#)
- [Film](#)
- [Special events](#)

Rise is organised by the Mayor of London in association with the National Assembly Against Racism (NAAR) and SERTUC, the South East Region of the TUC. This festival is a part of the Mayor's overall cultural strategy.

In addition to being something, culture is also a process of becoming something as well. Cultures are never static, and people always have agency over how their cultures develop and what they develop into. The multi-cultural composition of contemporary nation-states makes traditional notions of culture portrayed as a set of ideas or behaviours universally shared among all members of a society redundant. With more movement of people across nation-states and indeed the globe, cultures are increasingly becoming more the creations of conscious thought and action, and less the natural consequence of adapting to some limitations of a physical environment. The question of how to deal with these new kinds of cultures has become a particular problem. In these contexts, all the members of the culture do not necessarily share the same beliefs and behaviours. Some cultural groups even defy national boundaries; in essence they have become international or transnational cultures.

Article 2 of the Declaration speaks to the desired movement from Cultural Diversity to Cultural Pluralism, specifically stating that 'policies for inclusion and participation of all citizens are guarantees of social cohesion, the vitality of civil society and peace.' This is one of the most important yet most challenging areas of CD policy that any nation-state or organisation will have to confront. Regardless of how we define cultural diversity, all societies have a system of human differentiation based on a variety of social, economic, political and historical parameters. This system can be directly or indirectly manifested in everyday life. One of the more obvious manifestations is the power structure within the country or society – this can be political, economic or social power. Where it is discernible that one or more social groups have been marginalised by virtue of their socially ascribed differences, then there can be no real movement towards a desired end point of cultural pluralism, unless and until these structures are challenged, adapted or even dismantled.

The very questions we ask about minorities in multiculturalism reflect this balance of power. We ask 'how can we celebrate difference?' instead of 'how can we empower difference?' We ask 'how can we represent minority cultures' instead of 'how can minority cultures represent themselves?' We ask 'what does it mean to be a minority ethnic?' instead of 'what does it mean to be human from your perspective?' These fatal questions constantly require ethnic minorities to justify themselves as ethnic minorities.

This is where CD becomes a very radical social change agent and where it is suddenly confronted by obstacles that were not previously obvious – it is natural defence mechanism by the powerful to hold on to their power structure! Any attempts at introducing 'policies for inclusion and participation of all citizens' will only ever have at best, marginal successes unless the power dynamics are also changed to ensure that they are present and respected. Foucault called these the 'technologies of control'. The social relations of power that inscribe differentiations, as embodied in institutions dominated by white-males (such as ACE) need to be challenged, as these power-dynamics find their way into policy processes and can then act as invisible intractables in the efficacy of even the most well-intentioned policy.

CASE STUDY: GAIN

Gain, a partnership project between Arts & Business, Arts Council England, decibel and the Greater London Authority, has been created to extend the opportunity to involve a wider range of talented individuals in the running of some of London's key arts organisations. Essentially an organisational and professional development programme, Gain is designed initially to run as a year-long pilot with the aim of providing the tools to promote good governance through diversity on the boards of 20 arts organisations.

So far, 20 African, Caribbean and Asian professionals have been placed on the boards of London's major arts bodies as Trustees/directors. The scheme will be extended next year to cover other cultural areas such as museums and archives, and sports bodies.

[\(http://www.aandb.org.uk/gain/\)](http://www.aandb.org.uk/gain/)

CD & HUMAN RIGHTS

In the post-Cold war new world order we live in, previously isolated peoples are being brought together by new market forces, new political alignments, and mind-boggling technological advances. These have all prompted unprecedented demographic shifts.

The resulting confluence of peoples and cultures is an increasingly globalised, multicultural world not entirely at ease with its adjustment to pluralism. This results in the natural tendency to revert to a comfortably familiar space of *ethnocentrism*. Within this climate of substantial change, new challenges are presented to the ongoing pursuit of universal human rights. We need to reconcile human rights within this new globalised multicultural world. While our cultural backgrounds continue to matter as one of the primary sources of identity, as cultures interact and intermix, cultural identities change. This process can despite its enriching potential result in direct conflict with the Declaration on Human Rights.

The interlocking nature of Human Rights within the concept of CD is not always a recognised given. Without getting into a debate about cultural relativism² at this point, it has to be highlighted that there will always be some tension between human rights and cultural diversity. Article 4 of the Declaration attempts to embed Human Rights as a guarantee of CD, utilising similar underlying philosophies as found in the Universal Declaration of Human Rights. Universal human rights do not impose one cultural standard, rather one legal standard of minimum protection necessary for human dignity.

In Article 5, Cultural Rights is highlighted as an enabling environment for CD (as defined in Article 27 of Universal Declaration of Human Rights). While Cultural rights are unlimited only in so far as they do not impede any other universal human right, there are some fundamental things that should still be recognised and respected. One such is that all persons are entitled to quality education and training that fully respects their cultural identity. Because culture must be learned by each new generation, a crucial concern for every cultural group is cultural transmission and acquisition, the processes by which culture is reproduced.

Arts Council England is currently working the concept of 'cultural entitlement' into the arts in education strategy. Derived from the principle of the first Article in the Declaration, this concept is introducing people, especially children, to the notion that they have the right to be exposed to, learn from and be shaped and challenged by a multitude of cultural influences. In any CD initiative that focuses on education, due care and diligence should be taken to ensure that the age-old temptation to teach culture as an absolute truth is resisted. Only thus will the ethnocentric tendencies which have resulted in so much conflict (or clash of civilisations as some of our leaders perplexingly refer to!) be avoided in future. We cannot view the world through a single lens of an absolute cultural truth if we are serious about implementing a cultural diversity policy.

CASE STUDY – 'MUSIC FOR CHANGE', based in Kent UK is a project which aims to encourage awareness of and respect for different cultures and people through music. The organisation's education policy is to promote the value of music and show how it can play a vital role in developing communities, bringing people from different backgrounds together and working against racism. A Lottery grant for a three-year project called 'World Music in Education' will fund an improved website, new information services, in-service training for teachers, and long-term evaluation of 'Music for Change's' residency programme in schools. By working with experienced workshop leaders from around the world, the project aims to develop multicultural music throughout the South East of England.

Allied closely to the earlier mentioned issue of power dynamics is the question of access. Article 6 recognises this, and again attempts to codify it within a structure of Human Rights. Care should

² Cultural relativism is the assertion that human values, far from being universal, vary a great deal according to different cultural perspectives. Some would apply this relativism to the promotion, protection, interpretation and application of human rights which could be interpreted differently within different cultural, ethnic and religious traditions. In other words, according to this view, human rights are culturally relative rather than universal. Ref: The Challenge of Human Rights and Cultural Diversity by Diana Ayton-Shenker
Published by the United Nations Department of Public Information DPI/1627/HR--March 1995

be taken to ensure that 'access' policies are not tokenistic and rewarding people just for their differences. The spontaneous mixing of cultures to be found everywhere in large multi-cultural cities is a resource and not a problem to be corrected by 'access' policies.

One of the largest and most successful attempts to create equal participatory access to the arts in England has been the New Audiences programme.

CASE STUDY: NEW AUDIENCES

New Audiences was set up to encourage as many people as possible, from all backgrounds and every walk of life, to participate in and benefit from the arts. Arts Council England invested £20 million in the programme, over five years, from 1998 to 2003.

One of the most important aims of New Audiences was to bring the arts to people who had had little experience of them, and to make attending or participating in the arts more accessible. This is not simply a numbers game: the quality of the experience for new attenders was also important.

Success meant:

1. Attracting large number of people
2. Making a positive impact on people
3. Reaching a specific target group of people
4. Extending the profile of the audience – making it more representative of the community in which the venue or organisation works
5. Providing a legacy in audience development planning, pricing, projects and strategy
6. Socially excluded audience members have since gone on to enrol into mainstream activities
7. Giving people a chance to participate
8. Having the chance to demystify the arts
9. Making a consultative group set up for the project into a core activity
10. Gaining positive feedback from audience/participants
11. The high quality of the experience.

<http://www.newaudiences.org.uk>

CD & CREATIVITY

In the world of commerce, the most effective of the many cases that can be made for engaging with Cultural Diversity has been the business case, where it has been proven that being diversity-friendly has a massive impact on bottom line profitability. All initial expenditure which has been invested eventually pays itself off several times over, through a widened customer base and new brand loyalties forged. Similar business cases can also be made in the world of arts and culture, with small yet significant re-emphases of focus and purpose.

Creativity is the major currency of the arts and cultural world, and it has been shown time and again that organisations that proactively, imaginatively and purposefully adopt a rationalised CD policy will reap the benefits in more ways than they could have hoped to envisage. Article 7 of the Declaration recognises CD as the well-spring of creativity. Heritage must be preserved, enhanced and handed on to future generations – so as to foster creativity in all its diversity and to inspire genuine dialogue among cultures.

CASE STUDY – CITY OF BIRMINGHAM SYMPHONY ORCHESTRA'S 'CLASSIC ASIA'

SERIES

This was collaboration between CBSO and the complex Classical Asian music art forms. The series succeeded in challenging the miscomprehensions of Asian music amongst western-trained classical musicians and scholars, attracted a new Asian audience demographic to the Orchestra and fostered improved community relations.

Classic Asia got off to a flying start with two performances of Messiaen's *Turangalila-Symphonie*, alongside Indian Classical music, performed by the Birmingham-based Sabri Ensemble, and by Samyo, the South Asian musicians youth orchestra.

"the Sabri Ensemble presented snapshots of styles and genres from both north and south of the sub-continent... an illuminating context for Messiaen's huge Turangalila-Symphonie, where Hindu elements combine with the medieval Tristan legend..."-Christopher Morley, The Birmingham Post (22 January 2004)

"Symphony Hall resounded to spectacular sounds with a programme richly spiced by Indian sounds - and what a wonderful mixture it was." John Watson, Express & Star (26 January 2004)

"a series of programmes that reveal how the music of the east permeated the 20th-century western tradition... A valuable experiment in cultural comparisons"- Andrew Clements, The Guardian (23 January 2004)

CD & INTERNATIONAL SOLIDARITY

It is widely accepted that where the declaration has been at its strongest has been the impetus it has given for member states to cooperate and collaborate in more engaging and hopefully better sustained cultural dialogue and knowledge transfer. The enabling Article for this has mainly been Article 10, which speaks to 'Strengthening capacities for creation and dissemination worldwide especially of their cultural industries'.

CASE STUDY: INTERNATIONAL ARTISTS FELLOWSHIPS PROGRAMME 2001-2006

The International Artists Fellowship programme enables artists from all art forms and at any stage in their career to engage with artists from other cultures and disciplines.

It allows them to work on the edge; to cross borders and to challenge their own thinking as they encounter and develop new forms of expression internationally.

Achievements:

The International Artists Fellowship Programme was piloted between 2001 and 2004 as part of the Arts Council's commitment to individual artists.

ACE now developed links with various host organisations

Built relationships with the British Council and other national and international agencies.

An average of thirty-five fellowships are awarded each year.

Since the programme began in 2001, 180 fellowships have taken place in 30 countries around the world.

The fellowships give artists the opportunity to forge international partnerships through exchanges with arts research institutions, specialist arts residency centres, and artist-led organisations.

LESSON: Encourage ALL major cultural organisations in your regions to have an International Policy.

THE ROLE OF UNESCO

In all of the aforementioned Articles and the associated case studies, one thing should have become very clear. There is a distinct need for a body to take up on itself or be nominated for the role of overseeing, facilitating and being a repository for good practice in each region. The UK experience reinforces this – there is still no such body with this overarching role in the cultural industries of the UK, and this has resulted in a lot of wasted effort and unshared examples of excellence across the whole cultural landscape.

Article 12 recognised this potential limitation and carved out a role for UNESCO in undertaking this function. It is imperative that in East Asia, as in all other regions of the world, this role is vigorously undertaken and just as vigorously supported by all the member states. The forum which we are at is but one expression of such commitment to Article 12. It is most important that this is sustained.

3. THE UK EXPERIENCE:

From the examples mentioned above, it would be very easy to get the sunny impression that the UK is a multicultural paradise where minority ethnic interests are protected and aggressively championed by the statutory institutions and agents of power. This is not necessarily the case. Compared to several if not all of the sister countries in the European Union, it would be true to say that relations between racialised minority and majority population ethnic groups is better in the UK. Some of the terrible scenes we recently witnessed at sport events in Madrid and the reaction of the general populace to the murder of the celebrated Dutch film director last year have highlighted that daily exposure to ethnic minorities and relatively harmonious co-existence is not in itself enough to maintain a truly plural society where there is mutual respect and acceptance of all, regardless of colour, creed, race or ethnic origin.

As such, it is right and proper that the biggest critics of UK's cultural diversity policies should come from within the country itself. Benchmarking should not be made against the lowest common neighbouring nation-state denominator, but rather higher standards of self-imposed excellence and in the interests of the marginalised elements of society.

Some of the main lessons we have learnt have made us recognise that Cultural Diversity is not just a matter of preserving minority cultures or traditional knowledge. This will only result in cultural ossification and the artificial cocooning of cultural progress in society. It is as the writer Gary Younge says, 'a good place to start but a terrible place to finish!' It is imperative that your various conceptions of CD should not be limited to what you can do for some, but how it benefits and enriches the all.

Another issue which we learnt retrospectively is that there was a hasty conceptual shift from the instrumental policies of equal opportunities to multiculturalism, to cultural diversity. 'Cultural diversity' implies the recognition of the pluralistic nature of contemporary society, underlined by Equal Opportunities inspired principles of fairness. Thus we found ourselves suddenly talking about 'celebrating diversity' when we had never satisfactorily dealt with the issues of equality. As Gary Younge again says, 'We have moved from equal opportunities to photo opportunities!'

The implication of this is obvious – if you have not learnt to accept something as fundamental to a peoples identity as their culture on equal terms as your own constructed 'regime of truth', then you will not have any real respect for that culture, and by extension, the people concerned. It is for this reason that some critics of CD claim that has simply become shorthand for, and probably even indirectly reinforces, marginalisation of the marginalised.

LESSON: Don't celebrate what you haven't learnt to respect.

Do not be surprised if the loudest critics of your 'well-intentioned' CD policy turn out to be those very people who are meant to be the beneficiaries of it. This should be seen as a useful signifier that there was a fundamental fault line in the conception of the policy, and it was almost certainly drafted as a paternalistic and therefore patronising missionary project, with little real engagement with and therefore ownership by the intended beneficiaries. As Stuart Hall observed, "...culture depends on its participants interpreting meaningfully what is happening around them, and making sense of the world, in broadly similar ways".

The rejection of what is fundamentally imposed essentialist³ identities by the subjects of various racially ascribed definitions of cultural diversity can be seen as evidence of further contemporaneous identity formation and self-empowerment to locate new cultural intersections and what Hall calls 'boundary crossings'.

SOME SPECIFIC THINGS TO WATCH OUT FOR –

i. Cultural ethnocentrism and essentialism; It is widely accepted in academic realms now that there are no 'pure' races, cultures or ethnicities in the world. In comparing any East Asian cluster country with other societies, it is possible, perhaps, to point out differences as matters of degree. It cannot be denied, however, that, from past to present, you all live in countries that have come into being as multicultural societies through the complex interaction of various cultures. I am sure that you will all be faced with the challenge in your countries of the widespread belief in a pure-blooded, essentialistic nationalism that fails to acknowledge the cultural diversity that has actually developed. From the 'mountain People' of Japan to the political divide of the Koreans, there is a massive extant cultural diversity which should be recognised and respected.

ii. Assumed cultural competence in others: If you haven't been responsible for directly training anyone in Cultural Diversity, do not presume that they know what they might not! There have been as many discrimination cases taken to Industrial Tribunal and arbitration courts from staff in Human Resources and Diversity teams as other departments of UK organisations.

"A great many people think they are thinking when they are merely rearranging their prejudices." - William James

Develop and encourage trans-cultural competencies in all staff in the relevant cultural institutions.

iii. Commitment (especially) from Above: Any CD initiative that does not have open, repeated support from the upper echelons of the organisation or society is doomed to failure. Incorporate the principles of diversity within the very fabric of the organisation. For diversity initiatives to succeed, top management first must demonstrate a commitment to diversity and develop a solid plan, including a business case, before even launching a training program.

The Quadrant of Commitment

3. FOR YOU IN PRINCIPLE BUT NOT IN PRACTICE	2. AGAINST YOU IN PRINCIPLE BUT NOT IN PRACTICE
4. FOR YOU IN PRACTICE AND PRINCIPLE	1. AGAINST YOU IN PRINCIPLE AND PRACTICE

iv. Clarity & Consistency of the message: The message of cultural diversity which you introduce and sell through policy instruments has to be clear, and the objectives understood by all

³ Essentialism in this context referring to an immutable and timeless universal essence of the self which is deemed to constitute identity.

who have a responsibility of ensuring its implementation. Train the staff preferably BEFORE you attempt to roll-out the policy.

v. Cultural Planning as a tool for Cultural Diversity: The cultural planning approach assumes a connection between diversity and other social, cultural and political agendas, and it implies that these are mutually achievable and mutually enabling objectives. More concretely, within cultural planning, diversity is believed to be: a means of celebrating differentiated identities while at the same time fostering a new sense of belonging in culturally hybrid societies; a means of enriching cultural capital in the cultural industries and knowledge economy, and, as a result, it is instrumental in achieving true citizenship. Cultural planning argues in favour of a greater responsiveness to local diversity, greater capacity to respond to local changing needs and for a better understanding of local development priorities.

The central characteristics of cultural planning⁴ are a very broad, anthropological definition of 'culture' as 'a way of life', along with the integration of the arts into other aspects of local culture, and into the texture and routines of daily life in the city. Thus, it can be said that cultural planning can help local governments to identify the cultural resources of a city or locality and to apply them in a strategic way to achieve key objectives in areas such as community development, place marketing or economic development. As an example of cultural planning, see the Mayor of London's cultural strategy on www.london.gov.uk.

vi. Identify stakeholders: Work collaboratively, yet allow individual and especially minority interest voice and participation. Involve communities. Engage with a multiplicity of stakeholders from all sectors of society – public, private, civil society. Build in methods of public accountability. Have a robust communication strategy.

vii. Be cognisant of the transversality of culture in regional/national policy: Recognise how your CD policy will be impacted by and should therefore impact, other relevant legislation and policies.

viii. Remember and adopt the Key Principles of Effective Diversity policies:

- Leadership
- Strategic Approach to diversity
- Diversity implementation structure
- Developing staff and creating a learning culture of diversity
- Consulting and involving internal and external stakeholders
- Promotion and celebration
- Monitoring and evaluation

CD initiatives will only be meaningful if they are appropriately targeted towards particular aims. Specifically, it needs to be clear if the aim of such initiatives is for example, to achieve the removal of prejudice and harassment, redistribute resources or accommodate diversity.

4. BEYOND CD:

It might either relieve or perturb you to realise that while many of you are currently contemplating how to incorporate CD strategies into your country's policy mechanism, elsewhere serious discussions are being had about the future manifestations of or areas of departure from CD! Recognising the limits of CD as a concept, where it seems to have shifted from multiculturalism, which, however unintentionally, only seems to have institutionalised separation based at best on benign indifference, arguments are for instance being made for a system which recognises an emerging reality of people with mixed cultures and heritage, and which incentivises cultural interchange. Someone who has articulated this more lucidly than others in recent times has been Professor Ziauddin Sardar.

⁴ as described by Franco Bianchini (1993) and Bianchini and Ghilardi (1997),

In an essay last year, he⁵ questioned the reasons for the failures of multiculturalism and attributed this to the fact that arts policies have been based on a framework of modernity which is not conducive to pluralism. Hence, we are unable to answer the biggest policy question of them all: how are art and tolerance, founded on the principle of freedom of expression, to coexist with sensitivity to the sensitivities of minority communities in a pluralistic, modern society? Postmodernism is supposed to be the end point of modernity – that is why it is sometime described as ‘the logic of late capitalism’. Its emphasis on fragmentation and discontinuities and preference for montage over perspective may be a good description of our globalised time, but it is little more than a continuation of the linear trajectory of western civilisation which starts with colonialism, continues with modernity and ends with postmodernism.

In contrast, he postulates that a concept of transmodernity might be a more useful vehicle for dealing with the ‘big question’ raised. Transmodernity differs in that it sees identities, ethnicities, traditions, cultures, faiths, communities and groups as complex and dynamic, constantly and continuously changing, and amenable, capable and eager to change with potential to transcend the dominant model of modernity. Secondly, transmodernity shifts the notions of modernity from being *a priori*, the given and exclusive preserve of the West, to a participatory negotiation of a plethora of (trans)modernities each answering to different histories. Just as there are different ways to be human, there are different ways to be modern. So each ethnic community, cultural identity, or faith group is capable of producing its own form of (trans)modernity based on its own norms, values and worldviews. Transmodernity relates to cultural diversity as something that is perpetually ‘on the move’. More specifically, the *trans* dimension of transmodernity stands for:

- (a) the continuous and constant transformation of all cultures
- (b) the incessant and perpetual transitions within cultures;
- (c) the valid transitive relations within particular cultures;
- (d) the constant to and fro translation of cultures between cultures;
- (e) trans-disciplinary modes of study and inquiry and understanding cultures; and
- (f) transference in the psychological sense of a redirection of cultural desires to new cultural goals.

In short, transmodernity aims to open up intellectual, knowledge and cultural spaces where difference can exist as difference in terms of its own ideas, concepts and self-definition.

Sardar also seeks to use transmodernity to replace multiculturalism with the notion of Mutually Assured Diversity (MAD), a space “where cultures are seen as always complex and always diverse, always adapting to change and changing themselves. The proposition here is not just that we have diverse cultural groups but there is also intrinsic and changing diversity within groups”. Transmodernity aims at nothing less than transforming the world, moving it to a new level, where mutual diversity and cultural equality are the norms.

5. FINAL THOUGHTS:

Cultural Diversity has its critics as well as its proponents. Where some see obstacles, others see opportunities. How interesting is it for example, that many observers interested in the dynamics and the future of the European Community single out one aspect of Western Europe, namely its cultural diversity, as sufficient reason for a pessimistic assessment of the future of EC integration⁶? The differences in mentality, traditions, ways of life and social institutions between the Western European countries are so large that higher levels of integration seem unlikely, and yet still so desirable to many, and probably so essential for the economic, social and political well-being of that troubled entity.

At its most effective, cultural diversity policy should provide the space and allow for the inflection and contestation of all identities. While the concepts of value, worth, excellence etc are always

⁵ Transmodernity: Art beyond Modernity and Multiculturalism - Ziauddin Sardar

⁶ Ref: Cultural Diversity and Common Policies - Staffan Zetterholm 2004.

going to be present in cultural policy, their meaning should be clear, the criteria open and accessible, the policy-makers cross-culturally competent.

To do all this requires imagination by cultural practitioners, it requires resources and it requires a stomach to confront potentially uncomfortable self-truths. Power is never released without a fight – you all have to show the organisational flair and strategic dexterity to engage the conflict to come in a manner that will be collaborative rather than confrontational. Thus can the course of true cultural equality finally be advanced.

I will end with a few words from my friend, Nadine Andrews, who is a respected arts marketer in England⁷. She states that cultural organisations can better deal with uncertainty by paying heed to a few universal truths, taken from various sources around the world:

1. *A forest cannot be cut with a broken axe*: All our Identities are increasingly complex.
2. *Easy come easy go*: deal with situations but don't turn them into crises – its part of the process of our collective becoming;
3. *Birds of a feather flock together*: Re-programme your mind to ensure you don't reinforce that which you seek to change;
4. *Live and learn*: Excellence is a habit!
5. *New brooms sweep clean*: Otherwise you will get old dirt on what should be a new floor!
6. *Two raindrops do not make a pool*: Small victories do not mean you have won the war.
7. *The kick of a fly can spill the food*: Small victories can mean you are winning the war! Context is critical, small fluctuations in one place can lead to big consequences elsewhere
8. *There is more than one way to skin a cat*: There is no overall blueprint, no 'best' practice or set of simple rules that if followed will guarantee success to all.
9. *One finger cannot lift a pebble*: Discrimination, inequality and under-representation are big issues requiring collaborative effort, an alliance of the willing.
10. *You can't make an omelette without breaking eggs*: Resistance by some to organisational culture change is inevitable, it is a challenge to their desire for a stable fixed identity.
11. *Many drops make a shower*: Cultural diversity, should be more than a strategy, it should be a philosophy that is integrated in a coherent way together with key agendas such as civil renewal, community cohesion, social inclusion, equal opportunities, inspiring learning for all and cataloguing and collecting policies.
12. *The wind does not break a tree that can bend*: Accept change, be more flexible and adapt and change in response to changes in our environment.
13. *All sunshine makes a desert*: Get the dynamic balance of both stability and instability, which is the natural home of creativity and innovation. Complexity theory calls this rather dramatically the 'edge of chaos'.
14. *Without darkness there is no light*: There will be mistakes, and conflict. But the advantages are too great to reject if we want to create viable, relevant organisations that are flexible enough to adapt and change in response to changes in its environment.
15. *It's darkest nearer dawn*: Just when you think you can't go on, you might be closest to winning.
16. *Fortune favours the brave*: Nothing ventured, nothing gained.

I thank you all for bearing with me through this presentation and sincerely wish you all the best of luck in your efforts.

Thank you.

Olu Alake
June 2005.

⁷ Under Perpetual Construction - key words for the 21st century: complexity, diversity, uncertainty, unpredictability. And anxiety: Nadine Andrews 2005.

SESSION I

Understanding of the Declaration

유네스코 세계 문화다양성 선언의 이해

Session Introduction : Understanding the UNESCO Universal Declaration on Cultural Diversity

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Japan, Mongolia, PR of China and Republic of Korea

I'm here this morning to give a brief introduction and outline of the principles embodied in the UNESCO Universal Declaration on Cultural Diversity. The Declaration consists of twelve principles grouped under four broad sub-headings and appended are the twenty objectives outlined in the Action Plan designed to assist and guide Member States in their efforts to implement policy.

Given the vastly differing circumstances between and within the regions of the world the Declaration is a necessarily flexible tool designed to be adapted and implemented by Member States dependant upon the specific needs and requirements their country's situation demands (necessitates). Over the course of this forum it will be our aim to analyze and understand the core elements of the Declaration and identify how best to apply them within the East Asian region.

Now for a brief synopsis of the twelve principles:

The initial three articles under the collective title "Identity, Diversity and Pluralism" state that cultural diversity is the common heritage of humanity, that policies encouraging cultural pluralism are a guarantor of social cohesion (giving policy expression to the reality of cultural diversity), and that cultural diversity acts as a catalyst to development and growth by widening the available options, not just economically but also on an intellectual, emotional and moral level.

The second set of principles, under the banner "Cultural Diversity and Human Rights" asserts the crucial role human rights play in (protecting and promoting) cultural diversity. Respect for human rights is inseparable from (and thus acts as a guarantor of) respect for cultural diversity. The acknowledgement that cultural rights are indivisible from human rights further serves as an enabling environment for cultural diversity by providing the platform of respect necessary to allow the base human right of freedom of expression. Just as importantly Article 6 recognizes (it is recognized) that not only must people be free to express themselves but that they must also have the means by which to do so and by which to be heard (and by which to disseminate this expression).

Articles 7-9 highlight the link between "Cultural Diversity and Creativity" identifying cultural heritage as the wellspring of creativity and how, in the face of ever quickening economic and technological change, attention must be paid to the diversity of the supply of creative work and unique commodities. The role of cultural policies in helping this diversity of supply by creating conditions conducive to the production and dissemination of diversified cultural goods and services is also made.

Finally under “Cultural Diversity and International Solidarity” the need for international cooperation and partnership building between public and private sector and civil society is valued as a means to strengthen current capacities for the creation and dissemination of cultural goods and services worldwide and to help guarantee the preservation and promotion of cultural diversity. The role that UNESCO can play in contributing to this international solidarity concludes the twelve principles.

Thus we see the broad scope for input and discussion provided by the Declaration. As mentioned at the beginning, our ability to facilitate the implementation of these principles is guided by the twenty objectives laid out in the Declaration’s accompanying Action Plan.

You all have received the Guidelines for Country Reports for Session I prior to your arrival, which are based on the Action Plan of the Declaration and were designed to facilitate your preparation of country reports examining and introducing the present state of cultural diversity in your countries.

This session will essentially introduce the country reports of the Northeast Asian Member States of UNESCO country by country followed by a discussion.

Once again these long-term objectives of the Declaration are designed to present a range of possibilities for implementation at ground level and thus it will be for us here today, and to those involved in the promotion of cultural diversity worldwide, to engage in the process of discussion, suggestion, and finally to outline practical methods of implementation of this UNESCO Universal Declaration on Cultural Diversity.

Thank you

Country Report : China

LI Jiangang

Director

Bureau for External Cultural Relations

Ministry of Culture

China

The Chinese government has been consistently advocating global civilization and cultural diversity, and mutual respect for historical tradition. We would like to maintain and develop good cooperation with UNESCO and all nations of the world.

*---Chen Zhili, member of the Ch State Council of China,
speech on the conference of the 28th World Heritage Committee*

The basic stance and attitude of the Chinese government toward global cultural development is upholding national cultures and diversity in world cultures; inheriting and carrying the fine cultural traditions of the Chinese peoples forward; maintaining and developing national cultural characteristics; respecting the diversity of and differences between different nationalities and civilizations; advocating the peaceful co-existence of civilizations, dialogue rather than confrontation, exchanges rather than insularity, inclusiveness rather than exclusiveness; and mutual learning, cooperation and development.

--Minister Sun Jiazheng, speech in New York, the U.S., 2000

Introduction

In 1995, the World Commission on Culture and Development issued the report *Our Creative Diversity*, putting forward a viewpoint on the pluralistic development of global culture. In 1998, the UNESCO held an intergovernmental conference in Stockholm to promote the development of cultural policies. At the meeting, the *Action Plan for Promoting the Development of Cultural Policies* was approved, which acknowledges and expresses respect toward diversity of the world culture again and stresses equal exchange and cooperation between civilizations. At the 31st convention of UNESCO in 2001, the *Universal Declaration on Cultural Diversity* was pronounced, pointing out that maintaining cultural diversity for human beings is as necessary as maintaining biological diversity for living beings. All this demonstrates that it is the common wish of most countries in the world to promote the diverse development of global culture. The Chinese government has been consistently participating in UNESCO discussions on cultural diversity.

UNESCO's *Universal Declaration on Cultural Diversity* marked the first time the importance of protecting and promoting human cultural diversity was raised to the level of a basic moral principle accepted by the international community. It was also the first acknowledgement that cultural diversity is the common heritage of mankind and that all social groups and societies have fundamental rights to create and spread their own traditional cultures. An *Action Plan* is associated with the *Declaration*. It proposes establishing a legal framework corresponding to the Declaration, that is, the *Convention on the Protection of the Diversity of Cultural Contents and Artistic Expressions*.

We consider this convention concerning the protection and promotion of human cultural diversity to be significant to the happiness of all of mankind and is an important document in the development of human cultural history. To our satisfaction and delight, after almost 10 months of negotiation, UNESCO has, at its 3rd expert meeting held recently, arrived at a common understanding on the draft of the *Convention on the Protection of the Diversity of Cultural Contents and Artistic Expressions*, approved the convention draft, and asked the General Director of UNESCO to submit it for approval to the 33rd UNESCO convention to be held this October. *The Convention on the Protection of the Diversity of Cultural Contents and Artistic Expressions* will be an important international code in the history of human cultural development. Its final approval will benefit the strengthening of cooperation and collaboration in international society and protect and promote the diverse development of world culture.

I. General definition of CULTURAL DIVERSITY

1. China's definition of CULTURAL DIVERSITY

Culture is a kind of public resource. Each citizen has the right to enjoy this resource regardless of wealth, gender, age or race. In the broad sense, culture is the summation of all material and conceptual products created by human beings. In the narrow sense, it refers to conceptual products such as language, literary, art and those containing ideology. The definition of culture in the Chinese cultural industry classification is as an activity providing culture, entertainment and services for the general public and the collection of associated activities.

Cultural diversity is the general situation of the world culture development. The characteristic of distinctive individuality is one of the basic features of human culture. World culture is so splendid exactly because of its creation by the different characteristics of different countries, regions, nationalities, genders, classes, and groups. Therefore, it is necessary to fully respect and protect cultural diversity, especially distinctive characteristics of each nationality, and safeguard their cultural sovereignty.

2. Chinese policies on cultural diversity

The Chinese Government has consistently advocated respect for the diversity of world civilization and culture and mutual respect for historical tradition. We hope to maintain and develop good cooperation with UNESCO and all countries. China's stance is that "upholding the nationality of culture and the diversity of world culture; inheriting and carrying the fine tradition forward; maintaining and developing national cultural characteristics; respecting the diversity of and differences between different nationalities and civilizations; advocating the peaceful co-existence of civilizations, dialogue rather than confrontation, exchange rather than a closed society; and mutual learning, cooperation and development.

3. The contribution of Chinese cultural diversity policies to national development

China persists in a balanced development of its culture and economy, which has promoted the building of a harmonious society. While persisting in maintaining cultural diversity, China also enhances exchanges with foreign cultures, and absorbs outstanding global cultural achievements while simultaneously carrying forward the essence of the Chinese culture.

Chinese culture has lasted for more than 5000 years. The key to its lasting

presence is that it always preserves its own cultural tradition, and meanwhile, attaches importance to absorbing the nourishing influence of foreign culture. In the Chinese history, this “harmonious but different” spirit has become a principle for cultural integration and shock. It runs through the thousands of years long development of Chinese culture, and is especially seen in cultural exchanges with foreign countries during the *Han* and the *Tang* dynasty periods. Being a multiethnic country, during the long course of Chinese cultural development, under common creativity and labor, while struggling against foreign invasions and striving to protect national solidarity and unity, China has finally formed a culture that integrates many cultures into one, while also developing a broad mind which harbors different cultures and has them co-exist harmoniously. It is because of this that Chinese culture has lasted to the present and remains vital.

II. Cultural Diversity and Human Rights

1. The status of the protection of the rights of ethnic minorities and poor people in China

China is a multi-ethnic country with 56 ethnic groups. Excepting the Han nationality, the population of the other 55 ethnic minorities is 91.2 million, accounting for 8.04% of the population of the entire country. All of ethnic groups are regarded equal politically, economically and culturally. They are friendly to each other, support each other and work towards development together. All ethnic groups have the freedom to use and develop their own languages, and the freedom to preserve or reform their own customs and traditions. The Chinese government adopts special policies to support and develop ethnic minority cultures.

After years of development, all ethnic minorities have organized their own ethnic art performing groups, and established publishing organizations using their own languages if they exist. Xiangjiang, Inner Mongolia, and the Tibet Autonomous Region have their own ethnic television stations, film studios, and translation agencies. Of all visits by performing groups to foreign countries, the opportunities for ethnic minorities to do so account for 30% to 40%. All art institutes have opened special classes for ethnic minorities. The “Phoenix Award” for ethnic minority art was set up in 1985. The ten-thousand-*li* frontier cultural gallery is a key national cultural project that geographically covers all regions inhabited by ethnic groups in compact communities. 10 sets of the *Collection of Ethnic and Folk Literature and Art* are planned which will compile 300 volumes containing 450 texts and include a total of 500 million words. This is likened to the construction of a Great Wall of ethnic and folk culture. Most of its content involves the excavation, compilation, preservation and protection of the cultural relics of ethnic minorities. In order to meet practical demands of the Tibet Autonomous Region, the Project of Cultural Aid to Tibet began being implemented last year. It is organized by the Ministry of Culture to arrange aid to Tibet by inland provinces and cities.

Furthermore, ethnic minorities generally inhabit in the Midwestern region of China. In the plan to develop the western region of China, cultural construction is a very important part of the overall goal. It requires China to stick to the policy of “increasing investment in the cultural undertakings of less advanced regions and ethnic minority regions in the Midwest”, “extracting a certain percent of expenditures for frontier construction and ethnic region development in order to

develop cultural undertakings”, and “increasing subsidies for building the ten-thousand-*li* frontier cultural gallery.

2. How does China protect the rights of ethnic minorities and poor people and what difficulties does China encounter in the undertaking

In recent years, thanks to government attention to ethnic minority culture, the government has adopted special policies and measures to promote the development of cultural undertakings in ethnic minority areas. But, on the whole, cultural construction in these regions still lags behind the inland, especially the advanced regions, and cannot meet the requirements for economic and social development. For example, the goal to build cultural centers and libraries in all counties and cultural centers in all villages and towns has not been realized completely, especially in ethnic minority areas, where some cultural facilities are very simple, and writers and artists are also scarce. In the frontier and remote areas, access to traditional Chinese opera, books, and films is still inconvenient.

3. China’s policies, measures and plans on protecting the rights of ethnic minorities and poor people

The government is increasing investment to promote economic and social development in ethnic minority areas. To this end, various educational loans have been established; all of the key education projects offer preferential treatment to these regions; and the “project for compulsory education in poor areas” has been implemented. At present, 13 institutes for ethnic nationalities have been set up to absorb mainly ethnic students. Other higher learning institutes or secondary specialized schools offer ethnic students looser conditions and criteria for entry, especially students from ethnic minorities with a very small population.

The government supports ethnic minority areas in developing, on their own, ethnic cultural undertakings such as literature, art, news, publishing, broadcasting, film, television, etc., which have the special forms and features of the ethnic minorities. Also, ethnic minorities have the rights to collect, compile, translate and publish books about ethnic history and culture, protect scenic spots and historical sites, precious relics and other important historical and cultural relics in ethnic regions. A national team was specially organized for sifting through, publishing and planning the ancient books of minorities.

The government is strengthening infrastructure facility construction in ethnic minority areas. This is reflected in the following ways: a focus on solving the problem that some counties (cities, banners) have no one cultural center and library, and villages and towns have no one cultural center; to construct key cultural projects, such as the ten-thousand-*li* frontier cultural gallery, into which the central government and all local governments in the frontier are required to increase investment; to strengthen the construction of key cultural projects in ethnic minority areas, e.g., the “rainbow plan” in Inner Mongolia, the “one-thousand-*li* cultural gallery” and the “knowledge project” in the *Guangxi Zhuang* Autonomous Region, the cultural belt construction in *Guizhou*, the “Silk Road cultural gallery” in *Gansu*, and the “golden *Dailai* plan” in *Yanbian*. These projects are constructed to fulfill the task of key national cultural project construction. In practice, they enlarge the scope of construction and promote the comprehensive development of cultural undertaking in regions.

Efforts are also being made to create a new renaissance in ethnic literature and art creation, develop rich and colorful cultural activities, and solve the difficulties ethnic minorities in the frontier and remote areas face to see movies; to cultivate talented personnel, open special classes for ethnic culture and art, and

to build a good mechanism to absorb talented personnel; to strengthen the preservation and utilization of ethnic traditional culture, and give support to excellent ethnic culture; to build ecological protection zones for ethnic culture, utilize cultural resources rationally, and promote the development of the cultural industry in ethnic minority areas.

4. The status of cultural rights protection in China: language diversity, cultural identity, equal access to education and a way of participating in cultural activities.

In the regions inhabited by ethnic groups in compact communities, the system of self-government is implemented. Ethnic minorities can use one or several languages popular in the local region. Where several languages are all popular, the primary language shall be that used by the ethnic group that governs the region. They have the rights to develop, on their own, ethnic cultural undertakings, such as literature, art, news, publishing, broadcasting, film, television, etc. which have the special forms and features of ethnic minorities. Also, they have rights to collect, sift through, translate and publish books about ethnic culture, protect scenic spots and historical sites, precious relics and other important historical and cultural relics. With long-term development, all ethnic minorities have organized their own ethnic art performing groups, and established publishing organizations using their own languages if they exist. *Xiangjiang*, Inner Mongolia, and the Tibet Autonomous Regions have set up their own ethnic television stations, film studios, and translation agencies.

At the same time, preferential policies are implemented in ethnic minorities regions to provide support for the construction of local cultural facilities, the cultivation of writers and artists, cultural exchanges, and cultural relics protection. In order to promote the cultivation of writers and artists for ethnic cultures, special classes for ethnic minorities have been opened in national art institutes and art institutes in the related provinces, autonomous regions, and cities directly under the central government. Aiming to create a upsurge in ethnic art, the nation set up the Phoenix Award for ethnic art. The ten-thousand-*Li* frontier cultural gallery, a key cultural project of the nation, geographically covers all regions in which live ethnic groups in compact communities. To meet the practical needs of the Tibet Autonomous Region, the Project of Cultural Aid to Tibet was implemented in the past year. It was organized by the Ministry of Culture to arrange specific aid to Tibet by inland provinces and cities.

III. Cultural Diversity and Creativity

Only by developing the useful, discarding the useless, renovating and renewing itself incessantly with the advancement of time can a splendid cultural tradition preserve its flourishing vitality forever, reflect current life, and obtain an everlasting progressive impetus. Innovation is the source of vitality and vigor for cultural development. Cultural development is a process in which innovation is continuously made on an accumulating basis and in turn, adds to that accumulation. Cultures can only build their foundations on this accumulation, and only develop through innovation. Without innovation and reform, traditional culture would lose vitality, lag behind current society and gradually lose its function. The goal of innovation is to revitalize traditional culture, improve its quality, and make it adaptive to contemporary society. Various methods can be used to innovate culture. One is to reform and re-forge traditional culture, improve it, and update it to incorporate it in modern civilization. Two is to transfer its function and make traditional culture have a new function in modern society.

Cultural diversity is the source of innovation and creation. In many cases, some

cultural innovations or creations are produced from cultural exchanges. In addition, some cultural innovations or creations are based on other cultures or the absorption of the essence of other cultures. Therefore, cultural diversity is the common heritage of mankind and should be acknowledged and affirmed for the sake of people in the contemporary era and our posterity.

1. The status of the recognition and protection of copyright (authors and artists) in China

The Chinese government has been consistently stressing the protection of intellectual property rights. China has taken only 20 years to establish a system protecting intellectual property rights that Western countries have taken more than one hundred of years to build. At present, China has basically established legal and enforcement systems regarding intellectual property rights protection which conform to international rules and cover almost all fields. A double protection model including administrative and juridical protection has been formed.

China began implementing the Copyright Law of the People's Republic of China in 2002. Since then, the Chinese government has made great efforts to strengthen the enforcement of intellectual property rights protection laws. The efforts to fight fake and shoddy products, intellectual property infringement and piracy have made remarkable achievements. It is noteworthy that governments at all levels have fully recognized the positive role played by intellectual property rights protection in economic advancement, so they have basically removed local protection of pirating enterprises and taken cross-district action to strike infringement and piracy. This practice demonstrates that enforcement taken by competent authorities has struck illegal infringement and piracy effectively, offered a practical protection to legal rights and the interests of authors and consumers, improved market economy environment and maintained fair competition in the market economy system.

2. The status of the recognition of copyright (authors and artists) and protection policies and measures in China:

The works specified in the Copyright Law of the People's Republic of China refer to "intellectual products that have originality and can be copied in certain form in literary, artistic and scientific fields", including: literature, oral works, music, opera, folk vocal arts, dance, acrobatics, art, architecture, photographs, film, graphics, model works, etc, and in addition, computer software. China is among a few countries that include computer software as protected objects in copyright law. In addition, China has also issued the *Regulations on Implementing the International Copyright Convention*, which sets forth specific regulations for protecting the rights enjoyed by foreign authors of works in accordance with international treaties. In order to implement the copyright law effectively, the Chinese government set up the National Copyright Bureau, and copyright administration agencies in all provinces, autonomous regions, and cities directly under the central government and some big cities.

3. The status of recognition of cultural products and services and its promotion to relevant industries development

In 2003, the National Bureau of Statistics of China, Ministry of Culture, State Administration Of Radio, Film And Television, General Administration of Press and Publication of the P.R. China, and State Administration of Cultural Heritage

established the cultural industry statistical research project, which proposed *Categories for Cultural Industries and Related Industries* and defined the concept of the Chinese cultural industry. In 2004, official data on the development of China's cultural industry was publicized for the first time. At present, in the cultural system and industry the following industries have taken shape: performance, film and television, recording and video, cultural entertainment, cultural tourism, network culture, books, newspapers and magazines, cultural relics, art works, art training, and more. According to a survey of the National Bureau of Statistics of China, 127.4 million people worked in cultural industries or related industries in 2003, accounting for 5.0% of the people working in cities and towns. They create an added value worth 357.7 billion *yuan*, amounting to 3.1% of GDP. Among them, 6.45 million jobs were directly involved with cultural activities and services, accounting for 2.5% of all people working in cities and towns. They make an added-value of 171.8 billion *yuan*, or 1.5% of GDP. In terms of the total number of people with jobs, more people work in the cultural service industry than in the "wholesale and retail" industry. In terms of gross economic volume, the cultural service industry creates value almost equivalent to that of the real estate sector.

Therefore, it can be concluded that cultural industries in China has developed some scale and influence the national economy in important ways.

4. China's policies, measures and plans on encouraging diverse cultural products, local services and cultural globalization

The development of the cultural industry has been incorporated into the national development strategy of China. The central government and local governments have formulated a series of policies and measures on promoting and supporting the development of the cultural industry. The responsibility of the government for developing the cultural industry is defined, that is, it should provide a maximum amount of support for public cultural services to society, and at the same time encourage and support the development of the cultural industry by means of combined fiscal policies, tax, financial regulations and social security. With the implementation of the *Administrative Licensing Law of the People's Republic of China*, access to the cultural market is further broadened. In the cultural system alone, 23 items requiring administrative licenses have been abolished. The system of policies and services related to the cultural industry is improving. The Ministry of Culture formulated the Several Opinions of the Ministry of Culture on Supporting and Promoting the Development of the Cultural Industry in 2003 and issued the Opinions of the Ministry of Culture on Encouraging, Supporting and Guiding the Non-Public Sector to Develop the Cultural Industry in 2004, following the 10th 5-Year Plan Guideline for the Development of the Cultural Industry in 2001.

After China's entry into the WTO, the cultural industry is facing a new situation that requires both "going out" and "coming in" to realize international cooperation in the cultural industry.

IV. Cultural Diversity and International Solidarity

1. How is China dedicated to improving the exchange of international and regional (east Asian) cultural products and services and how do these efforts promote cultural development and international solidarity?

China has been consistently active in hosting and participating in multilateral international activities, keeping contact and cooperation with influential

international organizations such as UNESCO, the World Intellectual Property Organization and the Asia-Europe Foundation, and advocating the guideline “peace, development, and co-operation”. China has also been actively participating in multilateral activities held by UNESCO and the World Intellectual Property Organization to promote the advancement of global cultural diversity. Shanghai hosted the Chinese, Japanese and South Korean Cultural Industry Forum in December 2002. Later in 2004, with the purpose of enhancing friendly cooperation and good neighborly relations in Asia, China hosted the 6th Festival of Asian Arts, the festival with the largest scale and the most visitors in all Asian art festivals. It attracted nearly one thousand artists from 17 Asian countries and 500,000 visitors. Moreover, China successfully hosted the 7th annual ministerial meeting of the International Network On Cultural Policy, at which, the *Convention of the Protection of the Diversity of Cultural Contents and Artistic Expressions* was formulated and achieved significant progress and the *Shanghai Declaration* was pronounced. This contributed to maintaining global cultural diversity. In 2004, the Chinese culture center in Seoul was formally opened.

2. How does China build cooperation between public, private and civic society to promote cultural diversity? What degree of online cooperation has been made? Does it include databases?

In 2004, the Ministry of Culture issued the *Opinions of the Ministry of Culture on Encouraging, Supporting and Guiding the Non-Public Sector to Develop Culture Industry*, which encouraged private capital to be invested in the cultural industry. It was a move to speed up reform in the cultural industry and a response to the international challenge of China’s entry into the WTO.

3. What role should UNESCO play to promote cultural diversity at district, national and global levels?

UNESCO has made tremendous contribution to promoting cultural diversity. At the 31st UNESCO convention in 2001, the historic *Universal Declaration on Cultural Diversity* was announced. We expect UNESCO to continue to play an active role in this aspect in the future. We also expect, based on this declaration and opinions exchanged between members of the organization in an active and equal way, that UNESCO can reach a *Convention on the Protection of the Diversity of Cultural Contents and Artistic Expressions* as early as possible.

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Cultural Diversity and Cultural Policies in Korea

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1. Concept of cultural diversity

As a source of creative thinking and the social development of individuals and groups, cultural diversity is as necessary for humankind as biodiversity is for nature. In this sense, it is the common heritage of humanity and should be recognized and affirmed for the benefit of present and future generations.

The UNESCO Declaration on Cultural Diversity makes it clear that culture should be regarded as the set of distinctive spiritual, material, intellectual, and emotional features of society or a social group; and that it encompasses, in addition to art and literature, lifestyles, ways of living together, value systems, traditions, and beliefs.

“Cultural diversity” in Korea needs to be viewed from a different perspective to multi-racial countries such as Canada and Australia. Since autonomous municipal government system was established in Korea, intense discussions on the subject have been under way as the social atmosphere has changed to emphasize the preservation of local cultures and the creativity of individuals. Though there has been no confirmed definition of cultural diversity in government policies, there are mentions of cultural diversity in the country’s basic principle of culture policy, and laws including the “Culture and Arts Promotion Law”.

Efforts are being made to enact a “Basic Culture Law” that defines the underlying philosophy and direction of Korean cultural policy. The underlying philosophy of this law lies in enhancing the quality of life and creative thinking of the public based on the idea of producing a “creative country of culture”; realizing democracy through voluntary participation and decision making based on cultural diversity between regions, classes, and generations; contributing to national unity and promoting national identity through the preservation and continuation of national cultural heritage; establishing the foundation for innovation and balanced regional development through culture; and laying the social foundation for sustainable development and cultural value through harmony and coexistence between society, culture, and the environment.

The law also tries to guarantee an individual’s right to enjoy culture by stating that “each individual, by birth, has the right to have access to culture and express it, the right to receive the education needed for enhancing cultural capacity, the right to enjoy the cultural environment, the right to preserve and enjoy the cultural identity of minority groups, the right to join forces with other diverse cultures or cultural activities, and the right to participate in making culture policy.” These are examples of the attitude taken by the Korean government towards cultural diversity.

2. Cultural diversity and national development

Korea has developed its culture by ceaseless exchange with outside cultures; but, as an ethnically homogeneous country, Korea may be different from other countries in approaching "cultural diversity." Racial conflicts, different languages, and indigenous people's cultural rights are some examples that diverge from Korea's approach toward cultural diversity. Cultural diversity in Korea is focused on identifying and developing unique local cultural resources on the verge of extinction and maximizing the creativity of individuals so that eventually they can serve as an engine for national development. My discussion today will focus mainly on these areas.

Government-led development strategy in Korea has created conflicts between the central government and regions as the government, rather than the regions, has led cultural development. For example, with 84% of all companies in the culture industry and 91% of total sales concentrated in Seoul, most cultural facilities, human resources, and cultural resources are clustered in the center. To correct this imbalance, the government, setting balanced development as a priority task, has been considering a culture development model in which growth and balance are harmonized. The main theme of this model is to recognize the uniqueness and diversity of regional cultures so that they can serve as a driving force for regional and national development.

There are three different approaches to making the diversity of unique regional cultures a locomotive of national development. First there is the establishment of a culture-centric city designed to maximize the cultural capacity of a region. In other words, regional cultural assets, which are different from each other, can be utilized, such as Gwangju as a city of culture and arts and Gyeongju as a city of history and culture. Efforts are being made to achieve balanced national development by developing regionally specialized cultural contents and nurturing unique cultures.

Second, there is the approach to enhance the culture industry in regional areas. This aims to promote the uniqueness of regional culture as a catalyst for enhancing the creative capacity of a region, leading to the region's economic development. Local governments, universities, and research institutions are encouraged to form a network as major players to solidify the base for the culture industry in a region.

The third approach focuses on the sustainable development of regional tourism. The government intends to develop resources unique to a region, such as its history and ecology, into a strategic tourism industry. The government is also implementing policies that give an impetus to local economies and local cultures by organizing local cultural festivals or commercializing local specialties that meet the diverse demands of consumers.

3. Culture policies designed to secure cultural diversity

The basic philosophy of cultural diversity has been reflected in cultural policy in many ways. The concept of cultural diversity will be incorporated into all national policies. Major policies realizing cultural diversity include cultural policies on gender equality, rural areas, the socially vulnerable, migrant workers, and direct cultural exchanges with other countries.

The development and implementation of cultural policy on gender equality is one such policy. Until now, male-centered policies have alienated women who have remained on the periphery of society from the policy decision-making process, much less becoming

the subject of culture policies. One big pillar of cultural diversity is a framework where women can have a voice in the policy-making process. Cultural contents that express women's cultural identity and that can be produced and experienced by women are scarce, and support for women as producers of culture is not sufficient. In this regard, the government is promoting projects that create a culture and art-oriented environment based on gender equality, expanding the expression and enjoyment of culture by women, providing support for the creation of women's culture, and researching and preserving cultural heritage handed down by women. For instance, the government is increasing its number of creative experts on gender equality-based culture. This is part of the government's endeavor to create a social environment where women are considered not only as consumers of culture but also as producers of culture who contribute to building a social foundation for expanding the diversity of culture creation through working in various fields.

The culture of rural areas has been considered from a cultural diversity prospective. The population in rural areas in Korea decreased to 9% in 1999 from 55% in 1965, and the decreasing population in rural areas signifies that precious cultural traditions in rural areas are disappearing. The government needs to develop rural areas into beautiful places of culture where local culture and history reside. Various efforts to support cultural activities in rural areas made by the government include the expansion of cultural infrastructure and the development of culture programmes

There are laws on facilities to be built for the convenience of socially vulnerable people including the elderly, people with disabilities, and prisoners; but these are merely auxiliary facilities and there remain many constraints on them enjoying culture. As the socially vulnerable's right to enjoy culture is part of the realization of cultural diversity, the government is pushing forward with expanding cultural facilities and dispatching experts in these fields.

Migrant workers living and working in Korea have become a social phenomenon, with their total number now more than 400,000. Regulation-first policies toward migrants and a lack of understanding of different cultures by owners of businesses have left much room for the social consideration of the migrant workers. Creating an environment where migrant workers can enjoy their own way of life and experience their own and Korean culture is a necessary issue for the government to pursue, not only from the human rights perspective but also for the development of culture. The government sponsors cultural festivals organised by migrant workers so that they can share their culture with Korean society and maintain their cultural activities in Korea. To help foreigners better understand life and culture in Korea, we are planning to publish a "Culture Guide Book".

Increasing exchanges with other countries is the most direct way to secure cultural diversity. Overseas exchanges and the direct experience of foreign culture through individuals are the foundation for the enhancement of mutual recognition and understanding, the building of trust, and peace and prosperity for all countries. The government endeavors to propose options in this regard by participating in the discussions and activities of related international organizations including UNESCO, INCP, CCD, and the ASEAN+3 culture ministers meeting. Moreover, we are broadening the span of the understanding of culture by expanding cultural exchanges with other countries, both developed and developing. Municipal governments in Korea are making agreements for cultural exchanges and setting up sisterhood relationships with major cities in the world to dispatch cultural delegations and promote exchanges, which will serve as an opportunity to facilitate cultural diversity.

4. Prospects and tasks

The adoption of the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions will provide a turning point in securing cultural diversity and implementing related policies. The initiative “Creative Korea”, which drew the big picture of culture policy in Korea last year has set “pluralistic cultural society” as one of its goals, and included the expansion of international cultural exchanges and policies on gender equality, regional culture, and the socially vulnerable in detailed action plans. Cultural diversity is a universal value of all humankind that develops the creative capacity of individuals and countries, eventually bringing about peace and development by broadening the span of mutual understanding between countries. It is important to broaden the horizon of the basic recognition of cultural diversity and reflect this in government policies. The Korean government plans to continue discussions on the issue and cooperate actively in inter-governmental exchanges to build solidarity.

문화다양성과 한국의 문화정책

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1. 문화다양성의 개념

문화다양성은 개인이나 집단의 창조적 사고, 사회발전의 원천으로서 생물다양성이 환경에 미치는 것과 같이 인간에게 반드시 필요한 요소임. 문화다양성은 모든 인간의 공통 관심사항이자 함께 발전시켜야 할 유산이며, 과거와 현재, 미래에 변함 없이 지속되어야 하는 산소나 물과 같은 역할을 함.

유네스코에서는 문화의 개념을 “사회나 어떤 사회집단이 지니고 있는 독특한 정신적, 물질적, 지적, 정서적 특징들의 집합, 그리고 예술과 문학 이외에도 생활 양식들, 함께 사는 방식들, 가치체계, 전통, 신념 등을 포괄한다”고 밝히고 있음. 즉 문화는 계급·성별·연령·직업 등을 초월하여 사회구성원으로서 개인과 집단이 살아가는 모든 형태의 다양한 삶의 양식 전체를 포괄함.

한국에서 ‘문화다양성’은 캐나다, 호주 등 다민족 국가와는 다른 관점에서 볼 필요가 있음. 지방자치제의 본격적 실시 이후 지역문화 보존이나 개인의 창의성을 강조하는 사회적 분위기와 관련하여 집중 논의되고 있음. 현재 정부정책에서 문화다양성에 대한 확정된 개념은 없지만 문화예술진흥기본법이나 정부의 문화정책 기본방향에서 문화다양성에 대한 언급이 있음.

한국 정부의 문화정책 이념과 방향을 규정하는 ‘문화기본법’ 제정이 추진되고 있음. 동법시안의 목적은 다음과 같음. “창의적 문화국가의 이념 아래 모든 국민이 창조적 사고와 삶의 질을 제고하면서, 지역·계층·세대간 문화다양성을 바탕으로 주체적인 참여를 통해 문화민주주의를 실현함. 또한 문화유산의 보존·계승, 문화를 통한 지역 균형발전의 토대를 구축하고, 사회문화 생태환경과의 조화를 통한 지속가능한 발전, 문화적 가치의 확산기반을 마련하는 것을 목적으로 하고 있음”

동법 시안에는 개인의 문화적 권리보장을 시도하고 있는데, “모든 국민은 태어나면서부터 자유롭게 자신의 문화적 표현과 접근권을 가지며, 이를 위한 교육을 받을 권리, 문화적 환경을 누릴 권리, 소수의 문화적 정체성을 보존하고 누릴 권리, 다양한 문화나 문화활동과

연대할 권리, 문화정책에 대한 참여의 권리를 가진다.” 라는 내용이 검토되고 있음. 이러한 개념들은 한국의 문화다양성에 대한 전반적인 접근 시각으로 볼 수 있음.

2. 문화다양성과 국가발전

한국은 오랫동안 끊임 없이 외부와 문화교류를 추진하면서 발전을 이뤄 왔음. 하지만 인종적으로는 단일 민족을 구성하여 살고 있기 때문에 다른 나라와 ‘문화다양성’에 대한 접근 방법에 차이가 있을 수 있음. 다양한 언어나 인종간의 문화 보존, 원주민에 대한 보호 등은 한국의 문화다양성에 대한 접근과 다소 차이가 있음. 한국에서의 문화다양성은 보통 점점 사라져 가는 지역의 독특한 문화자원이나 과거의 문화유산을 발굴·발전시키고 개인의 창조성을 극대화시켜 국가발전의 원동력으로 삼는다는 것임. 따라서 이에 대한 논의를 집중하고자 함.

한국은 과거부터 중앙정부의 발전전략을 채택하여 중앙이 문화발전을 주도함으로써 중앙과 지역간의 갈등요인이 생겼음. 예를 들면 현재 한국의 문화산업 기업의 84%, 매출액의 91%가 서울에 집중되어 있으며, 대부분의 문화시설, 인적자원, 문화자원이 거의 모두 서울 및 중앙에 집중됨. 이 문제를 극복하기 위하여 최근에는 균형발전을 중요한 과제로 설정하여 ‘성장과 균형’이 조화를 이루는 문화발전 모델을 구상하고 있음. 소외되고 주목받지 못했던 지역문화의 특특성과 다양성을 인정하고 이를 발전의 원동력으로 삼자는 것임.

지역문화의 다양성을 국가발전의 원동력으로 삼고자 하는 대표적 사업으로 우선 지역의 문화역량을 극대화하는 문화중심도시의 건설이 있음. 문화예술도시(광주), 역사문화도시(경주) 등 차별적인 지역문화 자원을 활용하자는 것임. 지역별로 특수한 문화콘텐츠를 개발하고 특화된 문화를 육성함으로써 지역발전을 달성한다는 전략임.

둘째, 지역문화산업 기반강화임. 지역의 문화자원과 창조적 역량을 결집하여 이것이 지역발전으로 이어지도록 하는 것임. 주체로서 지방정부, 지역대학, 지역연구소 등이 네트워크를 구성하도록 하고 있음.

셋째, 지역별 지속가능한 관광개발임. 지역의 역사, 생태 등 고유자원을 활용함으로써 관광산업을 지역특성화 전략산업으로 육성하고자 함. 지역문화를 보존하거나 이를 소재로 문화축제를 개발·상품화함으로써 다양한 소비자의 욕구에 대응토록한다는 정책임.

3. 문화다양성 확보를 위한 정부정책

문화다양성의 기본이념은 한국의 문화정책을 추진하는데 어떤 형태로든 반영되고 있음. 앞으로는 모든 국가정책에 문화다양성 개념이 실현될 것임. 문화다양성 실현을 위한 주요 정책으로는 여성문화정책, 농어촌 문화정책, 사회적 취약계층을 위한 정책, 이주 노동자를 위한 문화정책, 외국과의 직접적인 문화교류 등이 있음.

우선 문화다양성을 위한 여성문화정책의 개발임. 지금까지 남성중심의 문화정책이 수행되어 왔으며, 여성의 경우 정책결정이나 대상에서 상대적으로 소외되어 왔음. 문화다양성의 큰 축은 여성이 중심에서 정책결정에 힘을 발휘하는 구조로 만드는 것임. 여성의 문화정책성을 표현하고 체험할 수 있는 문화콘텐츠가 부족하며 문화 생산자로서의 여성에 대한 지원도 미흡함. 이에 정부에서는 양성평등 문화예술 환경조성, 여성의 문화적 표현과 향유 확대, 여성문화유산의 발굴 및 계승의 차원에서 관련 사업을 추진하고 있음. 예로서 창의적 여성 문화전문인력 양성이 추진되고 있는데, 여성문화 창조의 다양성을 확대하고 사회적 기반을 조성하면서 다양한 분야에 여성이 진출토록 하는 것임.

농어촌 지역의 문화도 문화다양성 측면에서 고려되고 있음. 한국의 농어촌 인구는 1965 년 55%에서 1999 년에는 9%로 감소함. 인구감소는 농어촌 지역의 소중한 문화와 전통이 사라지는 것을 의미함. 농어촌을 지역성, 문화성, 역사성이 깃들여 있으면서 아름다운 문화공간으로 조성하는 것이 필요함. 낙후지역에 문화인프라를 확충하고 이에 적절한 프로그램을 활성화하면서 다양한 문화활동에 대한 지원을 강화하고 있음.

사회적 취약계층, 즉 노인이나 장애인, 재소자 등을 위한 편의시설에 관한 법률이 있기는 하나 시설이 단순 보조시설에 지나지 않으며, 문화를 향유할 수 있는 시설에 제약이 많음. 이들의 문화 향유권 보장도 문화다양성 실현의 중요한 부분을 차지하며 사회적 약자를 위한 문화시설 확충, 전문인력 파견 등도 추진하고 있음.

한국 거주 해외노동자는 약 40 여만 명으로 증가하여 하나의 사회적 현상으로 자리 잡고 있음. 지금까지의 규제 위주의 이주 노동자 정책과 산업현장에서 기업의 타 문화에 대한 이해부족으로 이들에 대한 사회적 배려가 미흡했음. 한국 내 해외 노동자들이 자신들의 생활방식을 향유하고 자국 문화와 한국 문화를 동시에 체험할 수 있는 환경을 만들어 주는 것은 인권 뿐만 아니라 문화발전을 위해서도 꼭 필요한 사업임.

정부에서는 해외 노동자들의 문화적 역량을 극대화하고 이들이 한국에서 만족스러운 문화생활을 즐길 수 있도록 외국인 노동자 문화축제를 개최하고 있음. 또한 한국생활과 한국문화를 이해하도록 ‘문화가이드 북’ 제작을 기획하고 있으며, 이를 통해 진정한 사회구성원으로서의 제 역할을 함으로써 문화적 다양성 확대와 사회적 생산성을 향상시키는 중요한 역할을 할 것으로 기대함.

다른 나라와 문화교류 강화는 문화다양성 확보의 가장 직접적인 방법임. 상호 인적교류 및 외국의 문화를 직접 체험하는 것은 서로에 대한 인식과 이해를 증진하고 신뢰를 형성하여 국가간 평화와 번영의 기반을 마련하는 초석이 됨. 정부에서는 UNESCO, INCP, CCD, ASEM 문화장관회의 등 관련 국제기구의 논의와 활동에 적극적으로 참여하고 대안을 제기하고자 노력하고 있음. 또한 선진국과 개도국을 대상으로 문화교류를 확대하여 상호 문화에 대한 이해의 폭을 넓혀 가고 있음.

최근 한국의 지방정부는 세계 주요도시와 자매결연 및 문화교류 협정을 맺어 상호 문화교류단 파견 및 인적교류를 활발히 추진하고 있으며, 이를 통해 문화적 외연을 높이며 문화다양성을 증진시키는 계기로 삼고 있음.

4. 전망과 과제

문화다양성 확보 및 정책적 실현은 현재 유네스코 문화다양성 국제협약 제정이 전환점이 될 것으로 보임. 지난해 한국 문화정책의 큰 방향을 제시한 ‘창의 한국’에서는 ‘다원적 문화사회’를 추진 목표중 하나로 설정하고 국제문화교류 확대 및 여성, 지역문화, 사회적 약자를 위한 정책추진 등을 주요 세부추진과제로 선정하였음. 문화다양성은 개인이나 국가의 창조적 역량을 발전시키며 국가간 상호 이해의 폭을 넓혀 궁극적으로 평화와 발전을 동시에 이룰 수 있는 인류 보편가치임. 문화다양성이 추구하는 기본이념에 대한 인식을 확대하고 이를 정부정책에 반영시키는 것이 중요함. 한국정부는 이에 대한 논의를 지속적으로 발전시켜 나갈 것이며, 국가간 교류나 연대에도 적극적으로 협력해 나갈 예정임.

Applying the Concept of Cultural Diversity to the Korean Context

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Culture is where people find and create the meaning of everyday life. It is also a sphere in which people enjoy life and are politicized. Moreover, culture is a condition in which people seek resistance and struggle. An interest in culture is therefore not limited to understanding past and present lives, but closely connected to the presentation of specific methods by which ways of thinking, political behavior, strategies for survival, and sources of resistance are practically offered.

The power of globalization paradoxically provides an opportunity to seriously review the values of both diversity and specificity that various cultures on earth have preserved. Consequently, globalization makes it possible to more sophisticatedly examine the cultural characteristics of each country at both national and international levels.

The concept of cultural diversity that UNESCO supports has taken different forms according to historical background.

First, immediately after the establishment of UNESCO, which followed the end of World War II, UNESCO prioritized the importance of education and knowledge. UNESCO argued that people in the world should remove doubt and distrust among themselves by means of education and knowledge, and further must ensure world peace through moral and humanitarian solidarity.

The second period ranges from the era of post-colonialization to 1966, when international principles for cultural cooperation were announced. During this period, as newly independent countries emerged, the concept of cultural diversity was, along with that of cultural identity, regarded as an internal logic that could justify the independence and *raison d'être* of each nation at the international level. It was said that each country or ethnic group has its own unique characteristics, and that uniqueness was seen both as shared property and as different values of human culture that could not be reduced to uniformity. In this regard, the preservation and protection of artistic works and cultural heritage, as well as international cultural cooperation and its transmission, received international attention.

Third, during the 1970-1980s, this period witnessed how the concept of culture gained influential power in term of policy decision-making, while being interconnected with the concept of endogenous development. Cultural policy was stressed in this period, and in order to concretely implement such policy, intergovernmental meetings at the institutional, administrative, and financial levels were organized. Individual "cultural rights" began to draw attention.

Fourth, the concepts of human rights and multicultural society emerged, with culture and democracy being closely related to each other from the 1990s to the present. In addition, tolerance within a society, as well as among different societies, was stressed. That is, the focus shifted from the conflicts between regions and between

countries to the cultural diversity within a country. In particular, as several issues were stressed, including city-centered world, minority rights, and coexistence of diverse cultural communities, the need to cope with new trends and desires was also raised. The issue of multiculturalism not only among different societies but also within a society was brought to the fore, and other issues, such as individuals and groups in the multicultural context and migrants living in two cultures, began to be raised.

Globalization, which has increasingly accelerated its pace, brought about enormous change in terms of how we understand the world, not to mention the economic and technological orders. Consequently, strategies and behavioral models for preserving and promoting cultural diversity came to be redefined.

However, when we apply the issue of cultural diversity to the Korean context, a significantly difficult problem arises. This problem stems from the fact that the focus of cultural diversity has shifted from the international dimension to recognition of cultural diversity and promotion of its value within a country. When one evaluates the extent to which cultural diversity is valued and recognized within a country, if one tries to find aspects and characteristics found in a multicultural country inside a country such as Korea, where a singular ethnic tradition is strong, a lot of room is created for irrational evaluation and policy implementation.

As in Korea, where centralization has progressed politically, economically and culturally, the cultural diversity found in local and minority groups tends to be stressed not so much from the bottom up as imposed from the top or center. As a result, the attempt to promote cultural diversity has been made not from the demand side but from the supply side. Consequently, it is natural that there are many limits to enhancing the quality of the actual cultural life of those who belong to local regions and minority groups.

Nonetheless, meaningful practical efforts to preserve cultural diversity, which have been variously expressed through cultural policy, have achieved their goal in many respects. The performances are as follows.

Question 10.

I. Respect for linguistic diversity

The Korean government has made efforts to adopt multi-pluralism in its language policy, stressing that language is not so much fixed as a norm as it is continuously supplemented and transformed. That is, it is the living history of an ethnic group. The government has also tried to narrow the gap between linguistic norms and the everyday linguistic life of people by developing the “national language cultural index” and introducing “the language norm impact assessment system.” In addition, it plans to review the concept and scope of standard Korean, while positively accepting and creatively utilizing local language in accordance with the era of localization and decentralization.

II. Cultural promotion of vulnerable social groups

1. *Guaranteeing the basic cultural rights for socially vulnerable groups*

Given that economic inequality between the rich and the poor has worsened since the 1997 financial crisis, it has been said that a comprehensive cultural policy, based on in-depth understanding of the socio-economic characteristics of Korean society, should be offered to guarantee the basic cultural rights of vulnerable social classes.

2. *Empowering the socially vulnerable groups*

Aiming to overcome internalized isolation that socially vulnerable groups have felt

and to secure communal social culture, many programs are being implemented, which include the creation of an experiential cultural village for the disabled, expansion of cultural revitalization programs connected with correctional and social welfare facilities, and organization of cultural festivals joined by migrant workers.

III. Widened opportunity to understand the diverse cultures of foreigners

1. *Organization of cultural festivals for migrant workers*

Cultural festivals for migrant workers will provide an opportunity through which migrant labors and Koreans can come together. Migrant workers will have a chance to experience and understand Korean culture, and migrant workers can enjoy their cultures.

The festival is designed to pave the way for a new understanding of foreign workers at the gateway to the multicultural society of the 21st century, by making it clear that foreign workers in Korea are not confronting or competing with Koreans but rather are inevitable parts of Korean society and should be able to live together peacefully with Koreans.

2. *Publication of "Cultural Guidebook for Foreign Workers"*

The Ministry of Culture and Tourism is planning to publish a cultural guidebook for foreign workers in order to help resolve conflicts between Koreans and foreign workers, and to help foreign workers adapt to Korean society.

To achieve these goals, the ministry launched the committee for publishing a cultural guidebook for foreign workers in Korea, and the guidebook will include useful information on Korea. The publication of the guidebook is expected to contribute to improved convenience in their daily lives and mutual understanding between Koreans and foreign workers. Furthermore, by educating foreign workers on Korean culture and cultural differences, it will contribute to raising awareness of Korea and realizing a society where Koreans and foreign workers can live together peacefully.

Written in easily understandable language, this guidebook is based on interviews conducted with foreign workers from Nepal, Mongolia, Myanmar, Bangladesh, Vietnam, and Sri Lanka.

IV. Promotion of creative diversity in the arts

For promoting creative diversity in the arts, it is necessary to create a situation where artists can freely conduct their activities, to expand support for each artistic genre, and to encourage experimental artistic activity.

Also, steps should be taken to strengthen the systemic training of experts in the fields of art and in-service training, as well as to support the industrial development of art.

Keeping in mind that art is an integral part of self-cultivation, improving the quality of life, and enhancing creativity, the Korean government has taken measures to create a situation where all Koreans can positively participate in artistic activities in everyday life.

Question 11.

I. Local cultural empowerment

1. *Guaranteeing cultural life*

It is presupposed that everyone, regardless of where they are living, has a right to enjoy cultural life to a certain degree. In this sense, promotion of local culture aims to eliminate regional cultural disparities that have deepened during the high economic growth period and to guarantee the quality of life of residents

2. *Cooperative system among central/local/private sector*

A cooperative system among central and local governments and the private sector should be consolidated, taking into consideration that local governments and the private sector are the main agents that can innovate local culture. Once consolidated, this cooperative system needs to establish a cultural developmental model suited to regional characteristics and make efforts to independently concretize the model.

II. Expansion and improvement of everyday cultural spaces

1. *Continuous improvement of everyday cultural spaces near residential areas and consumer-centered management of the space*

By improving the way some cultural facilities are managed, which have faced financial difficulties and have been operated in a supplier-oriented manner, the Korean government seeks to create a stable base upon which they can continuously increase cultural space and demand-oriented management of local culture and art organizations.

2. *Continuous increase of the multiple everyday cultural spaces in small cities and agricultural and fishing villages*

The Korean government benefits those who have been culturally isolated, making it possible for them to enjoy culture in everyday life and produce cultural products. For example, comprehensive action plans for revitalizing local culture are being implemented, including support for cultural infrastructure (human resources and programs) based on interconnections among civil groups, government, and academia.

III. Improvement of cultural facilities and management

As consumer behavior is increasingly individualized and diversified, it is vital to offer a supply system for consumer-centered cultural facilities. This is because cultural facilities are a field where consumers can make cultural exchanges, and because they are the determining factor in the quality and quantity of cultural activity.

Moreover, by expanding qualitative and quantitative improvement and promoting equality between regions and between social strata, the Korean government should be able to broaden opportunities for citizens to enjoy culture. Included here are local centers created through the remodelling of cultural facilities, providing content for cultural facilities, and the building of ten thousand small and neighboring libraries.

IV. Cultural information system accessible to citizens

With the expansion of informatization, social structures are becoming horizontal, and citizens' participation is continuously increasing. In this sense, the importance of cultural education is brought to fore to promote the right to enjoy culture utilizing the Internet.

V. Building an open, arts administrative system

An organic cooperative system among the state, the arts, and local society, based on autonomy, participation, and decentralization, should be constructed. More concretely, a

support system for art should be improved so that public funds can be rationally and effectively used. For example, several programs have been suggested, including the establishment of a culture and art commission that is mainly composed of those who have actually and actively engaged in artistic endeavors, upgraded the social treatment of artists, a project for activation of Daehak-ro street, and a comprehensive plan for national facilities for performing arts and artist organizations.

Question 12.

I. Expansion of language resources as a foundation for creation of culture

1. *Formation of new linguistic culture*

Because national language is a crossroad where the various elements of culture converge and are recreated, policy efforts should be made to form a new linguistic culture such as thinking, discussion, transmitting information, and creation of cultural contents. Also, the related government agency should effectively respond to newly made words and preserve and more often utilize the local language. Efforts should also be made to complete technical terms, improve the language refining system, and purify contaminated language.

2. *Local language programs*

Collection, compilation, and utilization of local language (dialects) should be implemented to raise the self-pride of local people. The Korean government seeks harmonious development by systemically collecting and organizing local languages and preparing the principles of each. To enliven the use of local language, it is necessary to support each kind of policy that was drawn up to offer information on local language and increase the use of local language. With the disappearance and negative perceptions of local language, the need has arisen for the systemic collection and compilation of local languages and acceptance and creative utilization in accordance with the decentralization era.

3. *Strengthened teaching of Korean to overseas Koreans and foreigners.*

Despite the increasing demand for Korean language courses, galvanized by increased national power, good performance in the 2002 World Cup, and the "Korean Wave," the Korean language has not been smoothly disseminated. In order to enhance the status of the Korean language in the world, it needs to strengthen Korean language education, as connected to national culture. Currently, plans under review include widening educational opportunities, developing and disseminating textbooks written in Korean and Korean dictionaries, and expanding the cooperative network for disseminating Korean.

II. Local government and citizen-centered establishment and execution of local cultural policy

Central government should make it possible for local governments and the private sector, which played a leading role in developing local culture, to be empowered, and to operate a cooperative system among the center, local, and private sectors. When central government intervenes in local cultural policies, it is highly probable that the culture of the Seoul metropolitan area can be uniformly disseminated to each local region while infringing upon the uniqueness and diversity of local cultures. Thus, central government, by confining its role to guarantee the diversity and possibility of the self-development of local culture, allows the local government to be in charge of establishing and conducting local culture development.

Question 13.

- I. Due to rapid digitization, copyrighting has become a serious problem to be tackled.

With the development of computers and the Internet, copyright violations, such as domestic and international illegal piracy, have become serious. Concerning the violation of intellectual property rights of sound recordings and media, the United States upgraded Korea's IPR status to the "priority watch list" from the previous "watch list." Thus, unless a permanent watch system is offered, it is highly probable that Korea will suffer continuous trade pressure from the United States.

- II. Specific institutional measures to protect copyrights at a national level

1. *Efforts made by the Ministry of Culture and Tourism*

The Ministry of Culture and Tourism launched a program to offer information on copyrights to domestic copyright-related organizations after swiftly acquiring related information, in response to the conclusion of new treaties and digital technology as discussed by some advanced countries. Since 1995, research materials from Japan, the United States, EU, and Canada have been translated and introduced and specialists are encouraged to participate in the research. Additionally, the Copyright Commission for Deliberation and Conciliation has studied the issue of copyrights in the multimedia context since 1994. The Ministry of Culture and Tourism has collected information on the current status of copyrights in other countries by organizing international seminars, and received advice on the issue of copyrights from international specialists, thereby including them in the improvement of copyright policy and related institution.

2. *Revision of the Copyright Act and the increased number of registered works*

Following a series of processes, the Copyright Act of Korea has been continuously amended, the aim of which contributing to the improvement and development of culture by protecting authors' rights and facilitating the fair utilization of works. Registration of copyrighted works has been increasing gradually with the raising of awareness of authors. After 2000, the number of copyrighted works drastically increased. Recently, the number of sound recording-related works has also increased significantly.

Question 14.

- I. Copyright Act

Since its first legislation in 1957, the Copyright Act has been continuously revised until 2004. This act contains 9 chapters and 103 articles. It stipulates works, authors' moral rights and their nature, limitations to authors' property rights, duration of authors' property rights, deliberation on copyrights and conciliation of disputes, and redress for infringement of rights. In the 2000 revision, provisions on "transmission rights," authorization to exploit the work, and raising the penalty for intellectual property violation were added, reflecting the development of multimedia digital technology. Also, in 2003, a system suited to the "on-line era" was offered to protect the investments of database producers and clarify the responsibilities of on-line service suppliers concerning third party's copyright violations. The 2004 revision aimed at long-term development of the on-line music market by clarifying the rights of performers and phonogram producers, as well as by granting to performers and

phonogram producers the right of transmission.

II. Copyright management system

This institutional mechanism is offered to make copyright management services act as a bridging role between authors and those who exploit their works in order to facilitate the fair exploitation of works. Copyright management services are referred to as agents, intermediaries, or trustees on behalf of the owner of the rights, such as rights of reproduction, rights of public performance, and rights of broadcasting, that are protected under this Act. Organizations for copyright trust management include the following: Korea Music Copyright Association, Korean Society of Authors, Korean TV and Radio Writers Association, Federation of Korean Art Performers Organization, Korean Reprographic and Transmission Rights Center, Korea Scenario Writers Association, Korean Association of Phonogram Producers

III. Control of illegal reproduction

1. *State's intervention in the protection of intellectual property right*

According to the laws related to cultural industries, including the Promotion of Publishing and Printing Act and Sound Recordings, Video Products and Game Software Act, the minister of Culture and Tourism has the authority to remove and dispose of illegal sound recordings, video, and game software that were reproduced for profit without the consent of the authors or those who hold rights of publication, as well as justifiable rights.

Since 2005, the Copyrights Division in the MCT have come to take full responsibility for the control of illegal copying, because the authority to control illegal reproduction has been scattered into different departments and groups which were ineffective in controlling this illegal act.

Question 15.

I. Significance of creative cultural contents as a new driving force for economic growth

Presently, we see the world as shifting drastically from a knowledge-based society to a creative cultural society where culture, creativity, and imaginative power are a key to generating added value.

The strategic fostering of the cultural industry as a growth engine for the next generation is generated in 2001. The cultural industry is where technology and cultural and artistic emotion are concentrated. If social conditions and the infrastructure of the cultural industry are conducive to optimizing Korean national creativity, it can succeed in growing into an industry that overhauls the Korean economy for the next generation, following the information and technology and semi-conductor industries.

II. Dynamic feedback of arts and cultural industries

As the public's cultural level is enhanced, and media integration accelerates, the need to organically connect art and cultural industries increases.

The need to produce more qualitative content has increased, as cultural globalization has accelerated and the "Korean Wave" (*hallyu*) has allowed Korean cultural industries to find their way in the world market.

In order to qualitatively enhance the processes of cultural contents production, the creative and in-depth results that have been made in the fields of literature, art, music, and theatre need to be positively adopted.

III. High growth industry with economic value-added and high employment

With the advent of the multi-channel and multimedia era, media integration is taking place rapidly, and due to the increase in leisure time and expanded cultural knowledge, demand for multimedia content is increasing explosively. It is expected that the number of domestic channels will increase from 61 in 2001 to 115 in 2002, and to 230 in 2005. The annual growth rate for domestic cultural industries is 21.1%, three to four times that of the world growth rate (5.2%). As of the end of 2003, the gross scale of sales in 10 cultural industries was 4.4 billion won, which included publications (including cartoons), music, games, film, animation, broadcasting, advertisements, characters, Internet and mobile contents and others.

Question 16.

I. Revision of Framework Act on the Promotion of Cultural Industries

Provisions need to be made enabling the Korea Culture and Content Agency (KOCCA), an organization established to efficiently support the promotion and development of cultural industries, to manage and administer the cultural content promotion fund. The management and operation of the cultural industries promotion fund needs to be made more efficient and be enhanced in its specialization.

Given that the demand for the increase in cultural contents was due to the development of advanced media, such as satellite, digital, and Internet broadcastings, the Korean government revised the Framework Act on the Promotion of Cultural Industries so that they could accommodate the current status and actively respond to and provide assistance to cultural industries, thus strengthening the competitiveness of cultural industries.

II. Revision of the Sound Recordings, Video Products and Game Software Act

The Korean government tries to improve and supplement some legal defects found in the Sound Recording, Video Products, and Game Software Act. It is designed to protect copyright owners and prevent persons without justifiable rights from illegally importing and circulating video products, which can give rise to disputes among business persons and overseas owners of authorship, and escalate into international trade conflicts.

III. Revision of Restriction of Special Taxation Act

With regard to the inclusion of deductible expenses of reserves for cultural industries, the gaming, sound recordings, and film industries are in a relatively unfavorable situation, because provisions of reserves and tax deductions are more favorable to IT and small and medium businesses. This is why the act needs to be revised.

Film and advertising industries have been excluded from the category of "venture" businesses, which include manufacturing, mining, additional communication, R & D, scientific and technological services, specialized design, broadcasting, production of

broadcasting programs, engineering, information processing and computer operation, and physical distribution.

The film industry is a business whose success depends upon creativity and planning. Most enterprises in the industry are small or medium-sized. Thus, in order for small- and medium-sized enterprises to make an entry into new markets, they need to receive tax breaks.

IV. Training specialized human resources

1. The need has been raised to maintain the balance between demand and supply of human resources

The Framework on Fostering Industrial Human Resources in Cultural Industry (February 2004) examines the current status of demand and supply in the cultural contents business by genre. According to this framework, while some fields will face an oversupply of human resources, others will experience a lack thereof. Thus, it will be necessary to present alternatives to the unbalanced supply and demand of human resources, which includes the establishment of a domestic content academy, the training of human resources fit for globalization, support for overseas internships, and the operation of on-line contents academy.

V. Digitization of “Korean cultural prototypes”

The Korean government plans to digitize stories, colors, and voices found in Korean traditional culture. The program aims to provide unique materials and subject matter that are required at the stages of planning, scenario, design, and commoditization of the cultural contents industries.

The Ministry of Culture and Tourism (MCT) and the Korea Culture and Contents Agency are developing various high quality cultural contents by investing more than 55 billion won over the next five years (2002 ~ 2006).

VI. Fostering local cultures

Fostering local cultural industry clusters, the fashion design industry, and the film city of Busan.

Question 17.

I. Joint production through international exchange

The Korean and Canadian governments signed a Memorandum of Understanding (MOU) with regard to the joint production of TV programs. The Centre National de la Cinématographie (France) and the Korean Film Council are planning to conclude an agreement concerning joint production of films that will run in theaters, regardless of genre. Currently, the Promotion of Film Act and its enforcement decree prescribe the definition and requirement of the jointly produced films, and the Korean Film Council decides whether the film can be run.

II. The General Agreement on Trade in Services (GATS) signed under the WTO regime.

1. GATS launched

An issue of how to cope with US pressure has been raised. The United States has

tried to make itself internationally competitive by extending the trading system into services. The United States intimidated the member states of GATT, stating that it will secede from GATT, and forced member states to accept a negotiating agenda that covered trade in service in 1985. The Uruguay round was signed on April 1994, and the World Trade Organization (WTO) was launched on January 1, 1995, with GATS being entered into by force.

2. *Drastic increase in the service trade*

The reason many countries including the United States came to have an interest in the services trade lies in the fact that trade in services has increased drastically, accounting for more than 25% of the world trade volume in goods, against the backdrop of the development of information and technology and a streamlined financial sector.

III. Trade agreement and cultural industries

1. *Korean-Chile Free Trade Agreement*

On October 24, 2002, the Korean government concluded its first free trade agreement (FTA) with Chile, which began on December 1999.

According to the agreement, the two countries allowed cultural exceptions in recognition of the fact that the cultural sector, including press, publishing, film, sound recordings, music, broadcasting, and performances, are not their main concern, and that they are closely related with the protection of cultural identity.

The two countries agreed to prescribe in the annex a few limitations imposed on foreign businesspersons, the nationality qualification of publishers and editors, the film screen quota, performing arts, and sound recording.

2. *Bilateral investment treaty (BIT)*

With regard to cultural industries, the screen quota system has been one of the most controversial issues in the Korea-US bilateral investment treaty. As the US government strongly has demanded that the Korean government abolish the screen quota system, this issue from the initiating stage of negotiation has aroused social controversy surrounding whether or not it should be abolished. The point at issue is Article 6 of the draft of the Korea-US BIT, which states that the Korean government should not force foreign investors to use more than a certain degree of Korean goods and products, and that if a system violates this provision, it should be repealed.

3. *Coordination of the screen quota system and bilateral investment treaty*

Although the bilateral investment treaty was signed, regulations on cultural industries including the screen quota system need not be automatically abolished. The result depends on how the negotiation progresses.

Articles 3 (national treatment) and 4 of the GATT explicitly and concretely allowed the screen quota system as an exception.

With regard to liberation, OECD also rules in its annex on film that, of certain periods lasting more than one year, regulations on minimum running days are allowed, and that as long as the system does not distort international competition, maintaining the supporting system for cultural purposes is allowed.

When the Korean government acceded to the OECD, it included in the reservation list the screen quota system.

IV. Promotion of cultural diversity through the expansion of international exchange

1. *Mutual understanding and promotion of diversity and creativity of culture through*

international cultural exchange

Korea should consolidate international cooperation and solidarity for promoting cultural diversity and diversification of cultural diplomacy. Korea should also actively cope with the conclusion of the cultural diversity convention.

2. *To raise their status as a cultural nation through programs benefiting the image of Korea*
3. *Cultural exchange led by the private sector and local governments*
4. *Strengthening the activities of culture, tourism and sports and youth-related international organizations*

By strengthening solidarity with international culture and tourism organizations, Korea needs to make its voice heard and the excellence of Korean culture and tourism policy widely known.

The Korean government should build the international cultural network, expand support for cultural exchange, develop and implement cooperative programs with international organizations, and construct a continuous cooperative system with the Asia-Pacific Economic Cooperation (APEC) and the Association of Southeast Asian Nations (ASEAN) + 3.
5. *To support the international exchange program implemented by local governments and private sectors*

Korea has actively supported cooperation in the private sector, which include the Third International Meeting of Cultural Professional Organizations in Seoul 2004, Network of Asian Cultural NGOs, seminar on Asian Women's Cultural Policy, and supporting the developing countries' cultural exchange (Asian culture and tourism policy).

Question 18.

I. Expansion of citizens' opportunity to participate in public culture

1. *To offer a situation where citizens are directly involved in cultural administration and cultural events*

With the advent of the media era, an interest in media and its education has increased, the number of local-based media centers has grown, and film and media festivals are held frequently. In response to this movement, the Korean Film Council launched the Media Center in 2002, aiming to activate citizens' participation in media and to directly and indirectly support media production in the general public, along with the establishment of local media centers.

Through the revision of the Broadcasting Act, which states that a terrestrial TV broadcasting (KBS) should create "viewer participation programs", citizens came to be able to participate directly in broadcasting production. Recently, the Korean Broadcasting Commission selected 14 local organizations and allowed them to run low power FM broadcasting.
2. *Legal foundations offered for expanding citizens' participation in cultural opportunities*

Although there is no law that inclusively prescribes a right to public access, the Broadcasting Act, Promotion of Motion Pictures Industry Act, and Framework Act on the Video Industry Promotion were all enacted.

3. *Development of citizen participation programs*

In order to encourage citizens to participate in public cultural activities, the Korean government developed citizens' participation programs in the local cultural festivals, including the Gwangju Biennale and Busan Biennale.

4. *Expansion of citizens' opportunities to participate in the production of broadcasting programs*

Each broadcasting corporation structures the Ombudsman program to reflect viewers' opinions and arranges the "viewer participation programs." They also adopted "viewer evaluation system" under the enforcement rule of the Korean Broadcasting Commission in order to reflect the diverse opinions of viewers. Viewers' organizations continue to monitor the programs produced by each broadcasting corporation.

II. Right to access the public cultural infrastructure

Programs and principles for access to facilities should be established to enhance socially vulnerable groups' rights to access and enjoy the public cultural infrastructure. That is, the current status of access to the public cultural infrastructure reflects social inequality, and various plans for access to the public cultural infrastructure are required to eliminate the cultural deprivation felt by socially vulnerable groups. In particular, as the public cultural infrastructure in local areas, in comparison with those in Seoul, is not sufficiently provided, it is required that institutional measures be taken through the implementation of the Promotion of Local Culture and Arts Act.

III. Right to access cultural information services

Presently, there is a need to support the public cultural information service in the form of archives. Although access to cultural information has expanded through the Internet, this consists primarily of only simple information.

IV. Expansion of watch on public cultural administration

As citizens' claim to surveillance of and participation in governmental policy is voiced, civil social organizations are more actively engaged in the supervision of the administration. For example, the Citizens' Action Network has supervised the governmental budget, while Cultural Action watches the cultural budget.

In line with this movement, local cultural groups are also active in the supervision of the cultural budget and administration of local governments. In case of Bucheon, there are voluntary participation programs for citizens. Boksagol Cultural Center offers a training course for performance volunteers and monitors. Selected as a model region for culture and arts education, Bucheon City has developed programs connecting schools to local cultural infrastructure, in anticipation of the active participation of local culture and arts organizations and parents' groups.

In fact, residents in local regions, however, are not guaranteed to have right to participate in cultural administration.

V. Reflecting the general public and specialists' opinions on policy-making through the organization of task forces in the Ministry of Culture and Tourism

The Ministry of Culture and Tourism drew up policy plan, which included the five-day work week, assistance to culturally deprived groups, development of national culture,

decentralization of culture, culture and arts education, artistic industry, expansion of the “Korean Wave,” sports and leisure industries, youth culture, improvement of human resources management, and women’s culture, based on general public and specialists’ opinions.

VI. Expanded citizens' participation in the policy of cultural heritage

With the expansion of citizens’ participation in the cultural properties protection, efforts to protect and preserve not only existing cultural properties but new ones are being made. Launched in 2000, the National Trust of Korea purchased a traditional Korean house where Mr. Choe Sun-u, a renowned art historian, had lived, as fuelled by civilians’ interest. Citizens have an interest in policy related to cultural properties, which include the campaign against the US embassy relocation to the Deoksugung palace site, the campaign to restore the history and culture of the Cheonggyecheon stream area, and the campaign for preserving Korean traditional houses (*hanok*).

Question 19.

Currently, although many private organizations are engaged in cultural activities, they have made little progress in organically networking themselves. They fail to construct close cooperative relationships with central organizations as well. Rather, they often depend on personal relationships to communicate with central organizations.

Cultural policy of the Ministry of Culture and Tourism cannot be successfully implemented without close cooperation with private sectors. Cultural policy as a whole is oriented to bestow resources and controlling power on local and civic groups rather than exercising direct control and resource allocation. Taking this into consideration, the current vulnerability of Go-NGO networking should be improved as soon as possible.

Question 20.

First, UNESCO should contribute to constructing social mechanisms to enhance cultural diversity in multicultural domestic and international contexts. In particular, UNESCO should work to lay the foundation for networking between governmental and nongovernmental organizations and close cooperation between the public and private sectors.

In fact, although various civil organizations have been actively engaged in cultural activities, they do not organically interconnect or network amongst themselves and instead tend to scatter and act sporadically. As a result, they cannot influence the cultural context in Korea and fail to function as a dissenting and alternative force against the cultural dominance of central regions.

Second, UNESCO should provide a place where people understand other cultures as a whole. In order to enhance cultural diversity, it is necessary to accumulate basic knowledge and understanding of other cultures. However, current understanding of other cultures still remains extremely superficial, and as such, inclusive and comprehensive methods for understanding other cultures should be offered.

In addition, UNESCO should provide an opportunity where similarity and differences between culture in a traditional sense, such as language, cultural heritage, those who preserve intangible cultural heritage, historical records, architecture, and culture as a

way of life, such as food, eating habits, modes of residence, and family relations can be understood and respected. UNESCO should also promote the positive expression of cultural diversity via various channels.

Third, by subdividing the cultural unit, UNESCO should provide a socio-cultural environment where the value of cultural diversity is revealed and respected in a more refined manner. At this point, identity, volunteerism, and the autonomy of diverse cultural agents that create cultural elements should be stressed, because culture does not have self-generating power but is the result of human activity. Included among cultural agents are various minority groups, socially vulnerable groups (women, children, youth, the elderly, gays and lesbians), and local governments.

In sum, although it is easy to theoretically recognize the cultural differences between each country, it is very difficult to practically recognize the differences. With this in mind, UNESCO should implement programs, domestically and globally, through which people can have a chance to gain a practical understanding of cultural differences.

Globalization cannot be interpreted as something that is completed by the enforcement of a uniform standard, but as something that begins with the mutual understanding of differences. What is significant is the question of how to minimize problems derived from cultural diversity or cultural difference, and how to seek future directions through the promotion of mutual exchange.

문화다양성 개념의 한국적 적용

류정아

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문화는 사람들이 자신들의 일상생활의 의미를 발견하며 창조해내는 삶의 중심적 영역이며, 즐기고 정치화하는 장이면서 동시에 저항과 투쟁의 조건이 된다. 따라서 문화에 대한 관심은 과거와 현재의 삶을 이해하는 것에서 그치는 것이 아니라, 사고방식, 정치적 행위, 생존전략, 저항의 원천을 실천적으로 제공하기 위한 구체적인 방법론 제시와 연결되고 있다.

세계화의 위력은 역설적으로 지구상의 다양한 문화가 가지는 다양성과 특수성의 가치에 대해 다시 한번 심각하게 고민해 볼 수 있는 기회를 제공하고 있고, 이에 따라서 각국의 문화적 특성이 가지는 가치를 국내적인 차원 뿐만이 아니라 국제적인 차원에서 보다 섬세하게 고찰해보는 기회를 갖게 한다.

유네스코에서 강조하는 ‘문화다양성’ 개념은 시기별로 그 구체적인 강조점이 조금씩 변화되어 왔다.

첫째는, 2 차 대전의 종결 후 유엔이 창설된 직후에는 교육과 지식을 강조하였다. 즉 교육과 지식을 통해서 사람들 간의 의심과 불신을 없애고 도덕적이고 인본적인 연대를 통해서 평화를 이루어야 한다는 것을 강조하였다.

둘째는 탈식민지화로부터 1966 년 국제적 문화협력원칙이 천명되던 시기로, 새로 독립한 국가들이 생겨나면서 문화다양성 개념은 문화정체성 개념과 함께 국제적인 차원에서 각 국가의 독립성과 존재성[*raison d'être/existence*]을 정당화 시켜주는 내재적인 힘으로 간주되었다. 각각의 국가나 민족집단은 자신들만의 고유한 특징을 가지고 있고, 이것이 인류문화의 공동재산이면서도 국가간의 차별화 된 가치의 원천이 됨이 강조되었다. 여기서 예술작품, 문화유산의 보전과 보호, 그리고 문화의 국제협조와 전파 등이 강조되었다. 세 번째 시기는 70-80 년대로, 이 때는 문화개념이 정책결정과정에서 영향력을 가진 것으로 도약하면서 내생적인 발전의 개념과 연결되었다. 문화정책이 강조되었고, 이를 구체적으로 추진하기 위한 제도적, 행정적, 재정적인 차원의 정부간 회의가 열리는 것은 물론이고 개인의 ‘문화권’ 이 강조되었다.

네 번째는 인권과 다문화사회 개념이 등장한 1990 년대부터 현재까지 이어지는 시기로, 이때는 문화와 민주주의가 연결되었다. 이와 더불어 여러 사회들 간뿐만 아니라 사회 내부에서 ‘관용(*tolérance*)’ 이 강조되었다. 이제는 지역간이나 국가간의 갈등이 아니라 한 국가 내의 문화다양성의 문제가 관심의 초점이 된 것이다. 특히 도시화의 급속한 진전, 소수자의 권리, 다양한 문화적 공동체의 공존 등의 문제들이 강조되면서 새로운 경향과 새로운 욕구에 대응해야 하는 필요성이 제기되었다. 다문화성에 대한 의문제기는 사회간뿐만

아니라 사회 내에서도 제기되어, 다문화적인 상황 속에 있는 개인들이나 집단들, 그리고 두 개 이상의 문화 속에 살고 있는 이주민 문제들이 언급되기 시작하였다.

더욱 더 가속화되어가고 있는 세계화 과정은 경제적이고 기술적인 질서뿐 만이 아니라, 세상을 인지하는 방식에도 큰 변화를 일으켰다. 이것은 결국 문화적인 다양성을 보존하고 진작시키는 전략이나 여러 행위 유형들을 재규정하게 하였다.

그러나 최근의 문화다양성의 문제를 한국적 상황에 적용할 때는 상당히 곤란한 문제를 야기시키기도 한다. 이것은 최근 강조되는 문화다양성의 초점은 국가간의 문제보다는 한 국가 내의 문화적 다양성의 인정과 가치 제고에 있는 것으로 그 강조의 초점이 점차 변화하고 확대되면서 생겨난 것이라고 볼 수 있다. 각 국이 견지하고 있는 이러한 문화다양성의 가치를 평가하고 측정하는 경우에 한국처럼 단일민족과 단일문화적 전통이 강한 곳에서는 이미 다문화주의가 정착되어 있는 곳에서 보이는 문화다양성의 양상과 특징을 동일한 기준에서 적용할 때 무리한 평가와 정책이 구사될 여지가 많아진다는 것이다.

특히 한국처럼 정치와 경제뿐만 아니라 문화적인 차원에서도 중앙집중적인 경향이 강한 곳에서는 각 지역이나 소집단이 가지는 문화적 다양성의 강조가 아래에서부터 자연스럽게 강조되기 보다는 중앙에서 그 가치를 부여해주는 경향이 더 강하게 드러나기가 쉽다. 따라서 문화다양성의 인정이 수요자 측면이 아닌 공급자 우선적인 차원에서 주도되고 있어서 실질적으로 문화다양성이 제고되어 그것이 지역이나 소집단에 속해 있는 사람들의 실질적인 문화적 삶의 질 향상을 실천적으로 이뤄내는 데에는 많은 한계를 가질 수밖에 없다는 것이다.

그럼에도 불구하고, 최근 문화정책적 차원에서 다양하게 시도되고 있는 문화다양성의 실천적 노력은 상당히 많은 부분에서 그 소기의 성과를 달성해 내고 있다. 그 점에 대해서 항목별로 살펴보면 다음과 같다.

Question 10.

I. 언어사용의 다양성 인정

1. 다원주의적 언어정책으로 틀 전환

- 언어는 규범의 틀 속에 고정되어 있는 것이 아니라 끊임없이 보완되고 발전되는 민족의 살아있는 역사임을 강조
- ‘국어문화지수’ 개발, ‘어문규범 영향 평가제도’ 도입 등을 통해 규범과 국민의 현실 언어생활 사이의 괴리를 없고자 함.
- 표준어의 개념과 범위도 재검토하고 지방화, 분권화 시대에 걸맞게 지역어를 전향적으로 수용하고 창조적으로 활용해 나가고자 함.

II. 사회적 취약계층의 문화적 신장

1. 사회적 취약계층의 문화기본권 보장.
 - 외환 위기 이후 빈부격차 심화로 사회적 취약계층의 증가하고 있는 상황에서, 사회적 취약계층의 문화기본권을 보장한다는 취지 아래 사회경제적 특성에 따른 종합적인 문화정책적 접근의 필요성이 대두함.
2. 사회적 취약계층의 역량 강화
 - 내면화 된 소외를 극복하여 공동체적 사회문화를 확립하고 사회적 취약계층의 문화역량을 강화함.
 - 장애인 문화체험 마을, 교정시설과 사회복지 시설을 연계한 문화적 재활·자활 프로그램 확대, 이주 노동자와 함께 하는 문화축제 개최 등의 사업이 추진 중임.

III. 외국인의 다양한 문화에 대한 이해의 영역 확장

1. 외국인노동자 문화축제 개최
 - 이주 노동자와 우리 국민, 이주 노동자 간의 상호만남과 교류기회 제공.
 - 이주노동자가 우리 문화를 체험하고 이해할 수 있는 기회 제공.
 - 이주노동자가 자국 문화를 향수할 수 있는 기회 제공.
 - 한국내의 외국인 노동자는 서로 대립하거나 경쟁하는 사이가 아니라 평화롭게 어울리고 공존해야 하는 관계임을 밝히고, 외국인 노동자 또한 한국사회를 구성하는 필수적인 부분임을 드러내어, 21 세기 다문화 사회로 가는 길목에서 외국인노동자에 대한 새로운 인식의 계기를 마련하고자 하는 취지.
2. 외국인노동자 <문화가이드북> 출간 예정
 - 문화관광부는 외국인 노동자들이 겪는 문화적 차이와 갈등을 해소하고, 한국인들과 더불어 살 수 있게 하는 도움을 줌.
 - 문화관광부는 외국인노동자 문화가이드북 제각기획위원회를 구성하여, 외국인노동자들에게 한국생활에 필요한 기본지식 및 생활정보 등의 제공으로 한국생활의 편리성 도모 및 상호이해기반 조성, 한국문화 소개 및 서로간의 문화적 차이점에 대한 설명 등을 통해서 한국에 대한 이미지 제고와 더불어 사는 사회를 구현하고자 함.
 - 이를 위해 네팔, 몽골, 미얀마, 방글라데시, 베트남, 스리랑카 등 10-20 개국 외국인 노동자들과의 면담조사를 통해 기초자료를 수집, 외국인들이 이해하기 쉬운 내용과 언어로 집필함.

IV. 예술의 창조적 다양성 제고

1. 예술의 창조성 증진
 - 예술인이 자유롭게 활동할 수 있는 환경 조성, 장르별 예술활동에 대한 지원 확대, 실험적 예술활동 지원.

2. 예술의 자생력 신장
 - 예술전문인력의 체계적 양성과 재교육 강화, 예술의 산업적 발전 지원
3. 향유자 중심의 예술 활동 증진
 - 예술이 자기계발과 삶의 질 제고에 중요하다는 인식을 갖고 예술을 생활화함으로써 전 국민의 창의성을 높이는데 기여, 정부는 모든 국민이 생활 속에서 예술에 적극 참여할 수 있는 여건을 조성하고자 함,

Question 11.

I. 지역의 문화역량 제고

1. 모든 국민은 어느 지역에 살든 상관없이 일정 수준 이상의 문화적 삶을 영위할 권리가 있음을 전제로 함.
2. 지역문화 진흥은 경제적 고도성장 과정에서 심화된 지역간 문화격차를 해소하고 지역주민의 삶의 질을 보장하기 위한 것임.
3. 중앙정부와 지방정부, 민간의 협력체계를 구축해야 할 것임.
 - 특히 지방자치단체와 민간은 지역문화를 혁신해 나가는 주체임.
 - 이들간의 협력체계 속에서 지역특성과 결합된 문화발전 모델을 설정하고 이를 자주적으로 실행해 나가려는 노력을 기울여야 함.

II. 생활밀착형문화공간 확충

1. 주민 생활 밀착형 문화공간을 지속적으로 확충하고 수요자 중심으로 문화공간 운영
 - 재정상의 문제로 운영이 미흡했거나 공급자 중심으로 운영되어 왔던 문화시설의 운영을 지역민의 수요에 부합할 뿐만 아니라 지역 문화예술단체의 활동거점이 될 수 있도록 개선하고자 함.
2. 소도시와 농어촌 지역에 생활밀착형 복합문화공간을 지속적으로 확충.
 - 문화적으로 소외되어 왔던 지역주민들의 일상생활 속에서 문화를 향유할 수 있도록 하고 문화생산자로 성장할 수 있도록 지원.
 - 예시 사업으로, ‘지역문화 활성화 종합대책 수립 및 추진’ (문화기반 시설에 인력과 프로그램의 지원을 통한 운영활성화 도모, 민관학 연계를 통한 지역문화 발전체계 정립, 지방문화원을 지역 문화진흥의 구심체로 육성, 주민생활과 밀접한 생활친화적 문화공간 조성 운영)

III. 문화시설의 균형적 확충과 운영활성화

1. 문화소비 형태가 개인화되고 다양화되어감에 따라, 국민의 문화적 수요를 반영한 수용자 중심의 문화시설 공급체계를 마련해야 함.
 - 문화시설은 문화의 생산자나 문화의 향유자 모두에게 문화활동 교류의 장이자 문화활동의 양과 질을 결정하는 가장 핵심적인 요소이기 때문임.
2. 문화시설의 양적, 질적 확대와 지역적, 계층적 형평을 제고하여 국민의 문화향수 확대.
 - 문화시설의 리모델링과 이용향상 추진으로 문화시설의 지역중심 공간화 추진, 문화시설 콘텐츠 채우기, 1만개 작은 도서관, 이웃도서관 확충운동 등을 벌임.

IV. 국민에게 다가가는 문화정보체계 구축

1. 정보화의 확산으로 사회구조가 수평적으로 전환되고 시민의 참여수준은 지속적으로 상승, 문화향수권을 증진시키기 위해 인터넷을 통한 문화교육의 중요성 대두.
 - 허브형 문화정보 포털시스템 구축, 새로운 문화콘텐츠 발굴과 콘텐츠 재생산 장려 등의 사업을 고려 중에 있음.

V. 열린 예술행정체계 구축

1. 자율, 참여, 분권 원리에 기반한 국가, 예술현장, 지역 사회 간의 유기적인 협력체계 구축.
 - 예술지원에 투입되는 공공재원이 필요한 곳에 합리적이고 효과적으로 지원될 수 있도록 지원체계를 개선
 - 예시사업으로, 현장예술인 중심의 문화예술위원회 설립, 예술인에 대한 사회적 예우 강화, 대학로 활성화를 위한 프로젝트 추진, 국립공연예술시설과 예술단체 종합발전 계획 추진 등의 사업들이 제시되고 있음.

Question 12.

I. 문화창조의 기반이 되는 언어 자원의 확충

1. 새로운 언어 문화의 형성
 - 국어는 문화의 다양한 요소가 모이고 재창조되는 교차로이므로 국어자원을 확충하여 문화콘텐츠 창출 등 새 언어문화를 형성하기 위한 정책적 노력을 집중함.
 - 해당 정부기관은 신조어에 효과적으로 대응하고, 토속어, 지역어 등을 보존하며 그것의 활용성을 키워나감.
 - 전문용어 정비, 언어순화체계 개선, 언어의 오염도 완화시키려는 노력 경주.

2. 지역어 프로그램

- 지역문화에 대한 자부심을 높이기 위해, ‘지역어(방언)의 수집·정리·활용’과 관련된 사업을 추진함.
- 한국 정부는 지역어를 체계적으로 수집·정리하고 지역어 사용원칙을 마련하여 표준어와 지역어의 조화로운 발전을 모색.
- 지역어에 대한 정보를 제공하고 지역어 사용을 늘리기 위한 각종 정책을 지원하여 지역어를 살아있는 언어로 존재하도록 함.
- 지역어 소멸 위기, 지역어에 대한 부정적 인식 등의 문제점이 대두하여, 우리의 언어문화유산인 지역어의 체계적인 수집과 정리, 지방화 시대에 걸맞은 지역어의 전환적 수용과 창조적 활용지원.

3. 재외동포와 외국인에 대한 한국어 교육 강화

- 국력 증대, 월드컵에서의 선전, 한류 등으로 한국어를 배우고자 하는 수요는 급증하고 있는 추세이나 본격적인 보급이 이루어지지 못하고 있음.
- 한국어의 국제적 활용성을 강화함으로써 세계 속에서 한국어의 위상을 높이기 위해 국내외 거주 재외동포, 외국인에게 한국어 보급 확대를 적극 추진, 민족문화와 접목된 모국어 교육을 통한 민족문화의 보급 확대.
- 국내와 해외 현지에서의 교육기회 확대, 한국어 교재와 사전 등 한국어 교육 기자재 개발 및 보급 확대, 한국어 보급 협력망 확대 등의 추진방안이 논의되고 있음.

II. 지방자치단체와 민간중심으로 지역문화 정책을 수립하고 집행하는 체제로 전환 유도

1. 중앙정부는 지역문화 발전에 주도적 역할을 담당한 지방자치단체와 민간의 역량을 키울 수 있는 여건을 조성하고, 중앙-지방-민간의 파트너십이 잘 이루어질 수 있도록 지원.
 - 중앙정부가 주도하는 지역문화정책은 수도권의 문화를 천편일률적으로 확산시켜 지역문화의 고유성과 다양성을 저해할 것이기 때문에, 중앙정부는 지역문화의 다양성과 자생적 발생 가능성을 최대한 보장하면서 구체적인 지역문화발전 전략 수립과 집행은 지방과 민간부문이 주도할 수 있도록 지원하고자 노력함.

Question 13.

I. 급속한 디지털 환경의 조성으로 저작권의 문제가 심각해짐.

1. 인터넷과 컴퓨터가 발달함에 따라 디지털콘텐츠에 대해 국내외적으로 불법복제 등 저작권 침해 사례가 심각한 수준임.

2. 미국은 2004년 1월 음반 및 영상물 지적재산권 침해 문제와 관련하여 우리나라를 ‘감시대상국’에서 ‘우선감시대상국’으로 상향 분류하였음. 따라서 상시적 단속체계를 만들지 않고는 미국의 지속적인 통상압력에 시달릴 가능성이 높음.

II. 국가적 차원에서 저작권과 관련된 구체적인 제도적 방안을 강구함.

1. 문화관광부의 노력

- 1994년부터 WIPO(세계지적재산권기구)를 중심으로 한 새로운 조약체결 움직임과 주요 선진국에서 논의되어 온 디지털 기술에 대응한 저작권체제 정비 연구관련 정보를 신속히 입수하여 국내 저작권계에 알리는 일을 시작함.
- 1995년부터 일본, 미국, 유럽연합, 캐나다의 연구자료를 번역, 멀티미디어 저작권자료 시리즈로 국내에 소개하며 전문가들의 연구참여를 촉구하고 저작권심의조정위원회를 중심으로 1994년부터 멀티미디어 상황의 저작권 문제에 대한 연구를 진행.
- 문화관광부는 지속적으로 저작권 국제세미나를 개최하여 해외 각국의 동향수집과 저명한 저작권 국제전문가의 의견을 확보하여 저작권 정책과 관련제도의 개선방향 정립에 반영.

2. 저작권법의 개정과 저작물 등록수의 증가

- 이러한 일련의 과정을 거쳐, 저작자의 권리와 이에 인접하는 권리를 보호하고 저작물의 공정한 이용을 도모함으로써 문화의 향상발전에 이바지하는 것을 목적으로 한 저작권법이 지속적으로 개정되고 있음.
- 저작권 등록은 저작자들의 의식이 점차 고양되면서 점차 증가추세를 보이고, 2000년을 넘어서면서 등록저작물 수는 급증하고 있음.
- 최근에는 음반과 관련된 저작물 등록수의 증가추세가 뚜렷함.

Question 14.

I. <저작권법>

1. 1957년 제정되어 2004년까지 지속적인 개정작업이 이루어지고 있음.
 - 1957년에 제정되어 총 9장 103조로 구성되어 있음.
 - 저작물, 저작인격권, 저작인격권의 성질, 저작재산권의 의의, 저작권의 제한, 저작권 보호기간, 저작물 이용의 법정 허락, 저작권에 관한 심의 및 분쟁의 조정, 저작권의 침해에 대한 구제 등을 규정.
 - 2000년 개정 시에는 멀티미디어 디지털 기술의 발전에 따라 전송권 신설, 복제시 저작자의 이용허락, 지적재산권 침해에 대한 벌칙을 상향 조정함.

- 2003년에는 데이터베이스 제작자의 투자노력을 보호하고 제 3자의 저작권 침해와 관련한 온라인 서비스 제공자의 책임한계를 명확히 하여 온라인 시대에 적합한 체계를 마련함.
- 2004년에는 실연자 및 음반제작자에게 실연 및 음반에 대한 ‘전송권’ 부여를 통해 실연 및 음반에 대한 권리를 명확히 함으로써 온라인 음악시장의 장기적 발전을 도모함.

II. 저작권 위탁관리제도 정비

1. ‘저작권위탁관리업자’로 하여금 저작권자와 저작물 이용자 사이의 교량역할을 담당하도록 하여 저작물의 공정한 이용이 원활하게 이루어지도록 하는 제도적 장치.
 - 저작권 위탁관리업이란 <저작권법>에 의해서 보호되는 저작자의 복제, 공연, 방송권 등의 권리를 그 권리자를 위하여 대리 중개하거나 신탁 관리하는 업을 말함.
 - 저작권 신탁관리 업체의 활동 현황을 보면, 한국음악저작권협회, 한국문예학술저작권협회, 한국방송작가협회, 한국복사전송관리센터, 한국예술실연자단체연합회, 영상시나리오작가협회, 한국방송실연자협회, 한국음원제작자협회 등이 있음.

III. 불법복제 감시제도

1. 지적 재산권의 보호에 대한 국가적 개입
 - 문화관광부장관은 <출판 및 인쇄 진흥법>과 <음반·비디오물 및 게임물에 관한 법률> 등 문화산업 관련 법률에 근거하여 “저작권법에 의한 저작권자 또는 출판권자의 동의 그 밖에 정당한 권리 없이 불법복제한 간행물”이나 “정당한 권리를 가지지 아니한 자가 영리를 목적으로 복제, 제작한 음반·비디오물·게임물”을 수거·폐기할 수 있는 권한을 가지고 있음.
2. 2005년부터 단속관련 업무 총괄기능이 저작권과로 일원화되었음.
 - 문화관광부는 지속적으로 단속해 왔으나, 관련업무가 여러 부서와 단체에 산재하고 있기 때문에 불법행위를 제어할 만큼 효과적인 단속이 이뤄지지 않았음.

Question 15.

I. 경제성장의 새로운 동력으로서의 창의적 문화콘텐츠의 중요성 대두

1. 지식기반 사회에서 문화, 창의력, 상상력이 부가가치를 창출하는 창의적 문화산업사회로 급격히 전환되고 있음.

2. 문화산업을 차세대 성장동력으로 전략적으로 육성하고자 하는 것은 세계적 추세임
 - 2001년에 CT(Culture Technology)가 차세대 성장동력의 하나로 선정
 - 문화산업은 기술과 문화예술적 감성이 집약된 산업으로 우리 민족의 창의력을 극대화할 수 있는 사회적 여건과 문화산업 인프라가 마련된 경우, IT와 반도체를 이어서 차세대 한국경제를 이끄는 산업으로 성장할 가능성을 충분히 가지고 있음.

II. 예술과 문화산업의 역동적 피드백

1. 대중의 문화적 수준향상과 매체통합의 가속화로 예술과 문화산업의 유기적 연계에 대한 필요성이 증대되고 있음.
 - 문화의 글로벌화가 가속화되고, 한류열풍으로 한국의 문화산업의 세계시장 진출이 가속화됨에 따라 보다 질 높은 콘텐츠 제작의 필요성이 급증하고 있음.
 - 문화콘텐츠 제작 세부공정의 질적 제고를 위해서 각 공정별 문학, 미술, 음악, 연극 등 예술의 창의적이고 심화된 성과를 적극적으로 수용할 필요가 있음.

III. 경제적 고부가가치를 가지고 높은 고용창출효과를 가지는 고성장산업으로 발전

1. 다채널, 다매체 시대를 맞이하여 매체통합이 급격히 진행되고 여가시간 증대 및 문화소의 확대로 멀티미디어콘텐츠 수요가 폭발적으로 증가하고 있음.
 - 국내 채널 수는 2001년 61개에서 2002년 115개, 2005년 230여개로 증가될 전망.
 - 국내 문화산업 연평균 성장률은 21.1%로 세계 문화산업 성장률 5.2%의 3-4배 속도로 급성장하고 있음.
 - 2003년 말 기준 우리나라 출판, 만화, 음악, 게임, 영화, 애니메이션, 방송, 광고, 캐릭터, 인터넷 및 모바일 콘텐츠 외 기타 등 10개 문화산업 부분의 총 매출규모는 44조 1,955억원으로 조사됨. 분야별로 출판산업(만화 포함), 방송산업, 광고산업, 캐릭터, 게임, 영화, 음악, 애니메이션, 인터넷/모바일 콘텐츠 외 기타 산업의 순으로 많은 규모를 차지함

Question 16.

I. ‘문화산업진흥기본법’ 개정

1. 문화산업의 진흥과 발전을 효율적으로 지원하기 위해 설립된 한국문화콘텐츠진흥원에 기금의 관리 운영을 위탁할 수 있는 근거 조항을 만드는 일이 필요하게 되었음.

- 21 세기 지식 정보산업의 핵심인 문화산업 진흥을 위해 조성된 문화산업진흥기금의 관리·운영에 업계의 의견을 효율적으로 수렴하여 기금 사업에 반영하는 등 전문성과 효율성을 더욱 강화해야 한다는 필요성이 제기되었음.
- 정보통신기술의 발달과 위성, 디지털, 인터넷 방송 등 첨단 미디어의 증가로 문화콘텐츠 분야에 대한 수요 증가가 예상됨에 따라, ‘문화산업진흥기본법’ 개정으로 문화산업의 흐름 및 업계의 요구에 적극적으로 대처할 수 있도록 지원체계가 마련됨으로써 문화상품 기획, 창작력 제고 및 문화산업의 경쟁력 강화에 기여하고자 하는 것임.

II. ‘음반·비디오물 및 게임물에 관한 법률’ 개정

1. 비디오물의 등급분류 신청시 정당한 권리자인지의 여부를 확인할 수 있도록 하는 등 현행 ‘음반·비디오물 및 게임물에 관한 법률’의 운영에서 나타난 일부 미비점을 개선. 보완
 - 비디오물의 제작 또는 배급에 있어서 정당한 권리를 가지지 아니한 업자 등이 불법으로 비디오물을 수입 유통하여 업자간의 분쟁과 함께 저작권을 가진 해외 저작권자와 분쟁을 일으켜 결국 국가간 통상마찰로 확대되는 경우를 방지하고 영상 저작권자의 권리를 보호하기 위한 것.

III. ‘조세특례제한법’ 개정

1. 문화산업 준비금의 손금 산입과 관련하여 IT 기업, 중소기업 위주로 준비금, 세액공제조항이 마련되어 있으나 게임, 음반, 영화 등의 산업이 상대적으로 혜택을 못받고 있어 이 부분에 대한 개정이 필요하게 되었음.
 - 창업중소기업과 창업벤처 중소기업의 범위로 11 개 업종 즉 제조업, 광업, 부가통신업, 연구 및 개발업, 과학 및 기술서비스 업, 전문디자인업, 방송사업, 방송프로그램 제작업, 엔지니어링 사업, 정보처리 및 컴퓨터 운영 관련법, 물류 산업으로 한정하고 있어 영화산업과 광고업은 그 대상에서 빠져 있었음.
 - 영화업은 창의적 아이디어와 기획력을 근간으로 하는 업종으로 대부분이 대기업이라기보다는 중소기업의 형태이며 시장에 신규진입을 원활히 할 수 있도록 세제 지원이 필요함.

IV. 전문인력양성

1. 인력 수요공급의 균형을 유지할 필요성이 대두함.
 - ‘문화 콘텐츠 산업인력 양성 종합 계획(2004. 2)’에 의하면, 문화콘텐츠 사업의 장르별 인력수급을 전망한 결과, 공급과잉 문제가 발생하는 분야와 지속적인 공급인력 부족문제가 발생하는 분야로 양분되어 장르별 특성을 고려한 인력수급의 불균형 문제에 대한 대안을 제시할 필요가 대두되었음.

- 국내 콘텐츠 아카데미, 글로벌 인재 육성 지원, 특성화 교육 기관 지원, 해외 인턴쉽 수행지원 사업, 해외 우수 인력 마케터 사업, 사이버 문화 콘텐츠 아카데미 사업 등이 있음.

V. '우리 문화 원형의 디지털 콘텐츠화' 사업

1. 우리 전통문화에 숨어있는 이야기거리나 우리 고유의 색채, 우리 고유의 소리 등을 디지털화 하여 문화콘텐츠 산업의 기획, 시나리오, 디자인, 상품화의 산업단계에서 필요한 독창적인 창작 및 기획 소재 제공을 목적으로 함.
 - 문화관광부와 한국문화콘텐츠진흥원에서 2002년부터 2006년까지 총 5개년 동안 550억원 이상의 예산을 투입하여 다양하고도 방대한 고품질의 문화 콘텐츠 창작소재 개발.

VI. 지방 문화산업 육성

- 지방 문화산업 클러스터, 디자인 패션 산업 육성, 부산영상도시 육성 등

Question 17.

- I. 문화상품 공동제작 양해각서, 협약 체결 등 국가간 교류의 기반이 활성화되고 있음.

1. 한국은 1995년 캐나다 정부와 TV 공동제작에 관한 양해각서를 체결하였음.
2. 프랑스 국립영화센터(CNC)와 영화진흥위원회(KOFIC)가 중심이 되어, 매체와 장르에 관계없이 극장상영을 목적으로 제작된 영화를 대상으로 공동제작 협정이 추진되고 있음.
 - 현재 영화진흥법과 시행령을 통해서 공동제작 영화에 대한 정의와 신고에 필요한 사항을 규정하고 있으며, 영화제작 전에 신고하고 영화촬영 종료 후 영진위에서 심사하여 결정함.

II. WTO 체제 하의 '서비스 무역에 관한 일반 협정(GATS)' 체결

1. 서비스상품을 자유무역의 대상으로 하고 서비스 무역의 확대를 통해 국제경쟁력을 갖추려 한 미국의 압력에 대한 한국의 대응방안을 마련해야 할 필요성 제기
 - 미국은 GATT 탈퇴를 협박했고, 1985년 회원국들로 하여금 동 분야를 GATT 협상의 공동의제로 수용하도록 함.
 - 1986년 9월에 시작한 우루과이라운드에서는 서비스 무역도 상품무역과 마찬가지로 협상대상이 됨
 - 1994년 4월 우루과이라운드가 타결되고 이듬해인 1995년 1월 1일 WTO가 출범하면서 '서비스 무역에 관한 일반 협정(GATS)'이 맺어짐.

2. 서비스 교역규모 비중의 급격한 증가추세가 두드러짐.

- 미국을 포함한 국제사회가 서비스 무역에 관심을 갖게 된 것은 1990 년대에 들어와서 정보와 통신기술의 발전, 금융분야의 합리화를 바탕으로 서비스 교역규모가 세계 상품교역 규모의 25%를 상회할 정도로 급격하게 증가했기 때문.

III. 무역협정과 문화산업의 관계의 모호성에 대한 논의가 활발히 전개되고 있음.

1. 한·칠레 FTA

- 우리나라는 1998 년 12 월 개시된 한·칠레 FTA 협상을 2002 년 10 월 24 일 체결함으로써 최초의 자유무역협정을 체결하였음.
- 여기에서 언론, 출판, 영화, 음반, 방송, 공연 등 문화분야는 양측의 주요관심 대상이 아니고, 문화정체성의 보호 및 유지와 관련된 측면이 있다는 점을 고려하여, 동 협정에 규정된 제반 의무의 적용을 명시적으로 제외하는 문화적 예외를 인정하고 있음.
- 현재 우리나라가 외국인 사업자에 대해 제한하고 있는 내용, 신문, 방송, 정기 간행물의 발행인, 편집인의 국적 제한 및 투자 제한, 영화, 공연, 음반 등의 수입 추천 및 스크린 쿼터, 방송 쿼터 제도 등을 협정의 유보 사항으로 담아 부속서에 기재하고 있음.

2. 양자간 투자협정(BIT)

- 문화산업과 관련해서 스크린 쿼터 문제가 양자간 투자협정에서 가장 큰 쟁점이 됨.
- 미국정부가 스크린 쿼터의 철폐에 대해 집중적으로 문제 제기를 함으로써 한미 투자협정은 협상 초기부터 이 제도의 존폐를 둘러싸고 커다란 사회적 논란을 불러 일으켰음.
- 스크린 쿼터와 관련된 쟁점 조항은 한미투자협정 초안 제 6 조에 명시된 강제 의무 부과금지 조항인데, 이 조항에 따르면, 우리 정부는 외국인 투자자로 하여금 일정 비율 이상의 국산재화나 현지 생산물을 사용하도록 강제할 수 없게 되며, 이를 위배하는 제도는 철폐해야 한다는 것임.

3. 스크린쿼터와 양자간 투자협정의 관계 조율

- 양자간 투자 협정을 맺는다고 해서 스크린 쿼터나 문화산업 관련 규제들이 자동적으로 철폐되어야 하는 것은 아니고, 협정 내용을 어떻게 정하느냐에 따라 결과는 충분히 달라 질 수 있는 것임.
- 이미 스크린 쿼터 제도는 GATT 규정 제 4 조 ‘영화에 관한 특별 조항’ 에서 제 3 조 내국민 대우의 예외로서 명시적이고 구체적으로 그 설정과 유지가 허용되고 있음.
- OECD 자유화 규약 역시 ‘영화에 관한 부속서’ 에서 1 년 이상의 특정기간 중 국내 생산 영화의 최소 상영시간 규제를 인정하고 있으며, 영화수출 시장에서의

국제적 경쟁을 심하게 왜곡하지 않는 한, 문화적 목적으로 영화제작에 필요한 지원체제를 유지하는 것을 허용하고 있음.

- 우리 정부는 이에 따라서 OECD 가입시, 영화 관련 유보 목록에 문화정책성 보호를 이유로 스크린 쿼터 제도를 명시한 바 있음.

IV. 국제교류 확대를 통한 문화다양성 증진

1. 국제문화교류를 통한 상호 이해와 문화의 다양성 및 창의성 증진
 - 문화다양성 증진과 문화외교 다변화를 위한 국제 협력과 연대강화
 - 문화다양성 협약체결 적극 대응
2. 우리 문화 바로 알리기를 통해 국가의 문화적 위상 제고
3. 민간부분과 지방정부를 주체로 한 문화교류 대두
4. 문화, 관광, 스포츠, 청소년 등과 관련된 국제기구 활동 강화
 - 국제 문화관광 기구들과 상호연대를 강화하여 우리나라 의견을 적극적으로 개진하고 한국문화관광 정책의 우수성 홍보
 - 국제적 문화협력 네트워크 형성, 개도국에 대한 문화교류 지원 확대, 국제기구 협력사업의 발굴과 그 추진, APEC 과 ASEAN+3 과의 지속적 협력체계 구축
5. 지자체 및 민간부분의 국제교류 지원
 - 민간협력 적극지원(제 3 차 국제문화전문가 단체 서울총회 적극 지원, 아시아 문화 NGO 네트워크 결정 지원, 아시아 여성문화정책 세미나 개최), 저개발국에 대한 문화교류 지원 확대(아시아 지역문화관광정책 개발 지원 등)

Question 18.

I. 시민의 공공문화참여 기회확대

1. 문화행정과 문화행사에 시민들이 직접 참여하고 문화활동을 할 수 있는 여건 조성.
 - 영상문화시대를 맞이하여, 시민들의 영상매체에 대한 관심과 교육의 욕구가 높으며, 지역중심의 영상미디어교육센터들의 확충과 영화제나 영상미디어 축제가 증가하고 있는 추세임.
 - 영화진흥위원회는 시민들의 영상참여를 활성화시키기 위해 2002 년부터 영상미디어센터를 운영하여, 일반 시민들의 영상제작을 직간접적으로 지원해 주고 있으며, 지역에도 영상미디어센터를 건립하고 있음.

- 방송법 개정을 통해 지상파방송에서는 시민들이 참여하는 시청자참여프로그램을 의무화하면서 시청자들이 방송제작에 직접 참여할 수 있는 기회를 제공하고 있음.
 - 최근 방송위원회에서는 지역 소출력 FM 라디오방송을 허가하면서 지역에 총 14 개의 단체에 라디오방송 개국을 지정하였음.
2. 시민들의 문화적 참여기회를 확대하는 법률적 근거가 마련되고 있음.
- 퍼플릭 액세스의 권리를 포괄적으로 명시한 법은 존재하지 않으나, ‘방송법’, ‘영화진흥법’, ‘영상진흥기본법’ 등은 마련되어 있음.
3. 정부시행정책 및 지원 계획수립과 추진
- 영화진흥위원회는 시민들의 영상교육과 제작의 참여를 장려하기 위해 ‘영상미디어센터’ (미디어엑트)를 설립하여 지원하고 있으며, 시민들의 공공문화 참여기회를 확대하기 위해서 광주비엔날레, 부산비엔날레 등 지역의 문화축제에 시민참여 프로그램을 개발함.
4. 시민의 방송제작참여 기회확대
- 각 방송사들이 시민들의 의견을 수렴하는 ‘옴부즈맨 프로그램’을 개설되고 있으며, 각 방송사들은 방송위원회 시행규칙에 의거하여 ‘시청자참여프로그램’을 의무편성하고 있음. 또한, 각방송사들을 시청자평가원제도를 도입하여 시청자들의 다양한 의견을 수렴하고 시청자단체들이 각 방송사의 프로그램을 지속적으로 모니터링하고 있는 상황임.

II. 공공문화기반시설의 이용권리

1. 사회적 약자들의 공공문화기반시설에 대한 접근권과 향유권을 높이기 위한 프로그램과 시설운영의 원칙들을 정립해야 함.
- 공공문화기반시설의 이용은 사회의 불평등한 상황을 그대로 반영하고 있기 때문에 사회적 약자들의 문화적 격차의 해소를 위한 다양한 공공문화기반시설의 이용 계획들이 필요함.
 - 특히, 지역의 경우 서울 지역 중심으로 배치되어 있는 공공문화기반시설과 프로그램들에 의해 소외되고 있기 때문에 ‘지역문화예술진흥법’의 신설을 통한 제도적인 보완이 필요함.

III. 문화정보 서비스권

1. 시민들이 이용할 수 있는 아카이브 형태의 공공문화정보 서비스지원이 필요한 상황
- 인터넷을 통한 다양한 문화정보들을 서비스 받을 수 있는 기회와 접근이 확대되고 있으나, 대부분이 단순정보에 불과함.

IV. 공공문화행정 감시권의 확대

1. 시민들의 정책에 대한 감시와 참여의 욕구가 확대되고 있는 상황임.
 - 함께하는 시민행동의 예산감시 활동과 문화연대의 문화예산감시 활동, 또는 축제모니터링 활동 등 시민사회단체들의 행정감시들이 확대되고 있음.
2. 지역의 문화단체들도 지방자치단체의 문화예산과 행정감시들을 실시하고 있음.
 - 부천의 경우 최근에 시민들의 자발적인 참여 프로그램들이 가동되고 있다. 우선 북사골문화센터의 시민강좌에 공연자원봉사나 모니터링을 담당할 회원들을 모집하여 연수과정과 교육을 시키고 있고, 부천시가 문화예술교육 시범지역으로 선정되어 학교와 지역의 공공문화기반설들을 연계하는 프로그램들을 개발하고 있어 지역 문화예술단체나 학부모 단체들의 참여가 기대되고 있음.
 - 그러나 지방으로 내려 갈수록 시민들의 문화행정에 참여하는 권리들은 실질적으로 보장받지 못하고 있는 것이 현실임.

V. 문화관광부 TF 활동을 통한 일반 시민 또는 전문가 견해의 정책 반영

- 주 5 일 근무제, 문화소의계층지원, 광주문화중심도시, 경주역사문화중심도시, 행정수도 문화기획, 민족문화창달, 지방문화분권, 문화예술교육, 예술산업, 5 개문화산업강국실현, 한류확산, 스포츠여가산업, 청소년문화, 인력자원 관리개선, 여성문화 등과 관련된 구체적인 정책을 수립하기 위해서 사회 각계 전문가들의 견해를 수용하여 정책을 입안하고 있음.

VI. 문화유산 정책의 시민참여확대

1. 문화재보호의 민간참여확대로, 기존의 문화재의 보호와 보존에서 끝나는 것이 아니라 새로운 문화재의 발굴과 보호와 보존으로까지 나아가고 있음.
 - 문화재의 보호와 보존의 관심의 증대는 2000 년 한국내셔널 트러스트를 창립하였으며, 민간의 관심으로 2002 년 최순우 옛집 최종매입 등의 형태로 문화재를 보호하고 있음.
 - 시민들의 문화재정책에 대한 관심이 높아지고 있으며, 덕수궁터미대사관 이전반대. 청계천역사문화복원운동. 삼청각 삼성매각반대. 한옥살리기 운동 등의 다양한 문화재정책의 시민참여가 확대되고 있음.

Question 19.

- 현재 문화활동과 관련된 민간기구나 단체는 실질적으로 많게는 수백 개 적게는 수십 개 단체가 활동을 벌이고 있다고 볼 수 있을 정도로 수적으로는 상당히 많은 단체가 활동을 하고 있기는 하지만, 민간단체들 간의 네트워크 구축이나

중앙기관과의 긴밀한 협조체계 등은 거의 구축되어 있지 않고 필요에 따라 개인적인 친분관계 하에서 간헐적으로 중앙기관과의 관계를 형성하고 있는 수준에 머물러 있음.

- 현재 문화관광부의 문화정책은 민간집단들과의 긴밀한 협조가 없이는 효율적으로 수행되기 힘든 방향으로 진행되고 있다. 게다가 또한 점차 중앙의 직접적인 통제와 자원 배분보다는 지역집단이나 민간집단에 자원과 통제권을 이양해야 하는 것이 전체 국가의 문화정책의 커다란 방향이라고 할 때, 현재의 빈약한 GO-NGO 네트워크의 상황은 가능한 빠른 시일 내에 극복되어야 할 것으로 판단됨.

Question 20.

1. 국가간 또는 국내에서의 다문화적 상황에서 문화다양성을 고양시키기 위한 사회적인 메카니즘 구축에의 기여
 - GO-NGO 네트워크 구축과 공공부분과 민간부분의 긴밀한 협조가 이루어질 수 있는 기반을 조성하기 위한 노력을 기울여야 할 것임.
 - 현재 문화활동과 관련된 다양한 시민단체들이 왕성한 활동을 벌이고 있기는 하지만, 이들의 활동의 유기적 연계성이나 네트워크가 공식적인 차원에서 구축되어 있지 못하고 산발적으로 흩어져서 활동을 진행하고 있기 때문에 이들이 한국의 문화적 상황에 미치는 영향력이 분산되어 중앙의 문화지배력에 대항하는 반대 또는 보완세력으로서 기능을 제대로 하지 못하고 있는 상황임.

2. 지속적이고 총체적인 타문화 이해의 장을 마련해야 할 것임.
 - 문화다양성의 고양을 위해서는 자기 문화뿐 만이 아니라 타문화에 대한 기본적인 지식축적과 이해를 기본으로 함. 그러나 현재 타문화의 이해는 지극히 피상적인 수준에 머물러 있어서 보다 포괄적이고 총체적인 차원의 타문화이해의 장이 마련되어야 할 것임
 - 언어, 문화유산, 이를 보전하고 있는 사람이나 기록, 또는 건물, 수공예품 등 전통적인 문화적 특질들로서 강조되는 것들과 예술형태, 음식과 식습관, 주거형태나 가족관계유형 등 생활방식으로서의 문화 등이 가지는 특질들의 차이점과 공통점에 대한 기본적인 이해와 존중의 안목을 넓히고, 이러한 문화적 다양성을 다양한 경로를 통해서 적극적으로 표현할 수 있는 기회를 마련해야 할 것임.

3. 다양한 문화주체들을 중심으로 한 문화단위를 세분화하여 보다 섬세한 의미의 문화다양성의 가치가 드러나고 존중 받을 수 있는 사회문화적 환경 조성
 - 문화적 요소들을 만들어내는 다양한 문화적 주체들의 정체성과 자발성, 자율성 등을 고려해야 할 것임.

- 문화란 독자적인 생성능력을 가진 것이 아니라 인간활동, 특히 사회나 집단을 이루고 있는 인간 활동의 결과로서 드러나는 것이기 때문임.
 - 여기서 말하는 문화적 주체들이란, 다양한 소민족집단, 사회적 소수자(여성, 어린이, 청소년, 노인, 동성애자 등), 중앙과 대비되는 지방의 지역자치단체 등을 말함.
4. 각 문화가 가지는 차이점을 인정한다는 것은 이해하기는 쉽지만 실천하기는 어렵다는 점에 착안하여 이를 보다 실천적으로 이해할 수 있는 다양한 기회를 국내적 또는 국제적인 사업으로 펼쳐보여야 할 것임.
- 세계화란 동일한 기준으로 통일되는 것으로 완성되는 것이 아니라 상호간의 차이점에 대한 인정에서부터 근본적인 발전의 단초를 발견할 수 있는 것이기 때문임.
 - 결국 어떤 방식으로 이러한 문화적 다양성, 또는 문화적 차이로 인해 발생하는 문제를 최소화하고 상호교류증진을 통한 발전방향을 모색할 수 있는가 하는 문제가 남을 것임.

Country Report: Mongolia

TOGOOCH Dorjdagva

Professor

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National University of Mongolia

Mongolia

Ladies and gentlemen,

UNESCO East Asian Forum on Cultural Diversity “Anchoring the Principles of the UNESCO Universal Declaration on Cultural Diversity in Public Circles through Effective Implementation and Sustainable Cooperation” is very important and useful for not only our countries but also international level both theoretically and practically. I am glad to participate in and introduce our country report.

We are very pleased with the preparation work and the initiatives.

I hope the forum will be successful.

Now, I am introducing the situation concerned to my country, according to the guidelines for country report from the host.

Question 1.

Cultural diversity is an understanding of cultural studies which may be people’s aspiration to keep habitual specificity in ethnic group. In other words, it is an understanding to mark a nation’s cultural diversity in whole or distinction, of a nation’s culture in the frame of culture of the human kind. It is clear that cultural diversity appears when cultural features like symbols, norms, rules and values are used differently or sometimes by completely negative meaning.

Laws and regulations adopted by our government not only recognize cultural diversity but also treat it respectfully.

Although above mentioned definition is not directly reflected in the related laws and government provisions its main opinion was.

Question 2.

We understand that cultural diversity is the common heritage of humanity, so it should be set in all fields of social life.

In fact, cultural diversity is surely evident in the agriculture, especially in the animal husbandry and its related field like producing animal-originate production and raw materials. As well as it appears in national language and script, art, custom, sport and nomadic stock breeding.

Question 3.

Although national development, a relative issue national cultural diversity, is thought considered as an important criteria to prosper a country’s name in the world.

Cultural diversity is one of the factors to influence on economy of the country and is implemented in mutually beneficial cooperation between the countries and people, in benefit from cultural tourism, in conducting training and in entertainment.

Question 4

The constitution and other legal provisions of Mongolia ensure human right, particularly, the rights of people from national minority /Kazak/. In real there is no problem on this issue.

Question 5.

First of all, the Constitution ensures that citizens of Mongolia have an equal right irrespective of nationality, sex, race, religion and social origin and social status. Kazak people, who mainly live in Bayan-Ulgii province situated in the west of Mongolia, access to education in their mother language. As well as they celebrate the national festival called "Nauryz". In Mongolia there is no one obstacles Kazak's existence keeping their custom and tradition.

Question 6.

In the section 2, article 8 of the constitution "... national minorities of other languages to use their native languages in education and communication and in the pursuit of cultural, artistic and scientific activities" was ensured. As well as in the section 2 of article 14 it is written that "No person shall be discriminated on the basis of ethnic origin, language, race, age, sex, social origin and status, property, occupation and post, religion, opinion and education. Every one shall be a person under the law".

Questions 7 and 8.

In Mongolia, it is free to express oneself, to choose a language, to access quality education, to keep cultural uniqueness and to participate cultural life. There is not an legal act to limit them. Even many right acts which support them have been proved by central and local governments.

Question 9.

In the article 16 of the constitution rights and freedom of a citizen of Mongolia is stated and in the 7th section of this article "the right to education. The state shall provide basic general education free of charge, Citizens may establish and operate private schools if these meet the requirements of the State".

I have to stress that there is no difference of cultural right among region and social groups.

Question 10.

People have the right to show their talent and capability by expressing oneself, publishing and by making video etc. in Mongolia. There are different types of media such as TV, radios, newspapers and magazines in Mongolia. Some media serve only for decision-making bodies of the country. Everybody has the right to acquire knowledge of art, science and technology. But there is a limit to enter university or college in certain profession. There is no doubt that acquiring more foreign languages means individual wealth will be so much.

Question 11.

Several years ago working days were cut from six to five. This influenced positively on people's health, freedom and development. Recently, there has been wide range of criticism and discussion on media pluralism. In this respect the government has just adopted some laws and regulations related to the media.

Question 12.

In the 16th section of article 16 of the Constitution it is said "freedom of thought, opinion and expression, speech, press, peaceful assembly. Procedures for organizing demonstrations and other assemblies shall be determined by law".

Question 13.

Legal environment to protect the rights of authors and artists were formed.

Question 14.

The Constitution (section 8 of article 16) remarks that "the right to engage in creative work in cultural, artistic and scientific fields and to benefit thereof. Copyrights and patents shall be protected by law". In the section 1 of the article 7 it is said "Historical, cultural, scientific and intellectual heritage of the Mongolian people shall be under the state protection". In the section 2 of the article 7, also it is said "Intellectual values produced by the citizens are the property of their authors and the national wealth of Mongolia". Laws of author's right and patent have been newly adopted.

Question 15.

Before, there was a legal censor for publishing a calendar like card. But today people have right to publish, produce and purchase (music, video, DVD, VCD, CD, picture, book, advertisement, brochure, etc.,) freely if they are not restricted in related laws and regulations.

Question 16.

Mongolia has been in a transition to market economy, democracy and free trade was affirmed by laws.

Question 17.

It is free. Although it is restricted in laws and regulation, there are still many problems related with an author's right. Cultural goods and service are promoted effectively.

Mongolia is open on this issue. Currently our country is closely working with many countries especially East Asian nations on film, goods and education .

Question 18.

It is possible to express one's desire to promote cultural diversity and to cooperate with public and private institutions.

There are different kinds of cooperation between public and private sectors, foreign business and individuals.

In Ulaanbaatar there are a lot of telephone reference services and references related with business and other organizations information. Also you can get in

formation in internet and public local organizations. There is also "Yellow book" containing various information of many organizations.

Question 19.

We can give you possible information about this question during the forum. We are ready to work with all organizations and people. There is an organization called "Mongolian Cultural Studies Association". Head of the association will take part in this forum and particularly, followings can be considered in the frame of the issue.

- To invite artists in the theatre and film
- Public organizations buy pictures of artists
- To inform the government decisions with media.

Question 20.

UNESCO can play many roles to promote the cultural diversity at a national, regional and international level. UNESCO should realize all roles, which are mentioned in the article 12 of Universal Declaration. We consider that the main role of UNESCO is promoting the cultural diversity and coordinating all activities between bodies at all levels. Sometimes, UNESCO may provide financial help, especially for developing countries.

Thank you for your attention.

SESSION II

Application of the Declaration's Principles

유네스코 세계 문화다양성 선언의 실행

Cultural Diversity and Development
(tentative version, not to be cited)

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Introduction

The brochure for the Universal Declaration on Cultural Diversity published by UNESCO points out on page 61 that there are three Ds, i.e. Diversity, Dialogue and Development, as key words. This paper focuses on the last D, i.e. Development.

Article 3 states,

“Cultural diversity as a factor in development

Cultural diversity widens the range of options open to everyone; it is one of the roots of development, understood not simply in terms of economic growth, but also as a means to achieve a more satisfactory intellectual, emotional, moral and spiritual existence.”

This is a rather short provision, but suggests that “development” may have many different directions. To implement this article, it is necessary to clarify what message we should take from this simple text. This is the aim of this short paper.

The Relationship between Culture and Development

To achieve economic and social process has usually been associated with an economic concept of development. Influenced by US economics and sociologists, many development programs in the 1950's were based on the idea that development takes place only *if and when* certain cultural peculiarities are *not* present¹. Thus the indicators adopted to measure development were determined by a concept of progress, which did not include values or ethnic/cultural identities². Therefore the progress and well-being of a people were essentially measured by material indicators. There the elements of cultural expression were not adequately taken into consideration³.

A change of direction resulted from the creation of the United Nations Development Program (UNDP) with a Resolution of the General Assembly in 1966⁴. It applied human indicators such as political freedom, opportunities for health, education, human rights, instead of economic indicators to measure the process of social and economic change⁵.

¹ Jose Alvaro Moises, Cultural Diversity and Development in the Americas, Cultural Studies Series No.9, Unit for Social Development, Education and Culture, Organization of American States, pp.1-30, at p. 14.

² Supra.

³ Supra at p.15.

⁴ <http://www.yale.edu/unsy/UNDPhist.htm> (last visited on June 25th 2005)

⁵ Since 1990, this organization has published the Human Development Report. See <http://hdr.undp.org/aboutus/> (last visited on June 25th)

In 1970, UNESCO organized an Intergovernmental Conference on the Institutional, Administrative and Financial Aspects of Cultural Policies, which aimed at developing ideas on the issues of determining how cultural policies could be integrated into development strategies. The need for material support for cultural development became clear as UNESCO moved into the 1970s⁶. The 1977-78 Director General's report introduced the idea of endogenous or diversified development, which connected culture to development. For newly independent and developing countries, culture provided the unique direction for an autonomous path of progress⁷. The same report also emphasized the importance of cultural interactions and to study regional cultures⁸.

The United Nations proclaimed in its resolution 41/187 of December 8th 1986 the period of 1988-1997 the World Decade for Cultural Development, which aimed at placing culture at the center of development. As an outcome, UNESCO and the United Nations jointly established the independent World Commission on Culture and Development in 1992⁹. The Commission published its report, *Our Creative Diversity* in 1995. At the end of the Decade, the Intergovernmental Conference on Cultural Policies for Development was held in Stockholm in 1998¹⁰. It aimed at transforming the ideas in the report of the World Commission on Culture and Development into policies and practices. This Conference recommended 5 Policy Objectives to UNESCO Member States. These Objectives were as follows:

Objective 1: To make cultural policy one of the key components of development strategy,

Objective 2: Promote creativity and participation in cultural life,

Objective 3: Reinforce policy and practice to safeguard and enhance the cultural heritage, tangible and intangible, moveable and immovable, and to promote cultural industries,

Objective 4: Promote cultural and linguistic diversity in and for the information society,

Objective 5: Make more human and financial resources available for cultural development.

This was further followed by the Conferences in 1999: the first was the Culture Counts: Financing, Resources and Economics of Culture in Sustainable Development, jointly held by the World Bank and UNESCO, and, the second, the Round Table of Minister of Culture for Culture and Creativity in a Globalized World.

The above described history of culture and development is well-reflected in the language of article 3. In other words, the shift from an economic approach (understanding development as purely economic development, separating it from other aspects of life) to a cultural approach.

⁶ UNESCO and the Issue of Cultural Diversity, Review and Strategy 1946-2000 (revised version September 2004) ,pp. 1-22, at p.10. http://portal.unesco.org/culture/en/ev.php-URL_ID=12900&URL_DO=DO_TOPIC&URL_SECTION=201.html (last visited June 25th 2005)

⁷ Supra at p.11.

⁸ Supra.

⁹ <http://www.unesco.org/culture/policies/wccd/index.shtml> (last visited June 25th 2005)

¹⁰ http://portal.unesco.org/culture/en/ev.php-URL_ID=18717&URL_DO=DO_TOPIC&URL_SECTION=201.html (last visited June 25th 2005)

From the Economic approach to the Cultural approach

The next question is how this “cultural” approach ought to be understood. One could say that in the 1970s and 80s, the “cultural” approach was led by “values that favor building a truly humane society”¹¹. Here the cultural perspective is larger than the economic perspective. Article 3 of the Declaration seems to reflect this understanding. On the other hand, in the 1990s a new concept emerged, according to which “cultural diversity leads to economic development”¹².

An argument for this new concept could be “cultural capital”. In my view, it needs further clarification, but it shows interesting aspects. This notion would be easy to understand, when one asks why Tom Cruise proposed to marry in Paris, not in Los Angeles. It is because of the beauty of the city and because of many monuments and heritages in the city. Heritage would attract cultural tourism. It is true for tangible heritage, but also intangible ones as well. Heritage attracts tourists. Thus cultural tourism starts. Once cultural tourism gets started, the heritage could be named as “capital” in an economic sense, since it brings profit. Cultural capital should cover expenses such as those to repair heritages. However could the same thing be said of other forms of culture? If one follows the following idea that “ Interpreting music as a commodity opens up the possibilities for extending music from being simply a form of cultural expression to being also a vehicle for economic empowerment, which provides us a key to understanding its potential role in the economic development process”¹³, all kinds of cultural expression could be conceived of as cultural capital. This reminds me of a series of events that the Japanese Agency for Cultural Affairs organized with a title “Kansai Cultural Power” in Kansai last year, which not only covered heritage, but also exhibitions, concerts, Bunraku and so on. The success of Korean film could be understood in this line, because thousands of Japanese women come to Korea as tourists despite the political tensions between two countries.

One question to be raised is if this formula applies to developing countries, and, if so, what law could do for this purpose.

Draft Convention on Protection and Promotion of Cultural Expression and Development

Bernier suggests developing countries introduce three measures to “resist commercial pressures applied by countries seeking to export their own cultural products from industries solidly established on the markets.”¹⁴ These are subsidies, quotas and controlling investments. In my view, however “resistance” alone is not sustainable. Real resistance against market pressure also requires countries to develop a sustainable cultural industry. Solely introducing these three measures could bring disastrous results in developing countries, since it does not attract foreign investment. In addition, one should not forget that openness to other cultures has always created new art forms¹⁵. In this context, international cooperation for the purpose of development is crucial to find a

¹¹ Ivan Bernier, *Developing Countries and the Plan for an International Convention on Cultural Diversity*, pp.1-11, at p.2.

¹² *Supra*.

¹³ David Throsby, “The Role of Music in International Trade and Economic Development”, UNESCO, *World Culture Report 1998*

¹⁴ *Supra* at p.6.

¹⁵ Cowen Taylor, *Creative Destruction*, (2002), pp. 1-46 illustrates many examples how the trade nurtured new art forms.

better balance between openness and the protection and promotion of their own culture.

On June 2nd 2005, the participants of the Intergovernmental Experts meeting concerning the Draft Convention on Protection and Promotion of Cultural Expression adopted a text and this text will probably be sent to the Director General with a recommendation to adopt it as a UNESCO Convention. When it is adopted as a Convention in the coming fall, this will be the first legal instrument of its kind. Today I would like to make a quick look at this text, especially some provisions relevant to development and cooperation.

Paragraph 6 of the Preamble states, “the need to incorporate culture as a strategic element in national and international development policies, as well as in international development cooperation, taking also into account the United Nations Millennium Declaration (2000) with its special emphasis on poverty eradication”.

Article 12 (Promotion of international Cooperation) states “Parties shall endeavor to strengthen their bilateral, regional and international cooperation for the creation of conditions conducive to the promotion of the diversity of cultural expressions, taking particular account of the situations referred to in Articles 8 and 17, notably in order to....”.

Article 13 (Integration of culture in sustainable development) states: “Parties shall endeavour to integrate culture in their development policies at all levels for the creation of conditions conducive sustainable development, and within this framework foster aspects relating to the protection and promotion of the diversity of cultural expressions.”

Article 14 (Cooperation for Development) states, “Parties shall endeavour to support cooperation for sustainable development and poverty reduction, especially in relation to the specific needs of developing countries in order to foster the emergence of a dynamic cultural sector by, inter alia, the following means....”.

Article 15 (Collaborative Arrangements) states “Parties shall encourage the development of partnerships, between and within the public and private sectors and non-profit organizations, in order to cooperate with developing countries in the enhancement of their capacities in the protection and promotion of the diversity of cultural expressions. These innovative partnerships shall, according to the practical needs of developing countries, emphasize the further development of infrastructure, human resources and policies, as well as the exchange of cultural activities, goods and services.”

Article 17 (International cooperation in situation of serious threat to cultural expressions) states “ Parties shall cooperate in providing assistance to each other and, in particular, to developing countries in situations referred to under Article 8.”

* article 8 paragraph 1 states ”Without prejudice to the provisions of Article 5 and 6, a Party may determine those special situations where cultural expressions on its territory are at risk of extinction, or under serious threat or otherwise in need of urgent safeguarding.”

I have the following short comments at this stage:

- (1) The cooperation for developing countries is stressed, but not restricted to it. So that various types of cooperation such as North-North cooperation or South-South cooperation are possible.
- (2) As an international obligation, language “shall endeavor to” is very weak. For developing countries, it would turn out to be a beautifully wrapped Christmas gift box

without any present in it.

- (3) The most problematic feature is Article 17, since it may be applicable for the benefit of developed countries. One only needs to recall the trade disputes on textiles between China and the US/EU.

I have to raise some doubts about the effectiveness of these provisions from the view point of whether they will provide an effective tool for development.

Summary

Development and Culture were considered as colliding concepts, but their interrelationship has been stressed and strengthened. Today there is an opinion that culture leads to economy and culture provides the impetus for development.

The new Draft Convention might be a tool for development through international cooperation. However the provisions adopted by the governmental experts in June 2005 are not satisfactory. The author rather sees potentials of misuse by developed countries.

Cultural Diversity and Cultural Goods and Services: Economic Approach and Policy Direction

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1. Introduction

UNESCO adopted the Universal Declaration on Cultural Diversity in the 31st session of the UNESCO General Conference in 2001. This declaration was brought forward at the Round Table of Ministers of Culture organized for the 30th session of the UNESCO General Conference, where the general theme of *Culture and Creativity in a Globalized World* was examined and adopted. The Declaration merged the interests and views of Member States after two years and various stages of debate involving expert meetings, surveys of Member States and so on. As this Declaration reaffirms that culture should be regarded as the set of distinctive spiritual, material, intellectual and emotional features of society or a social group, and that it encompasses, in addition to art and literature, lifestyles, ways of living together, value systems, traditions and beliefs. The Declaration stresses that cultural diversity and peace and development are closely related to each other. Moreover, cultural diversity is seen as the common heritage of humanity and the source for individual and collective affluence. It must be recognized, affirmed, maintained and promoted for the benefit of present and future generations, as well as to foster peaceful coexistence. Recognizing concerns about the current onward movement of globalization that is capable of extending expression and the creativity of cultural identities to a new scope but that is also capable of interrupting freedom of expression, the Declaration states that efforts to promote cultural diversity should be strengthened.

In the adoption of the Universal Declaration on Cultural Diversity, an understanding of the importance of cultural diversity is shared among many states. However, in the stage of concluding an agreement that holds efficacy, there exist interests and opinions that are very different, contingent upon each state's economic situation and academic outlook. In particular, various opinions on the international trade of culture and cultural goods are at odds and may not be easily overcome.

Cultural diversity should be maintained. Various Member States, with UNESCO at the center, insist that in order to maintain cultural diversity, a regulatory or support policy for cultural goods and services is necessary, and also that cultural goods and services should be exclusive of general international trade standards like those of the World Trade Organization (WTO). On the other hand, it is argued that cultural goods and services should be included in general international trade standards and can abide by such regulations if necessary. This conflict exists because cultural goods and services have two traits: *universality*, as an article of commerce in trade to which market principles are applied, and also the extraordinary nature of *value*, which cannot be expressed in the market system. Therefore, to stress the special nature that cultural goods and services have, without assuming the market lacks persuasive power, and to

overcome this defect, there is a need to discuss the importance of culture in the framework of economic theory.

This forum on *The Effective Application of the Declaration's Principle on Public Circles* was prepared to reflect upon this Declaration and the policies of East-Asian states in understanding and applying the Declaration's Action Plan and to collect opinions of each state on the Cultural Diversity Convention. With this intention, this paper will discuss the theoretical study of cultural diversity from an economic viewpoint, the present state of related policy in Korea and future policy directions.

2. Economic Concepts

A. Specificity of Cultural Goods and Services

In discussions of cultural diversity, the concept of cultural goods and services, value and specificity can be defined from an economic point of view. In the 「UNESCO Universal Declaration on Cultural Diversity」 (Article 8), this definition is not assumed, and only the recognition of the cultural *specificity* of cultural goods and services is stressed. Also, in the recent prepared amendment of the 「UNESCO Convention on Cultural Diversity」 (Article 4 - Definitions)¹ cultural goods and services are defined as follows.

Article 4 – Definitions

3. Cultural activities, goods and services

“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.

(a) “Cultural activities” encompass the various ways in which individuals or groups may communicate symbolic meaning or convey cultural values, which derive from or express their cultural identity, beliefs, traditions and/or practices. Cultural activities may be an end in themselves, or they may contribute to the production of cultural goods and services as defined hereafter.

(b) Cultural goods and services have the following characteristics:

1. they are the outcome of human labour and require the exercise of human creativity for their production;
2. they express or convey some form of symbolic meaning, which endows them with a cultural value or significance distinct from whatever commercial value they may possess;
3. they generate, or may generate, intellectual property, whether or not they are protected under existing intellectual property legislation.

This definition can be seen to stress the importance of cultural specificity in cultural goods and services. However, “goods and services” is a concept defined from an economic viewpoint, and if we consider the actual market economy, we need to look at

¹ UNESCO, “Consolidated Text”, 2005. 4.

cultural goods and services as a concept in a free market context². Therefore, cultural goods and services should be considered to have the general characteristics of other economic goods. That is, we shouldn't overlook the fact that there is demand for cultural goods and services, and that this demand is influenced by price and is also requisite for production and so on. Cultural goods and services have the general traits of any other kinds of goods and services, like the decision of price according to demand and supply in the market.

If we acknowledge the general features of cultural goods and services from an economic stance, the emphasis on the cultural specificity of cultural goods and services will have a stronger persuasive power. As an output made by the input of labor and capital, cultural goods and services can be dealt with in an economic approach in situations where they are purely creative activities and not traded in the market or where they are produced by non-profit organizations.

In a discussion of the specificity of cultural goods and services as differentiated from general goods and services, the understanding of *value* is necessary. There are not only objective values expressed in the market by price, but also values that cannot be expressed in such a way. This can be understood as the concept of *externality* in economics. Through past economic studies on culture and art, government support for culture and arts has been justified based on the positive externality they have. The specificity of culture and arts that the Declaration on Cultural Diversity presents can also be understood as the concept of the externality of culture and the arts.

B. Quality Competition

The concept of cultural diversity can be approached as the concept of quality competition in cultural goods and services. The quality of goods in economics can be interpreted as the provision of better utility when the price is equal. Of course, because the quality of cultural goods and services is interpreted by the abstract value like its own artistry, creativity and so on, there exists a difficulty in measuring the quality of cultural goods and services. However, in the case of cultural goods and services, if quality can be discussed by the degree of utility obtained from the same product, the concept of cultural diversity can be understood as the quality competition of various cultural goods and services from many countries in a single market.

If a certain cultural good and service has a better response from the public than other such goods or services of the same price, it infers that the first is of better quality because a more utility can be obtained compared to the price one pays. If it is difficult to objectively measure the quality of cultural goods and services; this can be explained by the difference in consumers' ability to enjoy the cultural goods and services worthily and understand them, as advanced by Victorian social commentator John Ruskin. A difference like this can be interpreted as the taste and appreciation ability formed from the consumption of cultural goods and services in the past, and the ability of these products to be a source of economic development and social development in a broader sense.

In the case of the crossborder consumption of cultural goods and services, the disparity of understanding the ability of the culture one belongs to and that of other cultures will influence the consumption of cultural goods and services, and can be explained by the concept of *discount rate* in economics.(Hoskins and Mirus, 1988) Cultural discount rate can happen not only in the language we use, but also in our systems of thinking, our lifestyles and in the entire field of culture, and as such, cultural discount rate will affect the trade of cultural goods and services.

² This doesn't infer that cultural goods and services must be traded in free market but explains that even in cases of trade not carried out in free market, the market principle is premised.

C. Cultural Capital

The discussion of the relationship between cultural diversity and economic development can be approached using the concept of cultural capital, a concept that has been examined considerably in sociology, and in cultural studies. It was first introduced by sociologist Pierre-Félix Bourdieu. Cultural capital is the ability that individuals have to possess and enjoy a high level of culture. Bourdieu distinguishes three forms of cultural capital: the embodied state of cultural capital, the objectified state of cultural capital and the institutionalized state of cultural capital, and among these he recognizes the embodied state of cultural capital as the most important. The embodied state of capital means a continuous tendency integrated in the spirit and body of an individual and the objectified state of cultural capital is represented by cultural goods and material objects such as books, paintings, instruments, or machines. The institutionalized state of cultural capital is capital perceived by the embodied state of cultural capital in the form of academic credentials and qualifications.

Cultural economist David Throsby distinguished cultural capital into tangible cultural capital and intangible cultural capital and analyzed the relation between cultural value and economic value to explain these. Especially, he recognized cultural capital as a requisite for production and not only suggested the possibility of analyzing economic development through this but also proposed sustainable development by increasing investment in cultural capital. (Throsby, 2001)

The definition of capital goods that create output together with other inputs (labor in particular) has been the basis in explaining the process of production in economics for more than 200 years. The fundamental and traditional interpretation of this definition of capital is physical or manufactured capital such as equipment, factories, machines and buildings. The accumulation of material capital has been considered as an important factor in carrying out economic development as generally known by the "growth model" in the mid 20th century and the concept of capital has extended in economic theories and analysis.

Human capital, which is the productive abilities and skills of individuals, can be mentioned as an attempt to extend the concept of capital. For the development of technology through experience and training, an increase in labor productivity is observed. Regarding the investment of human capital such as in education, a traditional investment method of assessment, like cost-benefit analysis, is applied and the process of the formation of a new form of capital is analyzed.

With the distinction of capital into renewable resources and non-renewable resources, the concept of natural capital was developed. Physical or manufactured capital and natural capital is distinguished not only by the fundamental difference of the former as being artificial and the latter as being a gift of nature, but also according to their different characteristics. Natural capital is divided into that capital that contributes to the production of other goods by being physically exhausted (non-renewable resources) and that capital that has its own reproductive abilities (renewable resources). Natural capital not only includes the resources themselves but also the networks or systems that define and link their operation such as ecosystems or biological diversity.

Recently, there have been efforts to recognize the characteristics of creative activities or cultural goods as capital or means and to define the method of bringing these means together with other requisites for production and this contributing to the further production of more cultural goods and services. This process extended the concept of capital to the field of culture and the arts, and the concept of cultural capital was formed. The features of cultural capital that can be distinguished from the other kinds of capital discussed previously can be explained as the following. First, cultural capital can be defined as capital goods that set cultural goods and services apart from consumption goods. This definition is premised on the definition of cultural goods. Even among cultural economists, there has been an argument on the distinction between

general goods and services, and cultural goods and services. In accordance with the UNESCO Convention on Cultural Diversity (draft), if human creativity can be injected into good or services, symbolic significance communicated and the culmination of these, in the form of intellectual property rights prescribed, these can be said to be cultural goods or services.

Second, another significant approach to the definition of cultural capital is to explain cultural property as a form of increasing value. For example, in a case of an old church building, this will have its existing price as real estate. Also, the church is preserved to serve people and is opening to the public, and there exists a non-market value like the willingness to pay. However, it is impossible to express the complexity and the overall cultural value of the building by measuring its economic value. There may be firm religious beliefs that are impossible to express as a monetary value. There may be influences affecting the architectural style contingent on the flow of time. In addition, there may exist the church's role as a symbol of place or identity. All this and more will be elements that build the cultural value of the building. Despite the diversity of traits like artistic quality, spiritual significance, social role, symbolic significance, historical importance, uniqueness and so on, the multidimensional expression of this building's cultural value is measured in a quantitative or a qualitative way. This variety of traits influences the economic value of this building³. Even though the difficult problem of measuring and prescribing value actually remains, if this concept of cultural value is accepted, it can be applied in defining cultural capital. According to this process, a property that embodies, stores and increases its cultural value, in addition to the economic value it already possesses, can be defined as cultural capital.

Despite what is accepted between the two definitions of cultural capital, the characteristics of cultural capital can be compared to those of other forms discussed previously. Cultural capital has two forms; tangible and intangible. Tangible cultural capital is expressed in the forms of the arts and art works such as pictures, sculptures, cultural heritage buildings, relics and so on. Intangible cultural capital is made up of art activities and has the characteristics of public goods such as the accumulation of music, literature, tradition, values, and beliefs that forms the "culture" of a group defined by race, religion, area, state and so on. Intangible cultural capital exists in the cultural networks and relationships that back up human behavior and among cultures of diverse communities. It implies the same concept of an eco-system or of cultural diversity, as previously mentioned in the discussion of natural capital.

Tangible and intangible cultural capital obtains, at a given point of time, a property value in an economic and cultural context. This stock is expended in the final consumption. Because their combination with other inputs produces more cultural goods and services, they increase the flux of capital service in the course of time. For example, taking care of a work of art as a capital form, uses with labor and other inputs to induce visitors to a museum. The work of art in the museum affects other creative artists that appreciate it and stimulates the production of more works of art. Therefore, the formation of more capital is brought about. If cultural capital has its value decreased with the lapse of time, investment is needed to maintain and conserve it. In a given time, the pure effect of the fluctuation of capital stock like this can be expressed as positive investment or negative investment on cultural capital. It can be measured in an economic and cultural context and decides the initial value of capital stock for the next period.

There are limits in measuring cultural capital positively on the conceptual basis of cultural capital. Using an Input-Output table, the results calculating the capital stock of the cultural field in Korea from 1975 – 2000 presented an average annual increase of 28.75% of investment the culture industry from 1995 - 2000 and identified a drastic increase from the late 1990s⁴. In measuring the flux of capital stock, generally the

³. There is no need to assume a perfect correlation between economic value and cultural value

⁴. Revised Yoon, Y. J.(2003)

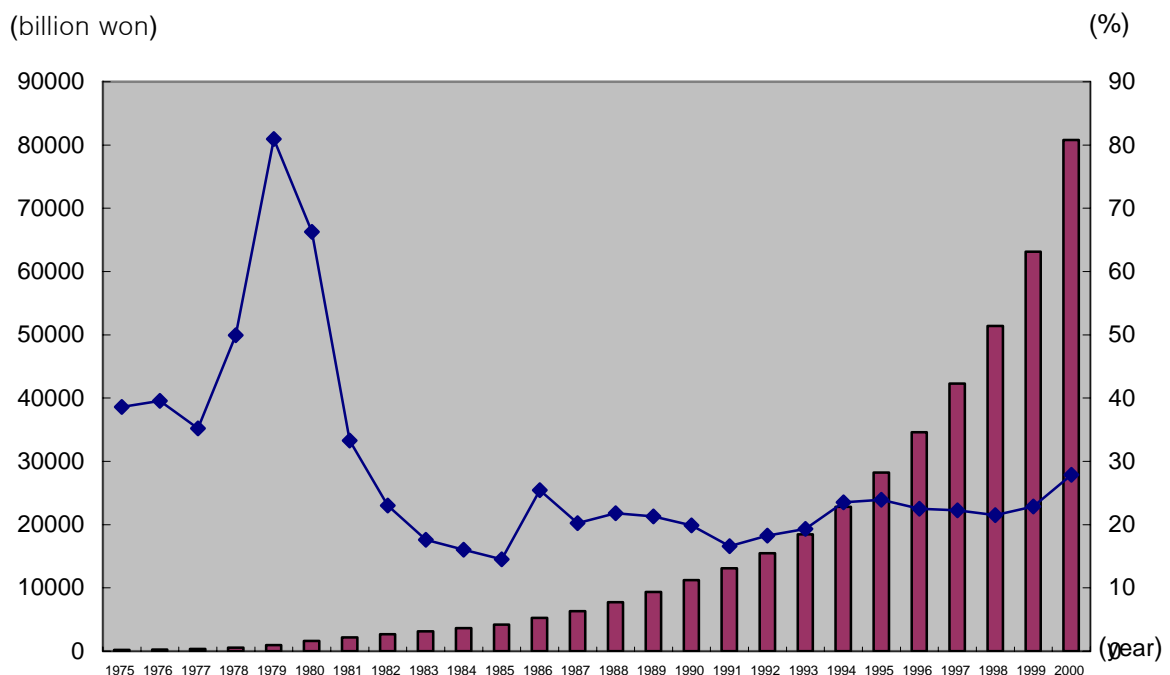
perpetual inventory method is widely used. The perpetual inventory method is a method where the amount of capital stock at a certain point of time is calculated by adding the capital stock of the previous year and excluding the depreciation, to establish the real amount of investment in that year..

$$K_{c,t} = K_{c,t-1}(1 - \delta_c) + I_{c,t} \quad (1)$$

K_c stands for the amount of cultural capital stock, I_c the amount of (real) cultural investment and δ_c depreciation rate of cultural capital.

By examining the estimation of cultural capital stock with a method like this, there was an average annual increase of 28.5% during the same period. This increase is approximately three times larger than the increase rate of total capital stock of Korea during the same period.

[Picture 1] Estimation of cultural capital stock and its increase rate



3. The Present State of Korean Cultural Policy

According to the definition of cultural goods and services, the object of policy and its categories related to cultural diversity can change. By interpreting cultural goods and services in a large scope, policies that support culture and the arts generally will by default cover cultural goods and service related to cultural diversity. There is not a specific and direct policy on cultural diversity, nor a department in charge of the promotion of cultural diversity, but the Ministry of Culture and Tourism is responsible for policies in culture and the arts, cultural industries, tourism, sports. This Ministry started

as the Public Information Office in 1948 and after restructuring was changed to the Ministry of Information in 1961 and the Ministry of Culture and Information in 1968. In 1989, it separated into the Ministry of Culture and the Public Information Office, then in 1993 changed to the Ministry of Culture and Sports, integrating the Ministry of Sports and Youth and again to the Ministry of Culture and Tourism in 1998. In 1999, by transferring those operations related to overseas public relations and cultural assets to the control of the Government Information Agency and the Cultural Heritage Administration respectively, the Ministry came to be what it is now.

The cultural budget of Korea⁵ from 1977-1984 was about 0.2% of the general government budget, 0.4% for the fiscal year 1992 and 0.5% for the fiscal year 1995. Since 1996 an annual increase of 0.1% was accepted and in 2000 the allocation for culture exceeded 1% of the general budget. Because the role of the public sector in supporting the culture and arts differs between countries contingent on the cultural traditions of each country, a significant understanding can not be obtained through a simple comparison between countries. However, the size of Korea's culture budget is larger than those of European countries like France and the United Kingdom, where the role of the public sector is strong in culture and arts⁶. Since the year 2000, the cultural budget has continuously increased and the budget for the fiscal year 2004 was 1.4 trillion won accounting for about 1.21% of the government general accounting budget and for the year 2005 drew up an estimate of 1.1%, or 1.4 trillion won.

The budget of cultural sector in Korea is made up of not only the general account but also of two special accounts⁷ and five funds, and its size for 2005 is 2.6 trillion won. This amount corresponds to 1.25% of the 208 trillion won the government's total general budget.

[Table 1] The Budget of Cultural Sector

	2000	2001	2002	2003	2004	2005
Budget of Cultural Sector (A)	1.7	1.7	2.0	2.1	2.3	2.6
Total Expenditure (B)	129.2	147.2	150.8	172.3	196.2	208.0
Proportion (A/B)	1.31	1.15	1.32	1.22	1.17	1.25

Notes : 1) budget of cultural sector = general account + special accounts + funds(work expenditure)

Source : Government of the Republic of Korea, 「Finance Statistics」

Government of the Republic of Korea, 「Master Plan of Fund Management」

The efforts of government to promote cultural diversity can be divided into policies of support and policies of regulation. Taking into account that a particularly large budget is not required to implement regulatory policies; infrastructure and budget can be employed mostly in policies that support culture and the arts and the enjoyment of them. It can be seen that policies that support the promotion of cultural diversity in a broad sense are

⁵ Budget of the Ministry of Culture and Tourism + Budget of Cultural Heritage Administration – Budget of Sports and Youth Sector

⁶ 0.45% in the United States of America year 2001, 1.52% in Canada year 2001, 0.29% in England year 1999, 0.95% in France year 1998 and so on. (IMF, *Government Finance Statistics Yearbook*, 2002)

⁷ From 2005, special accounts for management of special tax for rural development was abolished and special accounts for national balanced development was included.

carried out in the overall policy area of the Ministry of Culture and Tourism and include: supporting the creative activity of artists; infrastructure for the extension of possession and enjoyment of culture and art; preserving and upholding local traditional culture and arts; freedom of religious activity; nurturing cultural industries; preserving cultural assets; local culture and arts development; and so on.

If cultural goods and services related to cultural diversity are defined in a narrow sense, they can be examined with respect to policies for cultural industry. In 1994, the Department of Cultural Industry was established in the Ministry of Culture and Sports, as a kind of task force. It had four divisions: Culture Industry Planning, Publications Industry, Film and Video, and Games and Music Industry. In 1998, by coordinating media related work and copyright related work, the Department of Culture Industry was enlarged and consisted of the following sections: Cultural Industry Administration, Publication Industry, Film & Video, Games and Music Industry, Journals, Broadcast and Advertising Policy. Through integration and separation of divisions, the department is separated into the Cultural Industry Bureau and Culture Media Bureau in 2004.

The government budget allocation to up nurture and develop cultural industry has increased drastically from 1999. Between 1998 and 1999 it increased six-fold and between 1999 and 2000 it doubled. From then, 11~14% of the Ministry's budget is set aside for the cultural industry and 191.1 billion won, 12.1% of the Ministry's budget, was allocated for the year 2005. In order to secure a stable fund for the promotion of the cultural industry, the 「Cultural Industry Promotion Fund」 was set up in 1999 and by the end of 2004, 274.4 billion won was raised and 137 billion won given to cultural product development, refurbishment funds to modernize arts facilities, investment unions and other areas.

[Table 2] Budget of Culture Industry Sector

(Unit: 100 million won, %)

	Total Government Budget(A)	Budget of the Ministry of Culture and Tourism		Budget in Culture Industry Sector	
		Amount(B)	(B)/(A)	Amount(C)	(C)/(B)
1994	476,262	3,012	0.63	54	1.8
1995	567,173	3,838	0.68	152	4.0
1996	629,626	4,591	0.73	189	4.1
1997	714,006	6,531	0.91	132	2.0
1998	807,629	7,574	0.94	168	2.2
1999	884,850	8,563	0.97	1,000	11.7
2000	949,199	11,707	1.23	1,787	15.3
2001	1,060,963	12,431	1.17	1,474	11.9
2002	1,161,198	13,985	1.20	1,958	14.0
2003	1,181,323	14,864	1.26	1,890	12.7
2004	1,183,560	15,675	1.32	1,725	11.0
2005	1,343,704	15,856	1.18	1,911	12.1

Source : The Ministry of Culture & Tourism

If we look into the details of the cultural industry budget, in early stages of cultural industry development, the budget allocation was centered on creating infrastructure, including the expansion of facilities. From 2002, a budget allocation to the Culture Contents Development Division was initiated and from 2003, by closing the Ministry division that administrated design, industrial arts and traditional clothes, and the allocation of funds to these areas was suspended.

[Table 3] Breakdown of Cultural Industry Sector Budget

(Unit : 100 million won, %)

	2000	2001	2002	2003	2004	2005
Culture Industry Promotion (Base Creation)	887 (50.1)	620 (43.0)	570 (29.3)	452 (24.1)	187 (11.2)	212 (11.1)
Publication	97 (5.5)	99 (6.9)	206 (10.6)	181 (9.7)	291 (17.5)	340 (17.9)
Film & Video	590 (33.3)	472 (32.8)	414 (21.3)	338 (18.0)	2,521 (15.2)	319 (16.8)
Animation			8.8 (0.5)	37 (2.0)	38 (2.3)	62 (3.3.)
Game & Music	95 (5.4)	90 (6.2)	96 (4.9)	232 (12.4)	211 (12.7)	232 (12.2)
Culture Products (Design, Industrial arts, Traditional clothes)	49 (2.8)	89 (6.2)	66 (3.4)	0	0	0
Broadcasting & Advertising	52 (2.9)	71 (4.9)	84 (4.3)	131 (6.9)	160 (9.6)	214 (11.3)
Cultural Content	-	-	500 (25.7)	505 (26.9)	522 (31.4)	521 (27.4)
Total	-	-	1,957	1,889	1,674	1,900

Note: inside the brackets (%) are percentages
Source : the Ministry of Culture and Tourism

The most representative regulation policy carried out in Korea to promote cultural diversity is the screen quota system. The screen quota system was first introduced in 1966 through the second amendment of the 「film-promotion law」 and has been revised various times since. Currently the system ensures that movie theatres in Korea show Korean films at least 146 days a year, securing 40% of annual screening of domestic films in local theatres. The Minister of Culture and Tourism may reduce the number of mandatory screening days by no more than 20 days (in towns with a population below 100 thousand, 40 days) in consideration of the supply and demand of Korean films. Also, to induce the subscription for a national integrated computation net of commerce that is the key to the attraction statistics the article of reducing mandatory screening days by 20 days if subscribed, the article of reducing mandatory screening days by 20 days during the high demand season, and the article of restricting the reduction to maximum 40 days under all circumstances are all included in the enforcement ordinance, making actual mandatory screening day to 106 days.

Differing from the cases of other countries where a screen quota does not exist, or where penalty measures for quota violations do not exist, Korea has a maximum penalty of 1 day's suspension of business per day not screened within 20 days and penalty of 2 day's suspension of business per day not screened over 20 days in the enforcement ordinance of 「Film Promotion Law」.

4. Suggestion

A. Activation of interdisciplinary study on culture

Although the Convention of Cultural Diversity is concluded, the conflict between cultural

diversity and international standards on trade will not be completely settled. Regulatory policies like the screen quota system or the restriction of foreign ownership that are currently enforced will still be negotiation objects between states now and into the future.

To solve conflicts between cultural and economic viewpoints, interdisciplinary study involving economics, cultural anthropology, management, administration, and culture and the law is necessary. Only through the interdisciplinary study of the diverse study fields that make up culture, can a persuasive academic result be made and such research will play a substantial role in formulating an international standard that can embrace culture and trade.

It is obvious that efforts to promoting academic studies on different other cultures and the general understanding of other cultures is essential for intercultural understanding and respect, and for the promotion of cultural diversity. In addition, there needs to be increased study of cultural diversity and cultural goods and services, along with efforts to understand and accept the diverse approaches of academic disciplines regarding the study of culture.

B. Efforts to Maintain Cultural Identity

Because cultural diversity within Korean culture is relatively small, due to the Korean nation-state being formed with a homogeneous race, the concept of cultural diversity does not receive much attention in policy-making in Korea. However, the promotion of cultural diversity can be understood as the establishment of the state's cultural identity and in this context, the preservation and development of traditional culture and increased policy attention on cultural assets.

Also, along with the establishment of a state cultural identity, the establishment of local cultural identities is also necessary. Though there exists a relatively uniform Korean culture, in each region there are variants of traditional culture, and policy efforts to recognize, preserve and promote them are required. Policies that support diverse culture and arts activities based on local culture, local cultural facilities, local festivals, cultural industry clusters based on local culture are currently implemented, and will contribute to the promotion of cultural diversity in the future.

C. Standards on Cultural Diversity and Copyright

An understanding and acceptance of cultural values can be expressed through international standards on the copyright of cultural goods and services. This is related to the distribution structure of cultural goods and services in all countries. Copyright is a social recognition on the original value that cultural goods and services possess, and is an exclusive right protecting the creator. For the continuous production, distribution and consumption cycle of cultural goods and services, it is essential to establish standards on copyright. Establishing copyright of all cultural goods and services in distribution recognizes the cultural value of cultural goods and services and will be a cornerstone in maintaining and developing cultural diversity.

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문화 다양성과 문화상품 서비스 : 경제학적 이해와 정책방향*

윤용중

국회에산정책처 예산분석관

1. 개요

유네스코는 2001년 제 31차 유네스코 총회에서 세계 문화다양성 선언을 채택하였다. 이 선언은 1999년 제 30차 유네스코 총회 중 '지구화시대에 있어서 문화와 창의성'을 주제로 열린 문화장관회의를 통해 제기되었고, 이후 2년간 전문가 회의, 회원국가 설문 등 다양한 단계를 거쳐 각 국가의 이해와 의견을 모아 채택된 것이다. 이 선언에서는 「문화」를 '한 사회와 집단의 성격을 나타내는 정신적, 물질적, 지적, 감성적 특성의 총체이며, 예술이나 문자의 형식뿐 아니라 함께 사는 방법으로써의 생활 양식, 인간의 기본권, 가치, 전통과 신앙 등을 포함하는 포괄적 개념'으로 정의하면서, 문화 다양성과 평화 그리고 발전이 서로 밀접하게 연관되어 있음을 강조하고 있다. 또한, 문화 다양성은 인류의 공동 유산으로서 개인적, 집단적 풍요를 위한 자원인 동시에, 현재와 미래 세대를 위한 혜택으로 인식하고 여러 구성원이 평화롭게 공존하고 상호 작용하기 위해서 문화 다양성이 유지, 증진되어야 한다고 주장하고 있다. 현재 급속히 진행되고 있는 지구화(세계화)의 과정이 문화 정체성의 표현과 창조성의 새로운 범위를 넓혀나갈 수 있는 동시에, 약자의 문화를 소외, 약화시키며, 자유로운 표현을 막을 수 있다는 우려를 인식하여, 문화 다양성의 증진이 반드시 강화되어야 한다고 표명하고 있다.

세계 문화다양성 선언의 채택으로 많은 국가에서 문화 다양성의 중요성에 대한 인식은 공유하고 있으나 실효성을 갖는 협정 체결의 단계에서는 각국의 경제적 상황이나 학문적 관점에 따라 매우 다른 이해와 주장이 있다. 특히, 문화와 상품 교역에 대한 국가간 견해 차이는 좀처럼 좁혀지지 못하고 상호 대립하는 경향을 보이고 있다.

문화 다양성은 반드시 지켜져야 하며 이를 위해 문화상품 서비스에 대한 정책적 규제나 지원이 필요하고 WTO와 같은 무역에 대한 일반적인 국제 규범으로부터 제외시켜야 한다는 것이 유네스코를 중심으로 한 여러 국가의 공통된 주장이다. 그러나 한편에서는 문화상품 서비스도 무역과 관련된 일반적인 국제 규범에 포함되어야 하며 이와 관련된 각종 규제와 지원정책은 필요한 경우 제한될 수 있다고 주장한다. 이와 같은 주장은 문화상품 서비스가 시장 원리에 적용받는 상품으로서의 보편성과 시장가치로 표현되지 못하는 특수성을 동시에 가지고 있기 때문일 것이다. 따라서 시장을 전제로 하지 않고 문화상품 서비스가 가지는 문화적 특수성을 강조하는 것은 설득력을 확보하기 어려운 측면이 있으며, 이를 극복하기 위해 경제학 이론의 틀 안에서 문화의 중요성을 논의할 필요가 있다.

「문화 다양성 선언의 효율적 실행(The Effective Application of the Declaration's Principle on Public Circles)」을 주제로 한 이 포럼은 2005년 제 33차 유네스코 총회에서 상정할 예정인 「문화 다양성 협약」의 성안을 위해서 「유네스코 세계 문화다양성 선언」 실행계획을 이해, 적용하여 동아시아 국가들의 정책 수립에 이 선언을 반영하고, 문화 다양성 협약에 대한 각국의 의견을 수렴하기 위해 준비되었다. 이를 위해서 본 발제문은 문화 다양성과 문화상품 서비스에 대한 경제학적 관점의 이론적 검토와 한국의 관련 정책 현황 그리고 향후 정책 방향에 관한 제언을 하고자 한다.

* 이 원고는 UNESCO East Asian Forum on Cultural Diversity (Seoul, Korea, 27~29 June 2005)를 위해서 준비된 것이며, 논문의 내용은 모두 저자 개인의 견해를 밝히며.

2. 경제학적 개념들

가. 문화상품, 서비스의 특수성

문화 다양성에 대한 논의에 있어서 문화상품, 서비스, 가치, 특수성 등에 대한 개념을 경제학적 관점에서 정의될 수 있다. 「세계 문화다양성 선언」(제8 조)에서는 이와 같은 정의가 전제되지 않고 단지 문화상품, 서비스가 갖는 문화적 특수성에 대한 인식을 강조하고 있으며, 현재 준비되고 있는 「문화 다양성 협약」의 의장수정안(제4 조 정의)¹⁾에서 문화상품, 서비스는 다음과 같이 정의하고 있다.

제4 조- 정의(Definitions)

3. 문화활동, 상품, 서비스(Cultural activities, goods and services)

“문화활동, 상품 및 서비스는 그 상업적 가치와 상관없이 문화적 표현을 사용하거나, 목적으로 하고, 구체화하거나 담고 있는, 특별한 성격을 가진 활동, 상품과 서비스를 말한다.

(a) 문화활동은 개인과 집단이 소통하는 상징적 의미 또는 담고 있는 문화적 가치의 다양한 방법을 포함하며, 이는 그들의 문화정체성, 신념, 전통과 풍습에서 나오거나 그것들을 표현한다. 문화활동은 그것 자체가 목적이 되거나 아래에서 정의되는 문화 상품과 서비스의 생산에 기여할 수 있다.

(b) 문화상품과 서비스는 다음의 특성을 갖는다.

(i) 인간 노동의 산물이고 그것의 생산을 위해서 인간의 창조적인 활동이 요구된다.

(ii) 그것들에 내재되어 있을 수 있는 그 어떤 상업적 가치와 구분되는 문화적 가치나 의미를 부여하는 어떤 형태의 상징적 의미를 표현하거나 담고 있다

(iii) 그것들은 현행의 지적 재산 법규에서 보호되거나 혹은 보호되지 않는 지적 재산을 발생시키거나 발생시킬 수 있다

이와 같은 정의는 문화상품, 서비스가 갖는 문화적 특수성의 중요성을 강조하고 있는 정의라고 볼 수 있다. 그러나 상품과 서비스는 경제학적 관점에서 정의되는 개념으로서 현실의 자본주의 시장경제체제를 고려한다면, 문화상품, 서비스도 시장을 전제로 한 개념²⁾으로 보아야 할 것이다. 따라서 문화상품, 서비스는 시장을 통해 거래되는 다른 상품이 가지는 일반적인 성질도 가지고 있는 것으로 보아야 한다. 즉, 문화상품, 서비스도 가격, 생산요소 등에 영향을 받는 수요와 공급이 있고 이에 따라 가격이 결정되고 거래가 이루어지는 시장이 형성되는 상품, 서비스가 가지는 일반적인 성질을 가지고 있다는 것을 간과해서는 안 된다.

이와 같은 문화상품, 서비스가 가지는 경제학적 관점의 일반적 성질을 인정한다면, 문화상품, 서비스에 문화적 특수성에 의한 강조도 보다 설득력을 가질 수 있을 것이다. 문화상품과 서비스는 노동과 자본의 투입을 통해서 만들어진 산출물로서 그것이 순수한 문화예술 활동과 같이 시장을 통해 거래되지 않거나 또는 이윤 극대화를 목적으로 하는 일반적인 기업이 아닌 비영리단체에 의한 경우에도 이에 대한 경제학적 접근을 가능하게 해준다.

일반적인 상품과는 구별되는 문화상품, 서비스의 특수성에 관한 논의에 있어서 ‘가치’에 관한 이해가 필요하다. 상품, 서비스의 가치는 시장을 통해서 가격으로 표현되는 객관적 가치 뿐만 아니라 시장 가격으로 나타나지 못하는 가치도 존재한다. 이것을 경제학에서는 외부성(externality)의 개념으로 이해될 수 있다. 과거 문화예술에 대한 경제학적 연구를 통해서 문화예술이 가지는 바람직한(positive) 외부성에 근거하여 이에 대한 정부의 지원이 정당화되어 왔다. 세계 문화다양성 선언에서 제시하는 문화예술의 특수성도 이와 같은 문화예술의 외부성의 개념으로 이해될 수 있다.

¹⁾ UNESCO, “Consolidated Text”, 2005. 4.

²⁾ 반드시 시장을 통해 거래되어야 한다는 의미는 아니며, 시장을 통해 거래되지 않는(못하는) 경우에도 시장 원리를 전제한다는 것을 의미함.

나. 질적 경쟁

문화 다양성의 개념을 문화상품·서비스에 있어서 질적 경쟁(quality competition)의 개념으로 접근해 볼 수 있다. 경제학에서 상품의 질이란 동일한 가격 수준 하에서 더 높은 효용을 제공해주는 것으로 해석할 수 있다. 물론, 문화상품·서비스의 질은 고유의 예술성, 창조성 등 매우 관념적인 가치로 해석되기 때문에 문화상품·서비스의 질의 크기를 측정하는 것에는 어려움이 있다. 그럼에도 불구하고 문화 상품·서비스의 경우 동일한 상품으로부터 얻는 효용의 크기로 질을 논의할 수 있다면, 문화 다양성의 개념은 하나의 시장 안에서 각국의 다양한 문화상품의 질적 경쟁으로 이해할 수 있을 것이다.

동일한 가격 하에서 대중으로부터 많은 호응이 있는 문화상품·서비스의 경우 질적으로 우수하여 지불하는 가격에 비해 얻을 수 있는 효용의 크기가 크기 때문으로 해석할 수 있을 것이다. 문화상품·서비스가 제공하는 질의 크기를 객관적으로 측정하기 어렵다면, 이것은 문화상품·서비스를 즐기고 받아들이고 이해하는 향수자의 능력의 차이 즉, 러스킨(J. Ruskin)이 제시한 「향수능력」의 개념에서 그 차이를 설명할 수 있다. 이와 같은 차이는 과거의 문화예술 소비로부터 형성된 기호와 감상능력으로 해석될 수 있으며, 이런 상품에 대한 수용능력은 경제적 발전뿐만 아니라 넓은 의미에서 사회 발전의 원천이 될 것이다.

문화상품과 서비스가 국경을 넘거나 타 문화권에서 소비가 이루어질 경우, 자신이 속한 문화와는 다른 문화의 영역을 이해하는 능력의 차이가 문화상품·서비스의 소비에 영향을 줄 것이며, 이것은 경제학의 할인율 개념으로 설명할 수 있을 것이다(Hoskins and Mirus, 1988). 문화적 할인율은 단지 사용하는 언어뿐만 아니라 사고체계, 생활양식 등 문화 전반에서 일어날 수 있으며, 이것이 문화상품·서비스의 교역에 영향을 미치게 될 것이다.

다. 문화 자본

문화 다양성과 경제발전과의 관계에 대한 논의는 부르디외(P. Bourdieu) 이후 사회학이나 문화 연구에서 많이 논의되어 온 문화자본(cultural capital)의 개념으로 접근해 볼 수 있을 것이다. 각 개인들이 사회의 높은 수준의 문화를 후천적으로 향유할 수 있는 능력을 갖는다는 것은 소유한 문화자본의 크기에 따른다는 개념이다. 부르디외가 제시한 문화자본은 체화(體化)된 문화자본, 객관화된 문화자본, 제도화된 문화자본 등 세가지로 구분하고 이 중 체화된 문화자본이 가장 중요한 자본으로 인식하고 있다. 체화된 문화자본이란, 개인의 정신과 육체에 대한 지속적인 경향성을 말하고, 객관화된 문화자본은 문화자본이 그림, 책, 사진, 도구, 기계 등과 같은 문화적 재화로 변형되었을 때의 문화자본을 의미하며, 제도화된 문화자본은 체화된 문화자본이 학문적인 자질 또는 학력의 형태로 인식될 때의 자본을 나타낸다.

문화경제학자인 스로스비(D. Throsby)는 문화자본을 유형문화자본과 무형문화자본으로 구분하고 이들의 가치를 설명하기 위해 문화적 가치와 경제적 가치간의 관계를 분석하였으며, 특히 문화자본을 생산요소로 인식하고 이를 통한 경제성장의 분석 가능성을 제시하였을 뿐만 아니라 문화자본에 대한 투자확대를 통한 지속가능한 개발(sustainable Development)을 제안하고 있다(Throsby, 2001).

다른 투입물(특히, 노동)과 결합하여 산출물을 만들어 내는 자본재에 대한 정의는 2 백년 이상 경제학에서 생산과정을 설명하는 기초가 되어 왔다. 자본에 대한 이런 정의의 근본적이고 가장 오래된 해석은 장비, 플랜트, 기계, 건물과 같은 물질적 또는 제조된 자본(physical or manufactured capital)이다. 물질자본의 축적은 12 세기 중반 성장모형에 의해 알려진 것처럼 경제성장을 만들어내는 중요한 요소로 간주되어왔으며, 경제학 이론과 분석에서 자본의 개념은 더욱 확장되어왔다.

자본의 개념을 확장하는 시도로서 이른바 사람들이 보유하고 있는 생산적 특성인 인적자본(human capital)을 들 수 있다. 경험과 훈련을 통한 기술의 발전으로 노동의 생산성이 증가하는 것을 관찰할 수 있다. 이런 교육과 같은 인적자본 투자에 대해서 비용-편익분석과 같은 전통적인 투자평가 방법을 적용하고 새로운 형태의 자본을 형성하는 과정을 분석하고 있다.

다음으로 자본을 재생가능한 자원과 재생가능하지 않은 자원으로 구별하면서 자연자본(natural capital)에 대한 개념으로 발전하게 되었다. 제조된 자본과 자연자본은 인간이 만든 것과 저절로 얻게 된 자연의 선물이라는 근본적인 차이뿐만 아니라 그 둘의 서로 다른 특성에 의해 구분된다. 자연자본은 다른 재화의 생산에 기여하여 물리적으로 소진되어지거나(재생불가능한 자원의 경우), 자체 재생산의 능력을 갖는 것(재생가능한 자원의 경우)으로 구분된다. 자연자본은 자원 그 자체뿐만 아니라 에코시스템이나 생물학적 다양성과 같이 그들의 운영을 정의하고 연결하는 네트워크나 시스템을 포함한다.

최근 들어 예술 활동이나 문화상품의 특성을 자본, 자산으로서 인식하고, 이런 자산이 더 많은 문화상품과 서비스를 생산하기 위해 다른 생산요소와 결합하여 기여하는 방식을 밝히는 노력이 이루어지고 있으며, 이런 과정에서 자본의 개념을 문화와 예술의 영역으로 확장하여 문화자본(cultural capital)의 개념을 형성하게 되었다. 앞서 논의한 다른 형태의 자본과 구별될 수 있는 문화자본의 특성은 다음의 두 가지로 설명될 수 있다. 첫째, 문화자본은 소비재와는 구별되는 자본재로서의 문화상품, 서비스로 정의할 수 있다. 이런 정의는 문화상품에 대한 정의를 전제로 한다. 문화경제학자들 간에도 일반적인 상품, 서비스와 문화상품, 서비스의 구분에 대한 논쟁이 있어 왔으며, 유네스코 문화다양성 협약(초안)에서 제시하고 있는 바와 같이 인간의 창의력이 투입되고, 상징적 의미를 전달하고, 원칙적으로는 적어도 지적 재산권의 체화와 같은 것을 규정할 수 있다면 이를 문화상품이라고 볼 수 있다.

두 번째, 문화자본의 정의에 대한 보다 의미 있는 또 다른 접근은 문화자산을 증가시키는 가치의 한 형태로 설명하는 것이다. 예를 들어 오래된 교회 건물의 경우, 그것은 부동산으로서의 잠재적인 판매가격을 가지고 있을 것이다. 그리고 사람들이 관람할 수 있도록 이것이 보존되는데 지불할 의사(willingness to pay)와 같은 비시장적 가치도 있을 것이다. 그러나 이런 경제적 가치에 대한 측정으로 그 건물의 문화적 가치의 복잡성과 전체 규모를 표현하는 것은 불가능하다. 화폐적 가치로 표현하는 것이 불가능한 종교적 확신도 있을 것이다. 시간이 흐름에 따라 건축 양식에 미친 영향도 있을 것이다. 그 장소나 정체성에 대한 상징으로서의 역할도 있을 것이다. 이런 모든 것들 또는 그 이상이 이 건물의 문화적 가치를 만들어 내는 요소일 것이다. 이 건물의 문화적 가치에 대한 다차원적인 표현은 예술적 질, 정신적 의미, 사회적 역할, 상징적 의미, 역사적 중요성, 유일성 등과 같은 특성의 다양성에도 불구하고 양적인 또는 질적인 방식으로 측정된다. 이런 여러 가지 특성은 그 건물의 경제적 가치에 영향을 준다³⁾. 실제로 이것을 측정하고 규정하는 어려운 문제가 남아있음에도 불구하고 이런 문화적 가치의 개념을 받아들인다면, 문화자본을 정의하는데 활용할 수 있다. 이런 과정을 따라, 경제적 가치를 가지고 있는 것에 더해 문화적 가치를 체화하고, 저장하고, 증가시키는 자산을 문화자본으로 정의할 수 있다.

문화자본에 대한 두 가지 정의 중 어떤 것을 받아들일지 간에, 문화자본의 특성을 앞서 논의한 다른 형태의 자본과 비교할 수 있다. 문화자본은 유형과 무형의 두 가지 형태를 가질 것이다. 유형문화자본은 미술품, 조각, 문화유산 건물, 소재와 유적 등의 예술 활동과 예술작품의 형태로 나타난다. 무형문화자본은 예술 활동을 구성하며, 인종, 종교, 지역, 국가 등의 방식으로 정의된 집단의 '문화'를 구성하는 음악, 문학, 이어져오는 전통, 가치, 신념의 축적 등과 같이 공공재적 특성을 가지고 존재한다. 무형문화자본은 인간의 행동을 받쳐주는 문화 네트워크와 관계 속에서 존재하고, 다양한 공동체의 문화 속에서 존재한다. 그것은 앞서 언급한 자연자본과 같은 개념의 문화적 에코시스템(eco-system)이나 문화 다양성을 의미한다.

유형, 무형의 문화자본은 주어진 시점에서 경제적, 문화적 방식의 자산 가치를 갖게 된다. 이런 스톡은 최종소비에 투입되기도 하고, 다른 투입과 결합하여 더 많은 문화상품 및 서비스를 만들어내듯이, 시간에 따라 자본 서비스의 량(유량)을 증가시킨다. 예를 들어, 자본형태의 예술품의 서비스는 노동과 다른 투입과 결합하여 박물관의 방문객의 소비경험을 유발한다. 박물관에 있는 예술작품은 그것을 감상한 다른 창조적 예술가에게 영향을 주어 더 많은 예술작품을 생산하도록 자극을 주기도 한다. 그래서 더 많은 자본 형성을 야기하게 된다. 문화자본이 시간이 흐름에 따라

³⁾경제적 가치와 문화적 가치의 완전한 상관관계를 가정할 필요는 없다.

가치가 하락한다면, 그것을 유지하고 보수하는데 투자를 필요로 한다. 주어진 기간동안 이와 같은 자본 스톡의 증감의 순효과를 일정 기간동안의 문화자본에 대한 순(+)투자 또는 부(-)의 투자로 나타낼 수 있으며, 경제적, 문화적 방식으로 측정할 수 있으며, 다음 기의 자본스톡의 초기 가치를 결정하게 된다.

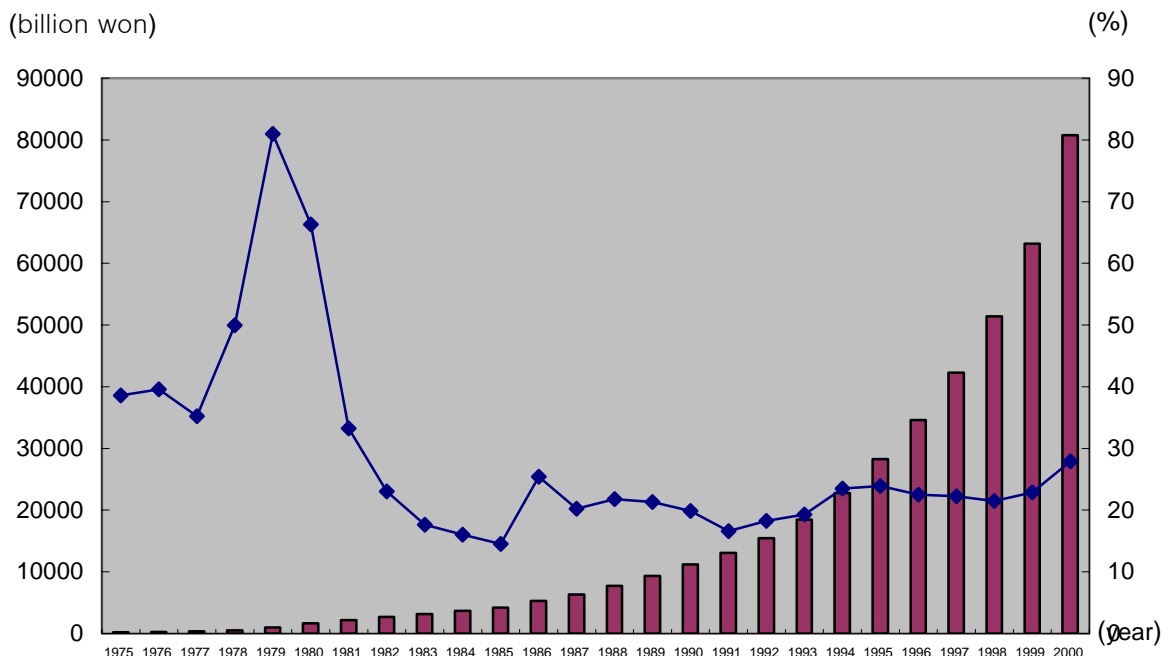
이와 같은 문화자본의 개념적 바탕 위에서 실증적으로 문화자본을 측정하는 것에는 한계가 있다. 사용가능한 자료로서 「산업연관표」를 사용하여, 1975년부터 2000년까지 우리나라 문화분야의 자본스톡을 추계한 결과⁴⁾, 문화산업에 대한 투자는 1995년부터 2000년까지 연평균 28.75%로 증가하였으며, 1990년대 후반부터 급격한 증가 추세를 확인할 수 있었다. 자본 스톡의 량을 측정하기 위해서는 일반적으로 영구재고법(perpetual inventory method)이 많이 사용된다. 영구재고법은 어느 시점의 자본스톡 금액은 당해 년도의 실질투자액에 전년도 자본스톡의 감가상각분을 제외한 것을 더하는 방식이다.

$$K_{c,t} = K_{c,t-1}(1 - \delta_c) + I_{c,t} \quad (1)$$

K_c 는 문화 자본스톡의 금액, I_c 는 문화(실질)투자액, δ_c 는 문화 자본의 감가상각률을 의미한다.

이와 같은 방법으로 문화 자본스톡의 추계 결과, 같은 기간 동안 연평균 28.5%로 증가하였으며, 이것은 같은 기간 동안에 한국의 총 자본스톡 증가율보다 약 3 배 가까이 큰 비율로 증가한 것이다.

[그림 1] 문화 자본스톡 추계 및 증가율



⁴⁾윤용중 (2003) 을 수정. 보완하였음.

3. 한국의 정책 현황

문화상품 서비스에 대한 정의에 따라서 문화 다양성과 관련된 정책의 대상, 범주도 달라질 수 있다. 문화상품 서비스의 범위를 넓은 의미로 해석하면, 문화예술 전반에 대한 지원 정책이 모두 문화다양성과 관련된 문화상품 서비스에 대한 정책이 될 것이다. 즉, 문화다양성 증진을 위한 직접적인 지원정책이나 담당부처가 있는 것은 아니며, 문화예술, 문화산업, 관광, 체육, 청소년 등의 정책 영역을 담당하는 문화관광부가 주무부처로서 역할을 하고 있다. 1948 년 공보 처에서 출발하여 1961 년 공보부, 1968 년 문화공보부, 1989 년 문화부와 공보처로 분리, 1993 년 체육청소년부와 통합하여 문화체육부로 발족, 1998 년 문화관광부 발족, 1999 년 해외홍보업무와 문화재 관련 업무를 국정홍보처와 문화재청으로 각각 이관하여 현재에 이르게 되었다.

우리나라의 문화 예산⁵⁾은 1977 년부터 1984 년까지 정부 일반회계 예산 대비 0.2%수준이었으며, 1992 년도에 0.4%, 1995 년도에 0.5% 수준이었다. 1996 년 이후부터는 매년 0.1%씩 증가하여 2000 년에 이르러 정부 일반회계 예산의 1%를 넘게 되었다. 문화예술에 대한 지원에서 공공부문의 역할은 각 국의 문화적 전통에 따라 차이가 크기 때문에 단순히 국가간 비교를 통해서 의미 있는 결과를 얻을 수는 없지만 이런 예산 규모는 문화예술분야에서 공공부문의 역할이 큰 프랑스, 영국 등의 유럽 국가의 문화예산 비중을 넘는 수준이다.⁶⁾ 2000 년 이후 문화 예산은 지속적으로 증가하여 2004 년 예산기준으로 1 조 4,292 억원으로 정부 일반회계 예산 대비 약 1.21%를 차지하였으며, 2005 년에는 1 조 4,447 억원으로 1.1%로 편성되었다.

우리나라 문화 분야의 재정은 일반회계 예산뿐만 아니라 2 개의 특별회계⁷⁾와 5 개의 기금으로 구성되어 있으며, 이 규모는 2005 년 약 2 조 6,000 억원이다. 이 규모는 2005 년 정부의 총 지출 규모 208 조원의 약 1.25%에 해당하는 수준이다.

[표 1] 문화 분야의 재정 규모

(단위: 억원, %)

	2000	2001	2002	2003	2004	2005
문화분야의 재정 규모(A)	1.7	1.7	2.0	2.1	2.3	2.6
총지출 규모(B)	129.2	147.2	150.8	172.3	196.2	208.0
비 중(A/B)	1.31	1.15	1.32	1.22	1.17	1.25

주: 1) 문화 분야의 재정 규모 = 일반회계+특별회계+기금(사업비)

2) 일반회계, 특별회계, 기금(사업비)을 포함하지만 통합재정 규모와는 다소 차이가 있음.

자료: 대한민국정부, 「예산안」, 각 연도.

대한민국정부, 「기금운용계획」, 각 연도.

문화다양성 증진을 위한 정부의 노력을 지원정책과 규제정책으로 나눌 수 있을 것이다. 규제정책의 시행을 위해서 특별히 큰 규모의 예산이 수반되지 않는 점을 감안하면, 이와 같은 조직과 예산은 대부분 문화예술 활동 및 향수를 지원하는 정책을 위해 사용되고 있는 것으로 볼 수 있다. 예술가의 창작활동, 문화예술 향수 확대를 위한 기반 시설, 지역의 전통 문화예술의 보존과 계승, 자유로운 종교 활동, 문화산업의 육성, 문화재의 보존, 지역의 문화 예술발전 등 문화관광부 정책 전 영역에 걸쳐 넓은 의미에서 문화 다양성 증진을 위한 지원 정책이 이루어지고 있는 것으로 볼 수 있다.

⁵⁾ 문화관광부 예산+ 문화재청 예산-체육.청소년 부문 예산

⁶⁾ 2001년 미국은 0.45%, 2001년 캐나다 1.52%, 1999년 영국은 0.29%, 1998년 프랑스는 0.95% 등이다.(IMF, Government Finance Statistics Yearbook, 2002)

⁷⁾ 2005년도부터 농어촌특별세관리특별회계는 폐지되고 국가균형발전특별회계가 포함됨.

문화다양성과 관련된 문화상품, 서비스를 좁은 의미에서 본다면, 문화산업에 정책으로 좁게 볼 수 있을 것이다. 문화산업의 전담 부서로서 1994년 문화체육부 안에 문화산업국이 문화산업기획과, 출판진흥과, 영상진흥과, 영상음반과 등 4개과로 신설되었다. 이후 1998년 신문방송관련 업무, 저작권 관련 업무 조정을 통해 문화산업국은 문화산업총괄과, 출판진흥과, 영화진흥과, 영상음반과, 신문잡지과, 방송광고행정과 등으로 확대되었다. 이후 문화산업국 각과의 통·폐합 과정을 거쳐 2004년에는 문화산업국을 문화산업국과 문화미디어국으로 분리하였다.

문화산업 육성을 위한 정부 예산 규모는 1999년부터 획기적으로 증가하여, 1999년에 전년대비 6배, 2000년에는 전년대비 2배 가까이 증가하였다. 이후 문화관광부 예산의 약 11-14%의 비중을 유지하고 있으며, 2005년에는 약 1,911 억원으로 문화관광부 예산의 12.1% 수준의 예산을 편성하였다. 또한, 문화산업 진흥을 위한 안정적인 재원을 확보하기 위해 「문화산업진흥기금」을 1999년에 설치하여, 2004년말 2,744 억원이 조성되어 문화상품개발, 유통시설 현대화의 용자사업, 투자조합 등에 약 1,370 억 규모를 운용하고 있다.

[표 2] 문화관광부 문화산업분야 예산 추이

(단위: 억원, %)

	정부 예산 총액	문화관광부 예산		문화산업분야 예산	
		예산 총액	정부 예산 대비 점유 비율	예산 총액	문화관광부 예산 대비 점유 비율
1994	476,262	3,012	0.63	54	1.8
1995	567,173	3,838	0.68	152	4.0
1996	629,626	4,591	0.73	189	4.1
1997	714,006	6,531	0.91	132	2.0
1998	807,629	7,574	0.94	168	2.2
1999	884,850	8,563	0.97	1,000	11.7
2000	949,199	11,707	1.23	1,787	15.3
2001	1,060,963	12,431	1.17	1,474	11.9
2002	1,161,198	13,985	1.20	1,958	14.0
2003	1,181,323	14,864	1.26	1,890	12.7
2004	1,183,560	15,675	1.32	1,725	11.0
2005	1,343,704	15,856	1.18	1,911	12.1

자료 : 문화관광부, 「세입세출 예산개요」, 각년호.

문화 산업 예산의 구성 내역을 보면, 문화산업 육성 초기에는 생산 기반 시설의 확충 등 기본 인프라 구축의 산업 기반 조성분야에 집중적으로 예산 배분이 이루어졌다. 2002년부터는 캐릭터를 포함한 문화콘텐츠 개발 분야의 예산 배정이 이루어졌으며, 2003년부터는 디자인, 공예, 한복 등 문화상품에 해당하는 정책 담당 부서가 폐지되면서 예산 배정이 중단되었다.

[표 3] 문화산업 분야 예산의 구성 내역

(단위: 억원, %)

구 분	2000	2001	2002	2003	2004	2005
문화 산업 육성 (기반 조성)	887 (50.1)*	620 (43.0)	570 (29.3)	452 (24.1)	187 (11.2)	212 (11.1)
출 판	97 (5.5)	99 (6.9)	206 (10.6)	181 (9.7)	291 (17.5)	340 (17.9)
영 상	590 (33.3)	472 (32.8)	414 (21.3)	338 (18.0)	2,521 (15.2)	319 (16.8)
영상·만화			8.8 (0.5)	37 (2.0)	38 (2.3)	62 (3.3.)
게임·음반	95 (5.4)	90 (6.2)	96 (4.9)	232 (12.4)	211 (12.7)	232 (12.2)
문화 상품 (디자인, 공예, 한복등)	49 (2.8)	89 (6.2)	66 (3.4)	0	0	0
방송·광고	52 (2.9)	71 (4.9)	84 (4.3)	131 (6.9)	160 (9.6)	214 (11.3)
문화콘텐츠 (캐릭터등)	-	-	500 (25.7)	505 (26.9)	522 (31.4)	521 (27.4)
합 계	-	-	1,957	1,889	1,674	1,900

주: 괄호 안은 구성 비율(%)

자료: 문화관광부

한국에서 시행하고 있는 문화적 다양성을 위한 규제 정책으로 가장 대표적인 것이 스크린쿼터 제도이다. 스크린쿼터제도는 1966년 제 2차 「영화진흥법」 개정을 통해 처음으로 도입되었으며, 이후 여러 차례의 개정이 이루어 졌다. 현재 연간 의무상영일수는 총 146일이며, 146일은 특별한 수량적 근거는 없지만 대체로 한국영화의 국내시장점유율 목표치로 통상 얘기되어온 40%를 기준으로 결정된 것으로 1985년부터 이 기준이 적용되기 시작했다. 의무상영일수는 20일(군 및 10만 이하시는 40일)을 경감할 수 있으며, 또한 흥행통계의 관건인 관람권 발매의 전국통합전산망 가입을 유도하기 위해 이에 참여할 경우 20일 범위의 경감 가능 조항, 그리고 성수기에 한국영화 상영시 20일 경감 가능 조항, 그러나 어느 경우를 포함하든 총 경감일수는 40일을 초과할 수 없다는 조항을 시행령에 포함시키게 됨으로써 실제적인 의무상영일수는 106일로 운영되고 있다.

일부 나라에서는 스크린쿼터제 위반시 어떤 벌칙조항도 없는 경우와는 달리 우리나라에서는 「영화진흥법」 시행령 상에 의무상영일수에 미달할 경우 20일까지는 미달일수 1일마다 영업정지 1일을, 의무상영일수 미달 범위가 20일 초과시에는 미달일수 1일마다 영업정지 2일을 행정처분할 수 있도록 되어 있다.

4. 제 안

가. 문화에 대한 학제간 연구의 활성화

향후 문화 다양성 협정이 이루어지게 되더라도, 문화다양성과 WTO의 무역에 관한 국제 규범과의 충돌을 완전히 해소되지는 않을 것이다. 현재 시행되고 있는 스크린 쿼터제나 외국인 소유제한 등의 규제 정책은 이후에도 계속 국가간 협상 대상이 될 것이다.

이와 같은 문화적인 측면과 경제적인 측면의 대립구조를 풀어나가기 위해서는 문화에 대한 경제학, 문화인류학, 경영학, 정책학, 법학 등 학제간 다양한 접근을 통한 많은 연구가 필요하다. 문화에 대한 다양한 학문분야의 학제적 연구를 통해서 보다 설득력 있는 학문적 성과를 만들 수 있을 것이며, 이런 연구 성과가 문화와 교역을 포괄하는 국제적 규범을 만드는데 큰 역할을 하게 될 것이다.

물론, 문화 다양성측면에서 타 문화에 대한 이해와 포용을 위해 타 문화에 대한 학문적 연구와 이해를 높이는 노력은 필수적일 것이다. 이런 타 문화에 대한 이해와 포용뿐만 아니라 문화 다양성과 문화상품, 서비스에 관한 논의를 위해서는 문화에 대한 다양한 학문영역의 접근을 이해하고 포용할 수 있는 노력도 필요하다.

나. 문화적 정체성 확보 노력

우리나라의 경우 단일민족으로 구성되어 비교적 단일한 한국 문화를 가지고 있기 때문에 국내에서 문화 다양성의 개념은 큰 정책적 관심을 갖지 못하고 있다. 그러나 국내적으로 문화 다양성의 증진은 자국의 문화 정체성을 확립하는 것으로 볼 수 있으며, 이런 맥락에서 전통 문화의 보존, 발전과 문화재에 대한 정책적 관심 확대가 요구된다.

또한, 국가 수준의 문화 정체성 확립과 더불어 지역 단위의 문화 정체성의 확립도 필요하다. 국가적으로는 단일 민족 문화를 가지고 있지만, 국내의 각 지역별로 고유의 전통문화는 다양한 차원에서 존재하며, 이를 인정하고 보존, 진흥하는 정책적 노력도 필요할 것이다. 현재 수행되고 있는 정책으로서 지역 문화에 기초한 다양한 문화예술 활동, 지역의 문화기반 시설, 지역축제, 지역문화에 기초한 문화산업클러스터 지원 정책 등이 향후 문화 다양성 증진에 기여할 것이다.

다. 문화 다양성과 저작권 규범

문화적 가치에 대한 이해와 포용은 문화상품, 서비스의 저작권에 대한 국가간 규범을 통해 나타날 수 있을 것이다. 이것은 자국 또는 타국의 문화상품, 서비스의 유통구조와 관련이 있다. 저작권이란 문화상품, 서비스가 가지고 있는 독창적인 가치에 대한 사회적 인정이며, 그 창작자의 사적 가치에 대한 배타적 권리이다. 문화상품, 서비스의 지속적인 생산, 유통, 소비가 이루어지기 위해서는 저작권에 대한 규범을 확립할 필요가 있다. 자국의 문화상품, 서비스뿐만 아니라 타 문화권의 문화상품, 서비스의 자국 내 유통에서 저작권을 확립하는 것은 문화상품, 서비스가 가지는 문화적 가치에 대한 인정이며, 문화 다양성을 유지, 발전시키는 토대가 될 것이다.

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Cultural Rights: a Crisis and Challenge in Global Era

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I. An Era of Cultural Diversity?

Is this the era of cultural diversity? The question does not yield a simple and uniform answer. Some claim that the advent of a global cultural environment has enabled heterogeneous cultures to coexist, while others lament the destruction of diversity in local cultures by the transnational economy. Numerous diverse cultures in the world communicate and interact with one another. Countless unique ethnic cultures exist across the globe, and they are introduced to people in different cultural spheres through various international events. Satellite channels deliver news from all over the world in real time, and games of the World Cup and European Champions League are broadcasted live in some 150 countries. Hollywood movies are released simultaneously in scores of countries, and global tourist companies showcase festivities all over the world. In some cases, ¹ we can observe ethnic cultures of the Third World moving from the peripheral to the center. In such a way, culture in the global era merges and hybridizes beyond national borders, race and ethnicity. The new global cultural economy is perhaps best understood as “a complex, overlapping, disjunctive order,” as noted by Arjun Appadurai, “that cannot any longer be understood in terms of existing center-periphery models.” ²

However, on the other hand, the view that culture in the era of globalism is progressively losing its diversity is gaining currency. Can we really herald the arrival of an era of cultural diversity—when Hollywood movies control 85 percent of the world market for cinema, ³ when popular music all over the world imitates the trends of the American pop, and when an imperialist war is destroying the cultural heritage of a Third World country, as witnessed in the Iraq War? It is true that the global consumption trend in popular culture increased cultural capital, but, at the same time, it has also stripped away diversity. For instance, the South Korean film industry has become the strongest national film market in the world with its screen quota system that requires a certain number of screens to be reserved for Korean films; however, the monopoly of a few Korean blockbusters is diminishing the diversity of films shown to Korean audience. ⁴ The same trend is found in the South Korean pop music industry where the introduction of the so-

¹ A representative case is the popularity of the Third World “World Music” in the European and American popular music scenes since the late 1990s.

² Arjun Appadurai, “Disjuncture and Difference in the Global Culture Economy”, in *Modernity at Large*, Verso, 1996.

³ Market share of key countries in the world film market from 1999 to 2003:

	1999	2000	2001	2002	2003
U.S.	93.40	95.70	94.30	96.30	95.10
South Korea	39.70	35.10	50.10	48.30	53.49
France	32.40	28.90	41.40	25.10	35.00
Japan	31.90	31.80	39.90	27.10	34.00
Germany	14.00	10.03	17.87	13.66	15.80
UK	16.50	19.60	4.90	8.30	10.20

⁴ In the summer of 2003, the season when blockbusters are released, only ten different movies monopolized some 1200 screens nationwide. In the style of Hollywood film distribution system, one Korean blockbuster monopolized on average some 400 screens.

called star system from the Japanese and American pop music scenes has left no room for other music genres.

Despite the coexistence of diverse cultures and greater cultural interactions, the threat to cultural diversity still remains valid as global cultural capital continues to undermine cultural diversity. What's more, if culture, as pointed out by Raymond Williams, is the whole way of life of ordinary people and is not just limited to high art, the destruction of cultural diversity by cultural capital could be even more serious since cultural capital dominates our daily life. Accordingly, an era of cultural diversity ushers in the paradoxical discourse of crisis and challenge. The cultural diversity discourse is at once a real issue confronting us today and a practical issue confronting the challenges of the present in order to move on to the future.

This is the very reason why we must fight to protect and expand cultural rights in the era of cultural diversity. In this era, cultural diversity is not granted but must be attained. Globalization can provide an environment conducive to fostering a greater understanding among diverse cultures; conversely, it can also create an environment susceptible to the monopoly of a particular culture over others by the mechanism of capitalism. Cultural diversity is both an issue between nations and ethnic groups as well as between individuals. If multiculturalism generated by cultural diversity is indifferent to the cultural autonomy of minorities, the multicultural view of cultural diversity does not transform the position of the subject, and can thus fail to recast cultural identity. If multiculturalism, as Kelly Chien-Hui Kuo points out, cannot provide any room for subaltern groups, they will easily become a pawn to cultural imperialism.⁵ This paper proposes to discuss why individual cultural rights are important for cultural diversity in the context of globalism, what significance cultural diversity has for cultural rights, and what objectives need to be set forth to establish and strengthen cultural rights at the local level.

II. International Discourse for Defining Cultural Rights and Their Local Characteristics

After WWII, discussions on cultural rights were mainly led by international organizations. Article 27 of the Universal Declaration of Human Rights issued in 1948 clearly states cultural rights as follows: "(1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits; (2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author." As clearly stated in the Universal Declaration of Human Rights, that everyone has the right to author and to enjoy culture is the most basic idea of human rights policy.

The concept of human rights in the late 1970s was divided into two domains: the International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social, and Cultural Rights (ICESCR). The divisions suggest an important change in defining cultural rights. The former was an organization led by nations with capitalist market economy, and the latter a covenant of primarily socialist nations.⁶ With the expansion of human rights policy in the 1980s, the term "cultural rights" began to be debated more concretely in the process of human rights policy-making, primarily as practical measures to protect the unique cultural identity and heritage of each nation-state and the languages, customs, and cultural heritage of ethnic minorities. UNESCO did much of the groundwork in defining cultural rights,

⁵ Kelly Chien-Hui Kuo, *A euphoria of transcultural hybridity: is multiculturalism possible?* p.223.

⁶ In International Covenant on Economic, Social, and Cultural Rights (ICESCR), the provisions for cultural rights is stated in Article 15 as follows:

1. The States Parties to the present Covenant recognize the right of everyone:
 - (a) To take part in cultural life;
 - (b) To enjoy the benefits of scientific progress and its applications;
 - (c) To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.
2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture.

conducting theoretical studies and developing and defining different areas of cultural rights.⁷ UNESCO-initiated studies and activities for cultural rights can be broadly divided into three stages. The first stage, from the proclamation of the Universal Declaration of Human Rights in 1948 to the introduction of International Covenant on Economic, Social, and Cultural Rights (ICESCR) in 1976, was a period of sharing a universal definition and common awareness of cultural rights. In the second stage, from 1976 to 1994, before the inauguration of the WTO world economic order, the focus was primarily on safeguarding the languages and cultural heritage of ethnic minorities of the Third World. The third stage, from the inauguration of WTO to the present, is a period marked by greater visibility of solidarity among international cultural organizations working to prevent cultural monopoly and to secure cultural diversity in the globalization process. With the 1997 Draft Declaration on Cultural Rights as the starting point, UNESCO has continued its efforts to safeguard cultural diversity and is currently preparing for the General Convention on Cultural Diversity in October 2005.

UNESCO-initiated studies and coalitions on cultural rights place emphasis on cooperation at the international level; however, appealing to and forming coalitions in the international community for the continued existence of each national culture leaves out local issues on cultural rights. UNESCO's work for cultural rights has a high standing both in terms of its universality and internationality, with their basis in the diversity of each national culture. In this process, cultural resources are recognized as assets for humanity that must be preserved. Before reducing them to a universal issue, it is important to note that each country has its own unique history of cultural movements and activism, and places importance on minority groups' struggles for cultural rights in the face of the cultural monopoly of capitalism. Despite UNESCO's effort to form a coalition, the cultural rights movement in South Korea still remains a local movement. For instance, the movement for cultural rights in South Korea need not assume the "global standard" for cultural rights. At the international level, the Screen Quota Movement in South Korea, for example, can become an international standard for safeguarding diversity in national culture; however, locally, it is about safeguarding diversity in films about minorities, about labor issues in the film industry, and about anti-globalization and anti-WTO.

The international discourse on cultural rights led by UNESCO is meaningful at the level of activism to safeguard cultural diversity among nation-states or the cultural heritage of ethnic groups; however, it has failed to mention practical local agendas that would go beyond the nation-state level to achieve cultural freedom for the individual, to distribute cultural resources, and to guarantee access to cultural production. Coalition for Cultural Diversity, an international organization against the globalization/Americanization of culture, though separate from UNESCO, also defines cultural rights from the perspective of cultural diversity among nation-states. First established in Quebec, Canada, in 1998, Coalition for Cultural Diversity, with some 600 member organizations in 90 countries, was formed with the goal of promoting cultural diversity by safeguarding minority cultures that have no competitive power as a commodity amidst the wave of neo-liberal globalization that treats culture and arts as goods for free trade.⁸ At the fourth international meeting of Coalition for Cultural Diversity in Spain in last May, UNESCO made the final amendments for the adoption of "Convention on the Diversity of Cultural Contents and

⁷ Liberty and Culture, the first publication of UNESCO published in 1950, introduces six cultural spheres of the Universal Declaration of Human Rights. Convention against Discrimination in Education (1960), one of the earliest standard agreements of UNESCO, makes a resolute stand on educational rights. The following are a list of some of UNESCO's achievements in the advancement of cultural rights: Declaration on Race and Racial Prejudice (1978), Declaration of the Principles of International Cultural Cooperation (1966), Recommendation on Participation by the People at Large in Cultural Life and their Contribution to It (1976), Mexico City Declaration on Cultural Policies (1982), Universal Declaration of Linguistic Rights (1996), Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property (1970). The ideas and the contents about cultural rights can be found in the declarations and recommendations UNESCO made over the years, such as Convention Concerning the Protection of the World Cultural and Natural Heritage (1972), Convention on Stolen or Illegally Exported Cultural Objects (1995), Recommendation on the Safeguarding of Traditional Culture and Folklore (1989), Draft Declaration on Cultural Rights (1997), Recommendation concerning the Status of Higher-Education Teaching Personnel (1997), World Conference on Cultural Policies for Development (1998), and UNESCO's Declaration on Cultural Diversity (2003).

⁸ See the May 3, 2005 issue of *Yonhap News*. The first meeting of Coalition for Cultural Diversity was held in 2001, Montreal, Canada, the second in 2003, in Paris, France, and in June 2004, the third meeting was held in Seoul, Korea, to which some 400 cultural experts and directors of cultural organizations from 57 countries attended.

Artistic Expressions” at the general meeting scheduled for October this year. By supporting diversity in cultural expression and cultural exchanges among nations, the preliminary draft of the convention⁹ has as one of its goals the guarantee of the international legal status of “cultural exceptions” in WTO or FTA trade negotiations. However, since the purpose for obtaining international legal status for the Convention initiated by Coalition of Cultural Diversity is to lay the groundwork to form an international bloc for preserving cultural diversity, the Convention cannot include all the practical issues found in local cultural movements.

The international discourse on cultural rights functions as a kind of “global standard” for respecting the value of traditional culture and fostering the uniqueness of each culture. The global standard for cultural rights is adequate in protecting the cultural sovereignty of a group, race, or nation, but, in defending the diverse cultural rights of individuals, it is limited. Similarly, concreteness is lacking when the struggles for cultural rights as a cultural movement is linked to the international discourse on cultural rights as a global standard. Not all the cultural rights defined by international scholars¹⁰ have been applied to or are included in local movements. If protecting and fostering cultural rights is the key agenda for the cultural movement, it is important to come up with concrete and positive objectives for action. Cultural rights are rights that must be granted to individuals or multiple subjects, going beyond the dichotomies of the universal versus the particular, global versus local, and the First World versus the Third World.

III. The Background of the Cultural Rights Debate and the Cultural Movement in South Korea

The new forms of the cultural movement and activities that appeared since the late 1990s may be generally characterized as focusing on opposing cultural monopoly, fostering individual cultural sensibility, and safeguarding the cultural publicity. Each of the three trends in the cultural movement has its own uniqueness, but the three trends may be able to find a common denominator as a movement to safeguard and expand the cultural rights of the individual and the group against the commercialization and monopolization of culture. The new cultural movement gives recognition to the importance of cultural rights of not only writers and artists but also of the public in general, as well as expanding the scope of cultural rights. Cultural movements, shedding their ideological and organizational frameworks, began working to maximize the autonomy of sensibility and expression and getting involved in cultural policy-making. The following are some of the objectives and scopes of work we can expect when considering a more active approach to fostering and protecting cultural rights.

⁹ The following is the list of objectives of the Convention stated in Article 1: (a) to protect and promote the diversity of cultural expression; (b) to give recognition to the distinctive nature of cultural goods and services as vehicles of identity, values and meaning; (c) to facilitate the development and adoption of cultural policies and appropriate measures for the protection and promotion of the diversity of cultural expressions; (d) to provide a framework within which cultures may freely evolve and interact; (e) to encourage dialogue between cultures and civilizations with a view to ensuring wider and more balanced cultural exchanges between the countries of the world; (f) to foster respect for the diversity of cultural expressions and raise awareness of its values at the national and global levels; (g) to strengthen international cooperation and solidarity in a spirit of global partnership with a view, in particular, to fostering the capacities of developing societies to protect and promote the diversity of cultural expressions.

¹⁰ Definitions of cultural rights by various scholars:

- Cultural rights are rights that represent both universal human values and the concrete exercise of human rights (Halina Niec)
- Cultural rights are invoked not only to preserve cultural heritage or cultural identity, cultural development of particular peoples but also for the rights of people of all circumstances (Lyndel Prott).
- Cultural rights are the right to demand cultural progress. Right to collectiveness (Rodolfo Stavenhagen).
- Cultural rights refer to individual rights rather than group rights (Elizabeth Evatt).
- Cultural rights represent a desire for diversity, not universality (Alice Tay).

Brigitta Leander, on the other hand, defines cultural rights in the following key categories: 1. Right to physical and cultural existence, 2. Right to associate and identify with a cultural community, 3. Right to respect a cultural identity, 4. Right to in/tangible cultural heritage, 5. Right to religious faith and practice, 6. Right to opinion, expression, and information, 7. Right to choose the type of education and to learn, 8. Right to participate in the formulation and implementation of cultural policies, 9. Right to participate in cultural life and to create, 10. Right to choose spiritual development, 11. Right to their physical and cultural environment.

Areas for Activism	Issues for Focus	Theoretical Considerations	Implementation
Freedom of expression	<ul style="list-style-type: none"> • Rights of the cultural producer • Rights of the cultural consumer 	<ul style="list-style-type: none"> • Right to create • Right to view • Politics of sensibility 	<ul style="list-style-type: none"> • Abolition of laws that infringe on freedom of expression • Operation of adult movie theaters • Social movement about pornography • Cultural rights of adolescents
Cultural rights of minority groups	Cultural Rights for: <ul style="list-style-type: none"> • youth • gay, lesbian, and transgender • low-income workers • elderly and the disabled • migrant workers 	<ul style="list-style-type: none"> • Definition of minorities • Review of minority cultures 	<ul style="list-style-type: none"> • Expand alternative cultural activities for youth • Reform youth-related facilities • Expand gay cultural community • Cultural programs for the elderly • Guarantee cultural activity for migrant workers
Right to cultural access	<ul style="list-style-type: none"> • Movement for public access • Public access to cultural facilities • Closing the information gap • Establish a 5-day work week • Movement for viewer sovereignty 	<ul style="list-style-type: none"> • Definition of public culture • Study the course of the movement for public access 	<ul style="list-style-type: none"> • Usage expansion plan for basic cultural infrastructure • Utilization plan of visual media center • Citizen-initiated cultural activities • Reform movement in public cultural facilities • Citizen monitoring of the media and the press
Right to public cultural services	<ul style="list-style-type: none"> • Increase in cultural expenditure • Expand public services to accommodate cultural activities • Establish a 5-day work week 	<ul style="list-style-type: none"> • Concept of public cultural services • Theoretical issues of labor and leisure 	<ul style="list-style-type: none"> • Movement to lower the cost for cultural activities • Reform utilization of public cultural facilities • Expand programs giving the culturally alienated the right to enjoy cultural activities
Right to cultural education	<ul style="list-style-type: none"> • Right to continuing education • Training for cultural reproduction • Increase funding for cultural education 	<ul style="list-style-type: none"> • Ideas and methods of cultural education 	<ul style="list-style-type: none"> • Operation of programs for community, self-governing centers • In-home cultural education programs • Measures for utilizing cultural labor and human resources
Right to space and environment	<ul style="list-style-type: none"> • Urban ecosphere • Walking in the center of the Metropolis • Daily culture and lifestyle 	<ul style="list-style-type: none"> • Theoretical study on culture, city, and ecosphere 	<ul style="list-style-type: none"> • Cultural actions in opposing obstructive or harmful constructions • Expansion of pedestrian rights • Expansion of urban ecospheres

To include all the achievements in the cultural rights cause since 2000 in this paper will not only go beyond the scope of the paper but also not suit the current purpose of examining the practical significance of cultural rights.¹¹ Accordingly, this paper will be limited to explaining the different areas of cultural rights in the context of the cultural movement and discussing why they are important in forming a new direction for cultural movement in the current era.

First, the movement for freedom of expression began with defending the freedom of ideological expression and expanded its scope to include defending sexual expression, causing a division between the so-called culturally progressive and politically progressive. The division led to reconsidering the subject of cultural rights that can demand freedom of expression, the differentiation between the creative act itself and the product of cultural expression, and the importance of institutional practice in expanding cultural expression. In the existing cultural movement, freedom of expression has often been confined to the category of pure art. At least until the early 1990s, fictional books by such authors as Ma Kwang-soo and Chang Jung-il could not find any support in the progressive cultural movement. That works produced for mass media, such as director Jang Sun-woo's *Lies*, Lee Hyun-sae's *The Myth of Heaven*, and Park Jin-young's music album *Game*, have been defended by the progressive cultural movement camp since 2000 is due mostly to the rapid support for the cultural rights of the creative artist. On the other side of the support for freedom of expression is the tendency to place greater importance on the creative act itself rather than on the value of the work, and this has to do with the belief that the creative act must be protected in its essence before anything else. Therefore, it was only natural that the movement went beyond defending individual creative artists to creating an environment conducive to freedom of expression. In other words, creating an environment that would systematically guarantee freedom of expression became the more important aspect of the movement, rather than defending the rights of a particular artist. Institutional changes, such as the movement to abolish the Juvenile Protection Act, tolerating pornography, and introducing adult movie theaters, were efforts to secure social guarantees for freedom of expression.

Second, including the cultural rights of minorities was an important turning point in the cultural movement. The movement for opposing cultural discrimination against sexual minorities, women, youth, and the disabled paved the way for movements fighting to abolish the Internet content ratings system and the Juvenile Protection Act, movements against patriarchal cultural ideology, and movements to expand cultural access to the disabled. The

significance of the cultural movement for minorities can be found in its shift in attention from focusing on the discrepancies in class and race to the multilayer subjectification of culture, its emphasis on radical cultural expression and the signification of desire, and its understanding of the ideological multidimensionality of the hostile class. That it took over two years to remove homosexuality from the list of harmful elements for youths in the ordinance Of the Juvenile Protection Act, or that the right to view begins from the age of 18 shows the extent of internalized cultural conservatism in Korean society. The struggle for the cultural rights of minorities in Korean society is a fight against both the system as well as the internalized conventional way of thinking in people at large.

Third, the cultural movement for the expansion of public art and culture can also be seen as aiming for a new paradigm. Public culture and art has often been confined to the sphere of state apparatus, which is easy to understand when one considers the time when civil society became officialized; however, it is an area relevant to both the state and civil society. The officialization of civil society was followed by the officialization of cultural infrastructure, and public cultural infrastructure functioned as a state apparatus for the reproduction of cultural bureaucracy. However, as the cultural public sphere expanded over into the civil society sphere, how to restructure the cultural public sphere became an important question for cultural policy-making.

¹¹For a more detailed discussion on the significance of cultural rights, let us refer to "Recommendation on Participation by the People at Large in Cultural life and their Contribution to it" submitted at the General Conference of the UNESCO in 1976. (Note that the contents of the Recommendation presented here are in a summarized form and without additional explanations.) (a) Culture is an integral part of social life and that a policy for culture must therefore be seen in the broad context of general State policy, and that culture is, in its very essence, a social phenomenon resulting from individuals joining and co-operating in creative activities. (b) Culture is today becoming an important element in human life and one of the principal factors in the progress of mankind. (c) Culture is not merely an accumulation of works and knowledge which an elite produces, collects and conserves in order to place it within reach of all; or that a people rich in their history and heritage offer to others as a model which their own history has failed to provide for them.

Expanding the opportunity for people at large to have cultural access¹² and providing opportunities for them to enjoy culture at a minimum cost to them were important turning points in cultural policies.

Lastly, cultural significance in the sphere of daily life became much more emphasized after the cultural movement linked up with the environmental and ecological movement. With this, cultural rights were no longer limited to the rights to produce and consume artistic works but began to expand over into other areas such as urban landscape, natural environment, and daily lifestyle. The decision to building an ecological park at the former site of a American military base in Yongsan, the rise of the green movement and opposition to rampant construction, and the movement to restore and preserve the Chunggaechun area as a historical and cultural site show that daily life and ecology are relevant spheres of cultural rights.

IV. NAP: State Policy for the Expansion of Cultural Rights

The various cultural movements mentioned above have a common denominator in their efforts to expand the cultural rights of everyone from artists to ordinary people. Recent state cultural policies include concrete action plans to accommodate the cultural rights issues raised in the civil society sector. In recognition of the importance of cultural rights, the Ministry of Culture and Tourism is preparing to enact a Charter of Culture and Basic Law on Culture, while the National Human Rights Commission of Korea is preparing to formulate the National Action Plan (NAP) for the expansion of cultural rights. In this section, the research tasks for establishing national policy for the extension of cultural rights will be discussed in terms of the areas of cultural rights, the actual cases of abuse and remedy, and policy measures.¹³

Cultural rights can be largely divided into the following four categories: 1) Right to cultural freedom that guarantees the freedom to create and accommodate culture, 2) Right to cultural equality so that minorities can equally demand cultural rights, 3) Right to cultural participation for all people, and 4) Right to cultural environments and to preserve cultural resources. To discuss the objectivity and validity of the four categories will go beyond the limits of this paper, but some evidence for the basis for the individual categories listed above can be found in the international discourses on cultural rights.¹⁴ The following are the important issues and policy measures for the four categories¹⁵ of cultural rights.

¹² See Kang, Nae-hee, "Cultural Rights' as Social Rights," in the reference anthology for the forum on Formulating the Concept of Cultural Rights and the Necessity of Guarantee of Cultural Rights as Basic Rights, on March 2005, pp. 2-3.

¹³ See the August 2, 2001 issue of *Yonhap News*.

¹⁴ The actual cases of implementation and policy models for cultural rights mentioned here are based on the *Economic, Social, and Cultural Rights: A Basic Study of the Current State of Cultural Rights for Establishment of the Basic National Human Rights Policy Plan Economic, Social, Cultural Rights*, a publication of National Human Rights Commission of Korea (a research commissioned to the Institute of Culture and Society Research, 2004).

¹⁵ The following are excerpts from international discourse on cultural rights that could prove the validity of the four categories of cultural rights stated in this paper:

- Right to Cultural Freedom: "Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author" (Article 27, Universal Declaration of Human Rights); "Everyone shall have the right to freedom of expression" (Article 19, International Covenant on Civil and Political Rights).
- Right to Cultural Equality: "All are equal before the law and are entitled without any discrimination to equal protection of the law" (Article 7, Universal Declaration of Human Rights); "Everyone is free to choose whether or not to identify with a cultural community or with more than one cultural community simultaneously, regardless of borders, and to modify that choice" (Article 4, UNESCO's Draft Declaration on Cultural Rights).
- Right to Cultural Participation: "Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits (Article 27, clause 1, Universal Declaration of Human Rights); "Everyone, either alone or in community with others, is entitled, regardless of borders, to have access to and participate freely in cultural life through activities of his or her choice" (Article 5, UNESCO's Draft Declaration on Cultural Rights); "...equal access to art and to scientific and technological knowledge, including in digital form, and the possibility for all cultures to have access to the means of expression and dissemination are the guarantees of cultural diversity" (Article 6, UNESCO's Universal Declaration on Cultural Diversity).
- Right to Cultural Environment: "Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author (Article 27, clause 2, Universal Declaration of Human Rights)."

1) Right to Cultural Freedom

Key Areas	Policy Measures
Creative Freedom	<ul style="list-style-type: none"> • Abolish National Security Law that infringes on the freedom of expression • Replace Juvenile Protection Act with Juvenile Human Rights Protection Act • Relax the film ratings standard • Relax Korean Broadcasting Commission's regulations concerning deliberation on broadcasts for freedom of expression
Freedom of Information and Communications	<ul style="list-style-type: none"> • Relax regulations for freedom of expression in information and communications • Abolish the "Internet Real Name System" from the election law • Protect freedom of expression in making online parodies
Freedom of Ideas in Scholarship	<ul style="list-style-type: none"> • Guarantee freedom of publication of scholarly thoughts
Freedom of the Press	<ul style="list-style-type: none"> • Give access to information and legal protection for journalistic investigation

Presently, there are two areas in which the state has imposed restrictions on freedom of expression: political/ideological expression and sexual expression. The former restriction is imposed by the National Security Law which was enacted in 1948, restricting freedom of expression on creative works for some 50 years, and the latter is by the Juvenile Protection Act enacted in 1997 as a measure to stem the rapid rise in juvenile delinquencies. In addition, the government established the Promotion of Information and Communications Network Utilization and Data Protection Act in 2002, by which electric devices are used to prevent the influx of lewd online content and to restrict freedom of expression. Laws such as the National Security Law, Juvenile Protection Act, and Promotion of Information and Communications Network Utilization and Data Protection Act have been enforced in the name of protecting national security and youth, imposing excessive restriction on artists and writers' freedom of expression. Moreover, the conservatism in the Film Ratings System or the Broadcasting Commission has robbed people of their right to access many a work of cultural expression.

On the other hand, with the mass distribution of the Internet, online expression and communications became a target of legal restrictions. To prevent a minor's access to lewd online content, the law requires the mandatory installation of an electronic device on all computers used by minors, the election law restricts any online distribution of political parodies, and efforts to implement mandatory use of real names on the Internet are currently in progress. Such legal restrictions may be necessary in certain cases; however, since they pose the danger of infringing on the freedom of expression for individuals and artists, legal restrictions should be minimized for the expansion of cultural freedom.

2) Right to Cultural Equality

Key Areas	Policy Measures
Gender Equality in Cultural Rights	<ul style="list-style-type: none"> • Prohibit gender discrimination in cultural activities • Support to foster creative cultural activities for and by women
Cultural Rights of Sexual Minorities	<ul style="list-style-type: none"> • Prohibit discrimination against sexual minorities in exercising freedom of expression • Protect cultural activities of sexual minorities
Cultural Rights of Foreign Workers	<ul style="list-style-type: none"> • Prohibit discrimination against the ethnic cultures of foreign workers • Expand cultural rights of foreign workers
Cultural Rights of North Korean Refugees	<ul style="list-style-type: none"> • Prohibit cultural discrimination against North Korean refugees • Support cultural activities for North Korean refugees
Cultural Rights of the Disabled Persons	<ul style="list-style-type: none"> • Prohibit cultural discrimination against disabled persons • Expand cultural access of disabled persons
Cultural Rights of Youth	<ul style="list-style-type: none"> • Prohibit cultural discrimination against youth • Support cultural activities for youth

The right to cultural equality usually signifies the expansion of cultural rights of minorities who suffer social discrimination. There is a greater visibility of diverse minority groups in Korean society today. The visibility of various social minority groups, such as women, sexual minorities, the disabled, foreign workers, and North Korean refugees, signifies the degree of pluralism in Korean society. Despite the obvious need for institutional measures to expand the rights of social minorities and to protect their right to cultural life, no measures have been implemented to guarantee their right to cultural equality. Owing to recent progress in women's policy, some headway was made in terms of policy, such as policy that prohibits gender discrimination in cultural life. Nevertheless, gender discrimination is still visible in the media and there is still no equal opportunity for women to fully exercise their cultural rights. Sexual minorities also face many social barriers to cultural equality. Homoerotic works of art are still censored by law, and sexual minorities continue to suffer prejudice from society at large. Compared to other countries where the cultural activities of sexual minorities are recognized for their cultural value, there are still too many restrictions against the cultural rights of sexual minorities in Korea.

Due to social discrimination against foreign workers and North Korean refugees, their cultural rights receive no protection. Not only is the sensibility to appreciate the unique ethnic cultures and customs of foreign workers lacking in Korea but also there are not enough cultural programs to convey and communicate their cultures to Korean people. The Social Adjustment Program for North Korean refugees lacks the kind of cultural education needed to help them overcome the social, linguistic and cultural gaps they face in South Korea. Moreover, disabled persons face many restrictions participating in cultural events because of inadequate social infrastructure to ensure access to and safety in public spaces, and there are very few cultural activities that are appropriate for the people with disabilities.

3) Right to Cultural Participation

Key Areas	Policy Measures
Right to Public Access	<ul style="list-style-type: none"> • Expand opportunities for viewers to participate in the media • Expand cultural participation of local citizens
Right to Cultural Education	<ul style="list-style-type: none"> • Expand continuing education for people in culture and the arts • Expand activities for cultural education for students • Guarantee the legal status of alternative cultural education
Right to Participate in Administrative Services for Culture	<ul style="list-style-type: none"> • Guarantee opportunities for citizens to participate in cultural administration • Guarantee the status of National Trustee for the Protection of National Properties

The right to cultural participation refers to the right for ordinary citizens to participate in the formulation, implementation, and administration of cultural policies as well as cultural programs. It is true that ordinary citizens have been viewed simply as passive consumers of culture. However, with a rise in cultural activities, people are expressing the need for direct participation in the process of cultural production and consumption as well as organizing their own cultural life. As part of the effort towards cultural participation of people, the public access¹⁶ movement has been gaining momentum recently. Through direct participation in media production and consumption, ordinary people now have greater opportunities to express their individual culture. Moreover, with the recognition of the importance of people's right to cultural education, cultural policies now take on concrete forms to provide diverse education programs in school and in community. Other movements include the "monitoring system" and the National Trust movement to allow citizens' direct involvement in protection of cultural properties and cultural administration, but these movements have a low number of participants and are waiting for more people to join.

¹⁶ The right to cultural access signifies the right for a large number of people to have their self-initiated cultural activities protected at no cost. The public access movement has been active in the West, making it easy for the public to access media and other cultural facilities. The right to cultural access can be divided largely into four categories: 1) Media access: reflecting the viewers' opinions in the media consumption and production stages, 2) Cultural space access: easy and inexpensive access to cultural facilities, 3) "information access" to reduce the digital divide in the information era, 4) education access to gain cultural faculty and sensibility.

4) Right to Cultural Environment

Key Areas	Policy Measures
Right to housing and ecological living	<ul style="list-style-type: none"> • Right to comfortable housing • Expand green spaces in residential areas
Right to walk and daily activities	<ul style="list-style-type: none"> • Establish a system to protect pedestrian rights
Right to preserve cultural heritage	<ul style="list-style-type: none"> • Expand protection for cultural heritage • Expand the right to enjoy cultural heritage
Introduction of Cultural Environment Impact Assessment	<ul style="list-style-type: none"> • Conduct a survey on local cultural landmarks • Legislate the Cultural Environment Impact Assessment System

The right to cultural environment refers to the right of people to live happily in their own daily environment. It requires a much more comprehensive and universal form of cultural rights than the standard ones. The housing situation in South Korea is made dismal due to the dominance of real estate development logic. There are many barriers to housing, to exercise the right to an unobstructed view, green space in residential areas, and pedestrian paths. Although green space, a comfortable living environment and pedestrian walkways have become very important for citizens in the metropolis, there is still no legal mechanism in place to protect and guarantee them. Moreover, the available policies lack appropriate provisions for preserving and providing people with the opportunity to enjoy local cultural heritage. To ensure that citizens' right to cultural environments is adequately protected, a Cultural Environment Impact Assessment System should be legislated.

V. Conclusion: The Cultural Movement as a Site for Social Movement

The cultural rights mentioned thus far are a mere enumeration to present the need to establish a state policy on the issue. For the formulation of a sound state policy on cultural rights, it is important for the civil society sector to keep the process in check. What kinds of effort are required, then, of the civil society sector for the expansion of cultural rights?

First, a discourse on the social significance of diverse cultural rights is needed. If previous cultural movements had "After Class" or "Beyond Class" as their slogan, it is important that it be changed to include class. It would not be far out to say that there have been almost no cases of cultural movements with a class perspective. By reformulating cultural rights from the class perspective, we can confront both difference and contradiction and reaffirm the struggle for cultural rights as a fight against social inequalities and contradictions. The discourse of the workers' cultural movement and that of other movements for pluralism must make note that the struggle for cultural rights can go beyond both difference and contradiction.

Second, a struggle is necessary to attain both the autonomous means of expression and the public means of the production of cultural rights. Cultural rights are both rights to sensibility and the means of production. Sensibility without the means of production is a mere slogan without the material basis for action; likewise, having the means of production without sensibility merely fulfills institutional needs. Gaining access to these dual rights is extremely difficult. For example, when the Mediact or information movement secures a material basis, a conflict with the cultural bureaucrats in the area of cultural sentiment and sensibility often follows. The politics of cultural sensibility in the transformation of public cultural infrastructure is thus an important strategy for the cultural movement in the strategy for hegemony.

Third, the groups struggling for different cultural rights need to form a network or a coalition. Alliances between workers' cultural movement and sexual minorities, between the disabled and women's cultural movement, and between the information culture movement and freedom of expression movement can lead different cultural groups and agendas to cross paths with one another. The issue of cultural rights is always secondary to the mode of subjectification. This is because the mode of subjectification for women, youth, the disabled, and workers can only be complementary. The struggle for cultural rights can only be at once a resistance to the hostile class of the society and a common response among the subjects of social coalition, because the rights of the subjects are not always identical. Such a coalition in the movement for cultural rights is rare, and it is important to form a complementary and osmotic social relationship

through a coalition and network among groups with fighting for different cultural rights.

Lastly, it is important to systematize the means of radical expression and action in the struggle for cultural rights. Compared to the implications of an action, the linguistic representation of cultural rights has less radical aspects. To break free from the tendency to be radical in content but conservative in form, more cultural actions need to be taken at the scene of activism. The exercise of cultural rights is not an act of re-enactment through action but it itself is sealed in the act. So far, the struggle for cultural rights have predominantly taken place in discourse rather than in action. We need to discover cultural rights at the site of action from which the discourse is generated. To this end, let us organize daily cultural action by (and of) social minorities.

글로벌 시대 문화적 권리의 위기와 도전

이동연

문화연대 문화사회연구소 소장

1. 문화다양성의 시대?

우리는 지금 문화다양성의 시대에 살고 있는가? 이 질문에 대한 대답은 그리 간단하지 않다. 어떤 사람들은 글로벌한 문화환경의 도래가 서로 이질적인 문화들을 공존하게 만들었다고 주장하는가 하면, 또 어떤 사람들은 초국적인 경제 조건들이 국지적 문화의 다양성을 파괴하고 있다고 주장하기 때문이다. 현상적으로 보면 지구 상에는 수없이 다양한 문화들이 존재하고, 서로 소통하고 교류하고 있다. 전세계에는 수많은 고유한 민족문화들이 존재하고, 이 문화들은 다양한 국제 이벤트를 통해서 다른 문화권에 사는 시민들에게 전시되기도 한다. 위성 채널은 세계에서 벌어지는 소식들을 실시간으로 전하며, 월드컵과 유럽 챔피언스 리그 경기를 150여개 국가에 생중계한다. 할리우드 영화는 수십 개 국가에서 동시 개봉되고, 글로벌한 관광회사들은 세계 시민들에게 전지구의 다종다양한 축제들을 소개한다. 또한 제3세계 ‘종족 문화들’(ethnic cultures)이 세계문화의 변방에서 중심으로 이동하는 사례들¹⁾을 발견할 수 있다. 이렇듯 글로벌 시대 문화는 국경과 인종과 종족을 넘어서 융합되고 혼종화된다. 아파두라이의 지적대로 새로운 전지구적 문화경제는 현존하는 중심-주변의 용어로는 이해될 수 없는 복합적이고, 중층적이며, 탈구적인 질서로 간주하는 것이 적절할 듯싶다.²⁾

그러나 다른 한편으로 글로벌 시대 문화는 갈수록 그 다양성을 잃어가고 있다는 지적도 설득력을 얻고 있다. 할리우드 영화가 세계 영화시장의 85%를 장악하고³⁾, 상업적인 대중음악이 미국 팝음악의 유행형식을 모방하며, 이라크 전쟁에서 목격했듯이 제국의 전쟁이 제3세계 문화유산을 파괴하는 상황에서 문화다양성의 시대가 도래했다고 말할 수 있을까? 글로벌한 대중문화의 소비양식이 문화자본의 규모를 확대한 것은 사실이지만, 다양한 문화를 볼 수 있는 기회를 그만큼 앗아간 것도 사실이다. 일례로 한국의 영화산업은 스크린 쿼터 제도로 인하여

¹⁾ 1990년대 말부터 대중음악 신에서 주목받고 있는 ‘제3세계 월드뮤직’이 유럽과 미국에서 인기를 얻고 있는 것이 대표적인 예이다.

²⁾ Arjun Appadurai, "Disjuncture and Difference in the Global Culture Economy", in *Modernity at Large*, Verso, 1996.

³⁾ 주요 국가들의 자국영화시장 점유율을 살펴보면 다음과 같다.

구분	1999	2000	2001	2002	2003
미국	93.40	95.70	94.30	96.30	95.10
한국	39.70	35.10	50.10	48.30	53.49
프랑스	32.40	28.90	41.40	25.10	35.00
일본	31.90	31.80	39.90	27.10	34.00
독일	14.00	10.03	17.87	13.66	15.80
영국	16.50	19.60	4.90	8.30	10.20

세계에서 가장 강력한 자국 영화시장을 형성하고 있지만, 오히려 몇몇 한국형 블록버스터 영화들의 독점으로 인하여 다양한 영화들을 볼 수 있는 여건이 줄어들고 있다.⁴⁾ 일본과 미국의 팝음악의 스타 시스템을 모방하는 한국의 대중음악 산업 안에도 다양한 음악장르들이 공존하지 못하는 것은 마찬가지이다.

다양한 문화형식들이 공존하고 각국 문화의 교류가 과거보다 훨씬 활발하게 진행되는 국제적 문화환경에 살고 있으면서도 문화의 다양성이 소멸하지 모른다는 위기의식이 여전히 유효한 것은 아마도 글로벌 문화자본이 문화의 다양성을 실제로 파괴하고 있다는 판단 때문일 것이다. 더욱이 문화라는 것이 레이먼드 윌리엄즈의 지적대로 고급예술만이 아니라 대중들이 살아가는 삶의 총체적인 양식으로 정의한다면, 일상적인 라이프 스타일을 지배하는 문화자본에 의한 문화 다양성의 파괴는 더 심각할 수 있다. 따라서 문화다양성의 시대는 곧 위기이자 도전의 역설적인 담론을 암시한다. 문화다양성이란 담론은 오늘날 문화가 직면한 현실적인 문제이면서, 동시에 현실을 극복하고 미래로 가기 위한 실천적인 문제이기도 하다.

우리가 문화다양성의 시대에 문화적 권리를 강하게 주장해야하는 이유도 바로 여기에 있다. 문화다양성은 글로벌 시대에 그냥 주어진 시민들의 권리가 아니라 획득해야 할 권리이다. 글로벌한 시대는 문화의 다양성이 서로 소통할 수 있는 환경을 마련해주었지만, 역으로 자본의 힘에 의해 특정한 문화가 독점할 수 있는 환경도 마련해주고 있다. 문화다양성은 국가 간, 민족 간의 문제이면서 동시에 문화를 다양하게 향유할 수 있는 개인들 간의 문제이기도 하다. 문화다양성이 생산하는 다문화주의가 소수자들이나 하위주체들의 문화적 자율성과 무관하다면 문화적 다양성에 대한 다문화주의적인 생각은 주체의 위치를 변형시키지 않으며, 그래서 문화적 정체성을 재해석하는 데 실패 할 수 있다. 켈리 치엔 후이의 지적대로 만일 다문화주의가 하위주체 그룹들을 위한 공간을 성공적으로 만들어줄 수 없다면, 문화제국주의에 쉽게 포섭될 것이다.⁵⁾ 이 글은 글로벌 시대 문화다양성을 위해 개인들의 문화적 권리가 왜 중요한지, 동시대 문화적 권리에서 문화다양성은 어떤 의미를 가지는지, 문화적 권리의 국지적인 실천과 연대를 위해 어떤 과제들이 제안되어야 하는지를 논의하고자 한다.

2. 문화권 정의를 위한 국제 담론과 국지적 특수성

2차 세계 대전 이후 문화적 권리에 대한 논의들은 주로 국제기구들에 의해서 주도되었다. 1948년에 제정된 「세계인권선언」 제27조는 “모든 사람은 공동체의 문화생활에 자유롭게 참여하고, 예술을 감상하며, 과학의 진보와 그 혜택을 향유할 권리를 가진다. 모든 사람은 자신이 창조한 모든 과학적, 문학적, 예술적 창작물에서 생기는 정신적, 물질적 이익을 보호받을 권리를 가진다”고 문화적 권리에 대해 명시하고 있다. 「세계인권선언」에서도 명시되어 있듯이 모든 사람은 자신들의 문화를 창작할 권리와 향수할 권리를 가진다는 점은 인권정책의 가장

⁴⁾ 2003년 블록버스터 영화들이 많이 등장하는 여름 시즌에는 전국 극장 스크린 수 1200여개에 상영되는 영화는 고작 10여편이 되지 않는다. 한국형 블록버스터 영화들은 할리우드 영화산업 시스템을 모방하여 한 영화가 보통 400여개의 스크린을 독점하는 경우를 어렵지 않게 만날 수 있다.

⁵⁾ Kelly Chien-Hui Kuo, A euphoria of transcultural hybridity: is multiculturalism possible?, in p.223

기본적인 이념이다.

1970년대 말 인권의 개념은 「시민적, 정치적 권리에 대한 국제협약」(ICCPR)과 「경제적, 사회적, 문화적 권리에 대한 국제협약」(ICECR)로 구분되었는데, 이 두 구분이 문화권의 정의에 있어 중요한 변화를 지시해준다. 전자의 경우는 주로 자본주의 시장 경제질서에 기반 국가들이 주도한 조직이었고, 후자는 주로 사회주의 국가들이 주도한 협약이었다.⁶⁾ 문화권이란 용어는 1980년대 인권정책이 발전하면서 영역별 인권정책의 개발과 연구의 과정에서 구체적으로 논의되기 시작했고, 주로 각 국민-국가의 문화정책성과 문화유산의 특성을 보존하기 위한 권리와 국민-국가 내 소수민족이나 종족들의 언어와 관습, 문화유산을 보호하기 위한 실천적 수단으로 논의되었다. 특히 문화적 권리에 대한 정의 및 이론적 연구, 영역의 개발은 유네스코에 의해서 주도되었다.⁷⁾ 유네스코가 주도한 문화권 연구와 활동은 크게 세단계로 구분하여 정리할 수 있다. 첫 번째 단계는 세계인권 선언이 나온 1948년에서 「경제적, 사회적, 문화적 권리에 대한 국제협약」이 제출된 1976년까지인데, 제 1기에는 문화적 권리에 대한 보편적인 정의와 공통의 문제의식을 공유하는 시기로 볼 수 있다. 제 2기는 1976년부터 WTO 세계경제 질서가 출범하기 이전인 1994년까지로 주로 제3 세계국가들의 언어와 문화유산 소수민족의 문화에 대한 보호를 목적으로 했다. 제 3기는 WTO 출범 이후 지금까지로 세계화과정에서 문화의 독점을 막고 문화적 다양성을 확보하려는 국제 문화단체들의 연대들을 가시화하고 있는 시기라 할 수 있다. 특히 1997년 유네스코에서 작성한 「문화적 권리에 대한 초안 선언」을 기점으로 해서 세계의 문화다양성을 지켜내려는 노력들을 지속적으로 펼쳐왔고, 2005년 10월에 ‘문화다양성을 위한 국제협약’을 준비하고 있다.

유네스코가 주도하는 문화적 권리에 대한 연구와 연대작업들은 국제적 수준에서의 협력을 강조한 것이라 할 수 있는데, 문제는 각국의 민족문화의 존속을 위한 국제 사회의 호소와 연대라는 실천영역과는 다르게 문화적 권리에 대한 국지적인 특수성이 남아있다. 유네스코의 문화적 권리는 보편성과 국제성의 높은 지위를 가지고 있고, 이러한 보편성과 국제성이 각국의 민족문화의 다양성에 기반하는 것임을 부인할 수 없다. 이 과정에서 문화적 자원은 보존할 가치가 있는 인류의 자산으로 인정받는다. 그러나 중요한 것은 각국의 문화적 권리의 국지적 특수성은 보편적 문제로 환원되기 이전에 고유한 문화운동과 실천의 역사를 가지고 있고,

⁶⁾ 「경제적, 사회적, 문화적 권리 국제협약」에 있어 문화적 권리에 대한 조항은 제15조에 명시되어 있다.

15조 1. 현재의 당면한 계약에서 주의 정당은 모든 사람의 권리를 인식한다.

a) 문화적인 삶에 참여하기 위해 b) 과학적인 진보와 그 적용의 이익을 즐기기 위해 c) 도덕적인 보호와 과학, 문학, 예술적인 생산과 그 저자로부터 나온 이익 물질들의 이익을 보기 위해

2. 각 주의 정당으로부터 각 단계는 성취되는데 과학과 문화의 전파와 발전, 보존을 필요로 하는 이런 것들을 포함하는 권리 권리를 완전히 실현하기 위함이다.

⁷⁾ 1950년에 유네스코의 첫 출판물 『자유와 문화』는 「세계인권선언」의 6가지 문화적 범위에 대한 내용을 수렴.

「교육의 차별에 대항하는 약정」(1960)은 유네스코의 가장 초기 표준협약 중의 하나이고 교육에 대한 권리를 확고히 했다. 유네스코에 의해서 발전된 문화적 권리에 대한 성과들은 다음과 같이 정리할 수 있다. 「인종과 인종차별적 편견에 대한 선언」(1978), 「국제 문화협력의 원칙에 대한 선언」(1966), 「문화적 삶에 많은 사람의 참여와 그에 대한 공헌에 대한 권고」(1976), 「문화정책에 관한 멕시코시티 선언」(1982), 「세계 언어 권리선언」(1996), 「문화적 자산의 소유권에 대한 무허가 수입, 수출 및 교류 방지를 위한 방법에 대한 협약」(1970), 「세계문화와 자연유산의 보호에 대한 협약」(1972), 「도난당했거나 불법적으로 유출된 문화유산들에 대한 협약」(1995), 「전통문화와 민속 보호에 대한 권고」(1989), 「문화적 권리에 대한 초안 선언」(1997), 「고등교육 교원의 지위에 관한 권고」(1997), 「발전을 위한 문화정책 국제회의」(1998), 「유네스코 문화다양성 선언」(2003)과 같은 선언문과 권고안의 역사 속에서 문화권의 이념과 내용들이 수렴되었음.

또한 자본주의 문화독점으로부터 저항하는 소수집단의 문화적 권리를 중요시한다는 점이다. 한국에서의 문화적 권리를 확보하는 운동은 유네스코의 연대 노력에도 불구하고, 여전히 국지적인 실천과제로 남는다. 가령 한국사회에서 문화적 권리를 찾는 운동은 반드시 문화권의 ‘글로벌 스탠다드’ 로 대입할 필요는 없는 것이다. 가령 한국에서 스크린쿼터운동은 국제적인 지위에서는 민족문화의 종다양성을 지키기 위한 권리싸움으로 국제 표준화될 수 있지만, 국지적인 상황에서는 소수자 영화의 종다양성을 지키는 문제, 영화노동시장의 문제, WTO 반세계화 민중운동과의 문제로 연계된다.

유네스코가 주도하는 문화권의 국제담론은 국민-국가 간의 문화적 다양성, 혹은 종족문화의 유산을 지키기 위한 문화보존 운동의 차원에서는 의미있는 가치를 담고 있지만, 국민-국가를 넘어서 개인들의 문화자유를 실현하고 문화의 자원을 분배하고 문화생산 수단을 소유할 수 있는 기회를 구체적으로 보장하는 국지적인 실천 의제들에 대해서는 구체적으로 언급하고 있지 못하다. 유네스코와는 별도로 미국 중심의 문화 세계화에 반대하는 국제기구인 “세계문화연대기구”(Coalition for Cultural Diversity) 역시 문화권의 정의를 국민-국가 간 문화다양성의 관점에서 보고자 한다. 1998년 캐나다 퀘벡에서 첫걸음을 댄 ‘세계문화연대기구’는 세계 90여 개국 600여 문화단체가 소속된 연대기구로, 문화예술을 자유무역의 대상으로 거래하는 신자유주의 세계화의 물결 속에서, 상품으로서의 경쟁력을 갖지 못한 소수 문화를 보존하여 세계 문화다양성을 증진시키자는 목적으로 결성된 기구이다.⁸⁾ 지난 5월 9일 스페인에서 열린 제 4차 세계문화연대기구 회의는 올 10월로 예정되어 있는 유네스코 총회에서 “문화콘텐츠와 예술적 표현의 다양성 보호를 위한 협약”을 채택하기 위한 최종 조정 철자를 거쳤는데, 이 협약의 기본 초안⁹⁾은 문화적 표현과 국가 간 문화교류의 다양성을 지지한다는 점에서 WTO나 FTA 무역협상에서 ‘문화적 예외’의 국제법적 지위를 보장하는 것을 강조하고 있다. 그러나 “세계문화연대 기구”가 주도하는 ‘협약’의 국제법적인 지위 확보는 문화의 종다양성을 지키기 위한 국제불력을 형성하기 위한 토대를 마련하는 것에 목적이 있는 만큼 국지적인 영역에서 벌어지는 문화운동의 실제적인 실천과제들을 모두 포괄하지 못한다.

문화적 권리에 대한 국제담론은 전통적인 문화의 가치를 존중하고, 국가 별 문화의 고유성을 활성화시키지는 일종의 ‘글로벌 스탠다드’ 로 기능한다. ‘글로벌 스탠다드’로서의 문화권은 집단, 종족, 국가의 문화적 주권을 보호하는 데 적절하지만, 개인들의 다양한 문화권을 옹호하기에는 한계가 뒤따른다. 이는 문화운동으로서의 문화권 투쟁이 글로벌 스탠다드로서의 문화권의 국제담론과 연계할 때 뭔가 구체성이 결여되어 있다는 점을 발견하는 것과 같은

⁸⁾ 『연합뉴스』 2005년 5월 3일자 참고. “세계문화연대기구” 제1차 총회는 2001년 캐나다 몬트리올, 제2차 총회는 2003년 프랑스 파리에서 열렸으며, 제3차 총회는 2004년 6월 세계 57개국 400여 명의 문화전문가와 문화단체 대표들이 모여 서울에서 열렸다.

⁹⁾ 문화다양성 협약의 제1조 목적 조항을 정리하면 다음과 같다. (a) 문화표현의 다양성에 대한 보호와 증진; (b) 정체성과 가치관, 의미의 전달 매체로서의 문화 상품과 서비스의 독특한 본성을 인정; (c) 문화적 표현의 다양성의 보호와 촉진을 위한 적절한 방안과 문화정책의 채택과 개발 촉진; (d) 여러 문화가 자유롭게 발달하고 상호작용 할 수 있는 체제를 제공; (e) 세계 각 국가들 사이에서 보다 광범위하고 균형 잡힌 문화교류를 보장하기 위해 각 문화와 문명 사이의 대화 장려; (f) 문화적 표현 다양성에 대한 존중을 촉진시키고 국내적·국제적 차원에서 문화적 표현의 다양성의 가치에 대한 인식 증진; (g) 특히 개발도상에 있는 사회가 문화적 표현의 다양성을 보호하고 증진하기 위한 역량을 키울 수 있도록 전 지구적 공동협력으로 국제적 협력과 연대의 강화 등을 규정하고 있다.

맥락이다. 문화권에 대한 국제 학자들의 정의¹⁰⁾가 국지적인 실천에서 모두 적용되거나 포함하는 것은 아니다. 문화권을 문화운동의 중요한 실천 아젠다로 설정한다면 추상적이고 보편적인 의미를 넘어서는 구체적이고 실증적인 실천 과제들을 도출해내는 것이 중요하다. 문화적 권리는 보편 대 특수, 전지구화 대 국지화, 제1세계 대 제3세계의 이분법을 넘어서 개인들에게, 혹은 다중주체들에게 부여되어야하는 권리이기 때문이다.

그렇다면 구체적이고 국지적인 차원에서 문화권은 어떻게 정의될 수 있을까? 문화를 정의하는 방식에 따라 다양하게 기술될 수 있지만, 문화권은 인간의 감성적 활동을 위해 표현할 수 있는 권리, 참여할 수 있는 권리, 접근할 수 있는 권리 등을 주장한다. 문화권을 정의하는 방식에는 대체로 두개의 서로 다른 함의들이 존재한다고 볼 수 있다. 첫째는 ‘차이’로서의 문화권이다. 문화권은 문화를 향유하고 있는 사람들의 다양한 차이들을 보호하고, 문화가 다양한 영역으로 발전하고 표현될 수 있도록 하는 권리이다. 차이로서의 문화권은 구체적인 다수의 삶의 양식과 문화적 취향을 차별하지 않는다는 점에서 감성적 차원에서의 권리를 강하게 주장할 수 있다. 가령 성적소수자들의 문화적 욕망이나 창작자들의 표현의 자유, 소수종족들의 언어와 일상 생활양식에서의 자기표현 등이 차이로서의 권리를 의미한다고 볼 수 있다.

3. 한국에서의 문화권 논의의 배경과 문화운동

1990년대 후반부터 진행된 새로운 형태의 문화운동과 문화활동을 종합해보면, 대체로 문화독점에 대한 반대와 개인의 문화적 감성의 활성화, 문화적 공공성 확보를 위한 실천으로 요약할 수 있지 않을까 싶다. 이러한 세 가지 문화운동의 흐름들은 각자 나름의 특별함이 있지만, 점차로 상업화되고 독점화되는 문화현실에 대응하여 개인과 집단의 문화적 권리를 지켜내고 확대하는 운동으로 그 공통분모를 찾을 수 있지 않을까 싶다. 새로운 문화운동은 소수의 창작자들만이 아니라 대중들의 문화적 권리의 중요성을 인식시켜주었고, 문화적 권리는 새로운 문화운동을 통해서 그 영역이 확대되었다. 문화운동은 이제 이념과 조직의 테두리를 벗어 던지고 감성과 표현의 자율성을 극대화하고, 제도와 공공성의 문화정책에 개입하기 시작했다. 문화권을 적극적으로 실천하기 위해서 우리가 어떤 대상들을 발견할 수 있을지 정리해보면 다음과 같이 정리할 수 있지 않을까 싶다.

¹⁰⁾문화권에 대한 학자들의 정의를 정리하면 다음과 같다.

- 문화권은 인간의 보편적 가치를 담고 있는 권리이면서 인권의 구체적인 실천영역(Halina Niec)
- 문화권은 문화유산이나 구체적인 사람들의 문화정체성, 문화발전을 보존하는 데 사용되는 것만이 아니라 어떤 상황에서든 대중들의 권리로 간주된다(Lyndel Prott).
- 문화권은 문화적 발전을 요구할 권리. 집단성의 권리(Rodolfo Stavenhagen).
- 문화권은 집단성의 권리라기보다는 개인적인 권리(Elizabeth Evatt).
- 문화권은 보편성에 대한 욕망이라기보다는 다양성에 대한 욕망(Alice Tay).

한편 문화권의 주요 항목을 다음과 같이 구분하는 경우도 있다(Birgitta Leander) ① 신체적 문화적 생존 권리, ② 문화공동체와 연계하고 동일화하는 권리, ③ 문화적 정체성을 존경할 권리, ④ 유·무형 문화유산에 대한 권리, ⑤ 종교적 믿음과 실천에 대한 권리, ⑥ 의사 및 표현과 정보의 자유에 대한 권리, ⑦ 교육의 선택과 학습에 관한 권리, ⑧ 문화 정책의 내실화에 참여할 권리, ⑨ 문화적 삶에 참여하고 창조할 권리, ⑩ 내적인 발전을 선택할 수 있는 권리, ⑪ 사람들 스스로의 신체적 문화적인 환경에 관한 권리.

운동영역	문제설정	이론적 검토	구체적인 실천사례
표현의자유 의 권리	문화생산자의 권리 문화소비자의 권리	만들권리 볼권리 감수성의 정치	표현의자유침해법률개폐 성인영화전용관 운영 음란물에 대한 사회운동 청소년들의 문화적 권리
소수자의 문화적 권리	청소년 문화권 동성애 문화권 기층노동자문화권 노인장애인문화권 이주노동자문화권	소수자의 정의 소수문화의 검토	대안적 청소년문화활동확대 청소년관련시설의 개혁 동성애문화커뮤니티확대 노인들의 문화교육프로그램 이주노동자 문화적 활동보장
문화적 접근의 권리	퍼블릭엑세스운동 문화시설의 공공성 정보격차극복 주 5일근무제 실시 시청자주권운동	공공문화의 정의 퍼블릭엑세스운동의 과정학습	문화기반시설의 이용확대방안 영상미디어센터의 활용방안 시민들의 자치문화활성화 문화공공시설 개혁운동 방송, 언론 시민프로모니터링
문화공공서비스 의 권리	문화비용의 증가 문화수용의 공공서비스강화 주 5일 근무제실시	공공문화서비스의 개념, 노동과 여가의 이론적인 쟁점	문화이용료 인하 운동 문화공공시설 이용 개혁 문화소외자의 문화향수권 확대 프로그램
문화교육의 권리	평생교육권 문화재생산교육 문화 사교육비증가	문화교육의 이념과 방법	주민자치센터 프로그램운영 가정에서의 문화교육프로그램 문화노동인력의 활용방안
공간환경의 권리	도시생태권 도심 속에서 걷기 일상문화와 라이프스타일	문화, 도시, 생태에 대한 이론학습	난개발반대 문화행동 보행권 확대 도시생태공간의 확대

2000 년 이후 시민사회 안에서 벌어진 이상과 같은 문화권의 실천 사례들을 일일이 설명하는 것은 지면이 허락하지 않을 뿐 아니라 문화권의 실천적 의미들을 강조하는 취지에도 적합하지 않다.¹¹⁾ 따라서 이 글에서는 이러한 문화권의 영역이 갖는 문화운동적인 맥락을 설명하고 그것이 우리 시대의 문화운동의 새로운 좌표를 그릴 때 왜 중요한지를 제안하는 것으로 국한하고자 한다.

¹¹⁾ 문화권의 의미를 구체적으로 논의하기 위해 1976년에 유네스코 총회에서 제출되었던 선언문인 「일반대중의 문화생활에 대한 참여 및 기여에 대한 권고」의 내용을 살펴보자. 참고로 본문의 내용은 별도의 설명 없이 요약 제시한다. (가) 문화는 사회생활의 집약된 부분이기 때문에 문화정책은 일반적인 국가정책의 광범위한 분야에 나타날 수 있고, 문화는 그 진수로서 개인이 창조활동에 참여하거나 협력한 결과로서 나타나는 사회적인 현상이다.(나) 문화는 오늘날 인간생활에 있어서 중요한 요인이 되고 있으며, 인류 발전에 필수요소의 하나이다. (다) 문화는 단순한 엘리트가 아니라 그것을 모든 도달 가능한 곳에 두기 위한 생산, 수집, 보존하는 작업이나 지식의 축적물이 아니라 한 민족이 과거의 문화나 문화유산 속에서 풍요롭게 생활했던 한 인간이 다른 사람들에게 제공해주는 모델이다.

첫째, 표현의 자유 운동은 이념 사상의 표현의 자유를 옹호하는 것에서 성표현물에 대한 자유를 옹호하는 것으로 확대되면서 이른바 문화적 진보와 정치적 진보의 균열을 낳게 만들었다. 이러한 균열은 표현의 자유를 주장할 수 있는 문화적 권리의 주체에 대한 재고, 문화적 표현물의 창작 행위와 가치의 분화, 문화적 표현의 확대를 위한 제도적 실천의 중요성을 일깨워주게 했다. 기존의 문화운동에서 표현의 자유는 대체로 본격 예술의 범주 내에서 국한되는 경우가 많았다. 적어도 1990년대 초반까지만 해도 마광수나 장정일의 소설들이 진보적인 문화운동 진영에서 옹호를 받을 수 없는 것이 사실이었다. 그러나 2000년 들어 장선우 감독의 『거짓말』, 이현세의 『천국의 신화』, 박진영의 『게임』과 같은 대중매체의 표현물이 진보적인 문화운동진영으로부터 옹호를 받게 된 것은 창작자의 문화적 권리에 대한 급진적인 지지에서 비롯된 바가 크다. 표현의 자유를 옹호하는 이면에는 창작의 가치보다는 창작의 행위를 더 중요하게 보려는 논리가 숨어있는데, 이는 작품의 가치와 상업성 이전에 창작행위는 고유하게 보호되어야 한다는 이유 때문이었다. 따라서 표현의 자유 운동은 개별 창작자들에 대한 지지와 옹호를 넘어서 표현할 수 있는 환경을 바꾸는 운동으로 나가는 것이 자연스러웠다. 즉 특정한 창작자에 대한 옹호가 아닌 모든 사람들이 표현의 자유를 보장 받을 수 있는 환경을 제도적으로 마련하는 것이 더 중요한 운동이 되는 셈이다. 청소년보호법 폐지운동이나 포르노그래피허용, 성인영화전용관의 도입과 같은 제도적 실천들은 표현의 권리의 사회적 보장을 획득하기 위한 것이었다.

둘째, 소수자에 대한 문화적 권리를 주장하는 것이 문화운동의 중요한 전환점을 지시해주는 것이었다. 특히 성적소수자와 여성 청소년, 장애인의 문화적 차별에 반대하는 운동들은 인터넷 내용등급제 폐지운동, 청소년보호법 폐지운동, 가부장제 문화이데올로기에 대한 문화반란, 장애인의 문화접근권 확보운동 등의 사례들을 남겼다. 소수자에 대한 문화운동이 갖는 의미는 계급과 민족 모순을 중심으로 하는 문화운동이 문화의 다층적인 주체화과정에 대한 관심으로 전환했고, 급진적인 문화적 표현과 욕망의 의미화과정을 중시했고, 사회 적대 계급의 이데올로기 다층성을 이해했다는 것에 의의를 찾을 수 있을 것이다. 가령 청소년보호법 시행령에 명시된 청소년유해매체 고시 부분에 동성애 조항이 삭제되기까지 2년이 넘게 걸린 것이나, 청소년들의 문화적 볼 권리가 18세 연령에 의해 제한되고 이것이 갈수록 더 강화되고 있다는 점을 고려해 볼 때, 문화적 보수주의의 정서가 얼마나 내면화 되고 있는지를 알게 한다. 우리사회 소수자들에 대한 문화적 권리투쟁은 제도적인 싸움이면서 대중들 속에 내면화 된 관습을 벗겨내는 일이기도 하다.

셋째, 문화의 공공성을 확대하는 문화운동 역시 새로운 패러다임을 지향한다고 볼 수 있다. 문화공공성은 국가의 영역과 시민사회의 영역에 걸쳐져 있는 토픽이다. 과거 문화운동의 경우 문화공공성은 주로 국가장치의 영역으로 환원되곤 했는데, 시민사회가 관변화 된 시대를 상기해보면 충분히 이해할만하다. 시민사회의 관변화는 특히 문화기반시설의 관변화로 이어지는데, 권위주의 정권시절 공공문화기반시설은 국가의 문화관료주의를 재생산하는 국가장치였다. 그러나 문화에서 공공영역이 시민사회의 영역으로 넓어지는 과정을 거치면서 문화공공영역을 어떻게 재구조화할 것인가 하는 것은 문화운동이 개입하는 문화정책에서 있어 중요한 실천 토픽이었다. 대중들이 문화적으로 접근할 수 있는 기회를

넓히고¹²⁾, 사적인 비용을 최소화하여 문화향수를 즐길 수 있는 기회를 제공하는 것 등은 문화정책의 중요한 전환점을 몰고 왔다.

마지막으로 문화운동이 환경과 생태운동과 접속하면서 문화공간과 일상영역에서의 문화적 의미가 강조되었다는 점이다. 이로써 문화의 권리는 문화텍스트의 생산과 소비에 국한되지 않고 도시경관, 자연환경, 일상의 라이프스타일 전체에 스며들게 된다. 가령 용산미군기지의 생태공원화, 난개발 반대와 녹지운동, 청계천의 역사문화공간으로의 복원운동과 같은 실천들은 문화적 권리에서 일상과 생태가 얼마나 중요한 것인가를 알게 해주었다.

4. 문화권 신장을 위한 국가 NAP 정책

이상과 같이 언급한 문화운동의 사례들은 예술가에서 일반 시민들에 이르기까지 다양한 문화적 권리를 신장하기 위한 노력을 담고 있다. 최근 국가의 문화정책은 시민사회 영역에서 제기되었던 문화적 권리 운동을 상당부분 수용하여 구체적으로 실행하려는 계획을 가지고 있다. 문화관광부는 문화적 권리의 중요성을 인식하고자 문화현장의 제정과 문화기본법 제정을 준비하고 있고, 국가인권위원회에서는 문화권을 신장하기 위한 ‘국가행동계획’(NAP: National Action Plan)을 수립하고자 한다. 이 장에서는 문화권 신장을 위한 국가정책을 수립을 위해 필요한 연구과제들을 문화권의 영역, 구체적인 피해와 구체사례, 정책대안으로 구분하고 언급하고자 한다.¹³⁾

문화권을 정의하고 분류하는 연구가 아직 충분히 논의되지는 않았지만, 대체로 다음과 같이 4 가지 범주로 구분할 수 있다. 첫째는 문화의 창작과 수용의 자유를 보장할 수 있는 문화자유권, 둘째 사회 소수자들이 자신들의 문화권을 평등하게 주장할 수 있는 문화평등권, 셋째 모든 사람들이 문화활동에 참여할 수 있는 문화참여권, 마지막으로 문화자원을 보존하고 문화환경권이다. 이러한 네 가지 범주들이 얼마나 객관적이고 타당한가를 논의하기 위해서는 별도의 논의가 필요하지만, 적어도 문화권을 논의해왔던 국제 담론을 자세히 살펴보면 개별 범주의 근거들을 발견할 수 있다.¹⁴⁾ 문화권의 네 가지 범주들¹⁵⁾의 중요한 쟁점들과 정책 대안들을 정리하면 다음과 같다.

¹²⁾ 이에 대해서는 강내희, 「사회적 권리로서의 “문화적 권리”」, 『문화권의 개념 정립과 기본권으로서의 문화권 보장의 필요성』 토론회 자료집, 2005년 3월, 2-3쪽 참고.

¹³⁾ 『연합뉴스』 2001년 8월 2일자 참고.

¹⁴⁾ 여기서 언급하고 있는 문화권의 구체적인 실천사례들과 정책모델에 대해서는 국가인권위원회 간, 『경제·사회·문화적 권리 국가인권정책 기본계획 수립을 위한 문화권 기초현황조사』(문화사회연구소, 위탁연구, 2004)을 기초하였다.

¹⁵⁾ 문화권의 네 가지 범주의 타당성을 입증할만한 문화권의 국제 담론을 정리하면 다음과 같다.

○ 문화자유권 : “모든 사람은 공동체의 문화생활에 자유롭게 참여하고, 예술을 감상하며, 과학의 진보와 그 혜택을 향유할 권리를 가진다. 모든 사람은 자신이 창조한 모든 과학적, 문학적, 예술적 창작물에서 생기는 정신적, 물질적 이익을 보호 받을 권리를 가진다(「세계인권선언」 제 27 조).”, “모든 사람은 표현의 자유에 대한 권리를 가진다(「시민적 정치적 권리에 관한 국제규약」 제 19 조).”

○ 문화평등권 : “모든 사람은 법 앞에 평등하고, 어떠한 차별도 없이 법의 평등한 보호를 받을 권리를 가진다(「세계인권선언」 제 7 조).”, “모든 사람들은 하나의 문화 공동체와 동일시를 하든 하나 이상의 문화 공동체와 동시에 동일시를 하든, 장애 없이, 자유롭게 선택하고 선택을 수정할 수 있다(「유네스코 문화적 권리 선언 초안」).”

○ 문화참여권 : “모든 사람은 공동체의 문화생활에 자유롭게 참여하고, 예술을 감상하며, 과학의 진보와 그 혜택을 향유할 권리를 가진다(「세계인권선언」 제 27 조 제 1 항).”, “혼자이든 다른 사람들과 함께 공동체에 속해있든 모든 사람은 장애 없이, 그 또는 그녀의 선택에 따른 활동을 통해서 자유롭게 문화적 삶에 접속하고 참여할 권리를 부여 받는다(「문화적 권리에 대한 선언 초안」).”, “디지털 형식을 포함한 예술과 과학적, 기술적 지식에 대한 동등한 접근; 표현과 배포를 위한 수단에 접근할 수 있는 모든 문화의 가능성(「유네스코 문화다양성 선언」).”

○ 문화환경권 : “모든 사람은 자신이 창조한 모든 과학적, 문학적, 예술적 창작물에서 생기는 정신적, 물질적 이익을 보호 받을 권리를 가진다(「세계인권선언」 제 27 조 제 2 항).”

1) 문화자유권

주요 영역	정책대안
창작의 자유	표현의 자유를 침해하는 국가보안법 폐지 청소년보호법을 청소년인권보호법으로 대체 영화등급제의 기준 완화 표현의 자유를 위한 방송위원회의 심의 규제 완화
정보통신의 자유	정보통신의 자유로운 표현을 위한 규제 완화 선거법에서 인터넷 실명제 폐지 인터넷 패러디의 표현의 자유 보호
학술사상의 자유	학술사상 출판의 자유 보장
언론의 자유	언론 취재의 자유를 위한 정보공개 및 법적 보호

현재 표현의 자유를 제한하는 국가의 규제는 크게 보면 정치적 사상적 규제가 있고, 성 표현에 대한 규제가 있다. 전자는 주로 1948 년에 제정되어 50 년간 창작자들의 표현의 자유를 통제해 온 ‘국가보안법’ 이 규제하고 있고, 후자는 1997 년에 청소년들의 사회범죄행위의 급증을 막기 위해 제정된 청소년보호법이 규제하고 있다. 이외에 온라인에서 음란물을 차단하고 자유로운 의사표현을 제한하기 위해서 2002 년에는 인터넷정보를 전자적인 장치를 통해 규제하는 ‘정보통신이용촉진및정보보호에관한법률’ 이 만들어졌다. 국가보안법과 청소년보호법, 그리고 정보통신이용촉진및정보보호에관한법률은 국가체제의 보호와 청소년들의 보호라는 명분으로 유지되고 있으나, 창작자들의 표현의 자유를 과도하게 제한해왔다. 또한 영화의 등급제나 방송위원회의 심의가 보수적이어서 문화적 표현물이 상대적으로 더 많은 사람들에게 보여줄 수 있는 권리들이 박탈당했다.

다른 한편으로 인터넷이 대중적으로 보급되면서 온라인 상에서의 표현과 소통이 법적으로 제제를 받기 시작했다. 특히 인터넷 음란물에 대한 청소년들의 접근을 차단하기 위해 청소년들이 사용하는 컴퓨터에 사전에 차단할 수 있는 전자장치를 의무적으로 부착하도록 법으로 명시하고 있으며, 인터넷에서의 패러디 제작이 선거법에 의해 제한 받고 있으며, 인터넷에서 글을 쓸 때 인터넷 실명제를 실시하도록 추진 중에 있다. 이러한 법적인 제제들은 경우에 따라서는 필요하나 창작자들과 개인들의 표현의 자유를 제한할 소지가 많을 만큼 법적으로 규제하는 것은 최소화하여 문화적 자유를 신장할 수 있도록 해야 한다.

2) 문화평등권

주요 영역	정책대안
젠더의 문화권리	양성문화의 차별금지 여성문화 창작 활성화를 위한 지원
성적소수자의 문화권리	성적 소수자들의 표현의 자유 차별 금지 성적 소수자들의 문화활동 보장

외국인 노동자들의 문화권리	외국인 노동자들의 민족문화에 대한 차별금지 외국인 노동자들의 문화권리 확대
탈북자들의 문화권리	탈북자들의 문화적 차별 금지 탈북자들을 위한 문화활동 지원
장애인의 문화권리	장애인에 대한 문화적 차별 금지 장애인들의 문화적 접근 확대
청소년의 문화권리	청소년에 대한 문화적 차별 금지 청소년들의 문화활동의 지원

문화평등권은 주로 사회적으로 차별 받고 있는 소수자들의 문화적 권리를 신장하는 것을 의미한다. 한국 사회에 소수자들은 과거보다 다양한 형태로 등장하고 있다. 여성, 성적소수자, 장애인, 외국인 노동자, 탈북자들과 같은 사회적 소수자들의 등장은 한국사회가 그만큼

다원화되고 있다는 것을 의미한다. 사회적 소수자들의 등장으로 인해 이들의 문화적 행동을 차별하지 않고, 그 권리를 확대할 수 있는 제도적 장치가 필요한 시점에 와있으나, 아직까지는 이들의 문화적 평등의 권리가 제대로 보장 받지 못하고 있다. 양성문화의 차별을 금지하는 정책들은 최근 여성정책의 발전으로 인해 진일보한 면이 있지만, 아직까지도 매체에서 여성을 차별하는 행동들이 보이고, 여성들의 문화적 권리들을 다양하게 실현할 수 있는 기회가 충분히 보장되지 못하고 있다. 성적 소수자들의 문화적 평등도 사회적으로 많이 차별 받고 있다. 특히 동성애를 표현하는 작품들이 법적으로 규제를 받고 있고, 사회적인 편견도 크게 개선되지 않고 있다. 성적 소수자들의 문화 행위들이 문화적 가치를 인정 받고 있는 외국의 사례를 비교해 보면, 한국에서 성적 소수자들의 문화적 권리는 많은 제한을 받고 있다.

외국인 노동자들과 탈북자들의 문화적 권리는 이들에 대한 사회적 차별로 인해 거의 보장되지 못하고 있다. 외국인노동자들의 고유한 민족문화들과 관습들을 이해하는 정서도 부족하고 이들의 문화를 함께 소통할 수 있도록 다양한 문화프로그램들의 공급도 부족하다. 탈북자에 대한 사회적 적응 프로그램도 대체로 단순한 생활적응 프로그램이 주를 이루고, 남한 사회의 언어적, 문화적 차이를 극복할 수 있는 문화교육 프로그램이 충분히 제공되지 못하고 있다. 장애인 역시 안전하게 공공장소에 이동할 수 있는 사회적 인프라가 제대로 갖추어지지 못해 문화공연 관람에 많은 제약을 받고 있고, 장애인에 맞는 적절한 문화활동의 기회도 부족한 편이다.

3) 문화참여권

주요 영역	정책대안
퍼블릭 액세스의 권리	미디어의 시청자 참여 기회를 확대 지역시민들의 문화참여 확대

문화교육의 권리	문화예술에 대한 시민들의 평생교육 확대 학생들의 문화교육 활동의 확대 대안적인 문화교육의 법적 지위 보장
문화행정 서비스 참여의 권리	시민들의 문화행정의 참여기회 보장 문화재 보호를 위한 내셔널 트러스트의 지위보장

문화참여권은 시민들이 문화정책과 행정, 문화프로그램에 참여할 수 있는 권리를 의미한다. 시민들은 그동안 단순한 수동적인 소비자로 인식되어 온 것이 사실이다. 그러나 시민들의 문화활동이 많아 질수록 문화의 생산과 소비의 과정에 직접 참여하여 자신들의 문화를 자율적으로 구성하는 필요성이 제기되고 있다. 시민들의 문화적 참여를 위한 실천으로 최근 퍼블릭 액세스(public access)¹⁶⁾ 운동이 활발하게 진행되고 있다. 미디어의 제작과 소비 과정에 시민들이 직접 참여하여 자신들의 문화를 표현할 수 있는 기회를 확대하고 있다. 또한 모든 사람들이 문화교육을 받을 수 있는 권리들이 중요하게 인식되면서 학교와 사회영역에서 다양한 교육프로그램을 제공할 수 있는 문화정책이 구체화되고 있다. 이외에 시민들이 문화재보호와 문화행정에 직접 참여할 수 있도록 모니터링 제도나 내셔널 트러스트 운동이 진행되고 있지만, 아직까지는 많은 시민들이 참여하지 못하고 있다.

4) 문화환경권

주요 영역	정책대안
주거 및 생태생활의 권리	쾌적한 주거문화 생활의 권리 주거 녹지공간의 확보
보행 및 일상문화의 권리	보행자 권리를 위한 제도 마련
문화유산 보존의 권리	문화유산의 보호 권리 확대 문화유산의 향유권 권리 확대
문화환경 영향평가제도 도입	지역의 문화지표에 대한 조사 문화환경영향평가제도의 법제화

문화환경권은 많은 사람들이 자신이 살고 있는 일상에서 행복하게 살 수 있는 권리를 의미한다. 문화환경권은 기본적 문화적 권리보다 훨씬 폭넓고 보편적인 문화적 권리를 요구한다. 한국에서 주거환경은 부동산 개발논리에 의해 열악한 수준에 있다. 주거생활과 조망권, 주거 녹지공간의 확보, 길거리 보행 등에서 많은 제약을 받고 있다. 녹지공간의 확보, 쾌적한 주거 환경의 보장, 보행공간의 확보 등은 매트르 폴리탄 도시 생활에서 대단히 중요한 시민들의 권리가 되었지만, 아직까지 시민들의 주거환경을 보호할 수 있는 법적 장치가 마련되지 못하고 있다. 또한 지역의 문화유산이 보존되고, 시민들이 향수할 수 있는 기회를 확대하는 정책도 충분히 마련되지 못하고 있다. 이러한 문화환경에 대한 시민들의 권리를 지키기 위해서는 문화환경영향평가제도가 법제화되어야 한다.

¹⁶⁾ 문화적 접근권은 문화적 비용을 들이지 않고, 다수의 대중들이 문화적 자기활동을 보장 받을 수 있는 권리를 의미한다. 서구에서는 이미 '퍼블릭 액세스'(public access) 운동이 활발하게 전개되어 미디어, 문화시설 분야에 대중들의 접근을 용이하게 만들고 있다. 문화적 접근권에는 크게 4 가지로 구분되는데, 첫째는 미디어 수용과 생산과정에서의 시청자들의 의견을 적극반영하는 '미디어접근권'과 둘째는 문화시설을 쉽고 저렴하게 사용할 수 있는 '문화공간 접근권', 셋째, 디지털 시대에 정보격차(digital divide)를 줄일 수 있는 '정보접근권', 마지막으로 문화적 재능과 감성을 교육 받을 수 있는 '교육접근권'이다.

5. 맺는 말-사회운동의 장으로서 문화운동

지금까지 언급한 문화권은 국가정책 수립의 필요성을 제시하기 위한 단순한 나열에 불과하다. 문화권에 대한 국가의 정책이 제대로 정립되기 위해서는 이를 견제할 수 있는 시민사회 영역에서의 실천이 중요하다. 그렇다면 문화적 권리를 확대하기 위해 시민사회 영역에서는 어떤 노력들이 필요한가?

먼저, 다양한 문화적 권리의 사회적 의미에 대한 담론화가 필요하다. 지금까지 문화권 운동은 “계급 이후”, 혹은 “계급을 넘어서”라는 슬로건을 강하게 주장했다면, 지금은 “계급을 포함해서”라는 슬로건으로 재조직하는 것이 중요하다. 지금까지 문화권운동의 사례들 중에서 계급적인 관점에서 다른 것들은 거의 없다고 해도 과언이 아니다. 문화권을 계급의 관점에서 재구성하는 것은 차이와 모순을 함께 보자는 취지를 가지고 있고, 문화적 권리 투쟁이 사회구성의 불평등과 모순을 위한 싸움이라는 것을 재고하는 의미를 가지고 있다. 차이와 모순이 함께 극복될 수 있는 문화권 투쟁은 노동자문화운동의 담론 속에서도 각인되어야 할 뿐 아니라 다른 다원화된 운동의 담론 안에서도 각인되어야 한다.

둘째, 문화적 권리의 자율적 표현 수단과 공적 생산수단의 이중적 확보를 위한 투쟁이 필요하다. 앞서 언급했던 대로 문화권은 감성적인 권리이면서 생산수단의 권리이기도 하다. 생산수단 없는 감성의 권리는 물리적인 토대 확보 없이 구호로 그치기 쉬우며, 반대로 감성이 없는 생산수단의 확보는 제도적인 관철이기 쉽다. 이러한 이중적 권리의 접속은 현실 속에서 관철시키기가 대단히 어렵다. 가령 미디어액트 운동이나 정보운동에서 일정한 물적토대를 확보할 경우에 항상 문화적 정서와 감수성의 영역에서 문화적 관료집단과 마찰을 빚는 경우가 많다. 그런 점에서 문화공공인프라의 형질전환에서 문화감수성의 정치는 헤게모니 전략에 있어 중요한 문화운동의 전략이다.

셋째, 서로 다른 문화적 권리 투쟁들 간의 연대와 네트워크가 필요하다. 노동자문화운동과 성적소수자와의 연대, 장애인과 여성문화운동의 연대, 정보문화운동과 표현의 자유운동과의 연대 등은 서로 다른 심급 하에 있는 문화집단들과 문화의제들이 서로 가로질러가게 만든다. 문화적 권리의 문제는 주체화양식에 있어서는 항상 보완적이다. 여성, 청소년, 장애인, 노동자의 주체화양식은 항상 다른 주체들과 상호보완적일 수밖에 없기 때문이다. 문화권 투쟁이 사회적 적대계급에의 저항이면서 동시에 사회적 연대 주체들 간의 공동의 대응일 수밖에 없는 것은 주체의 권리는 언제나 동일하지 않기 때문이다. 문화권을 위한 문화운동의 그간 과정에서 특히 이러한 연대는 희박하게 이루어지고 있다. 서로 다른 문화적 권리의 차이를 가진 집단들 간의 연대와 네트워크를 통해서 상호 보완적이고 삼투적인 사회적 관계를 형성하는 것이 중요하다.

마지막으로 문화적 권리투쟁에 있어 급진적 표현수단과 사건의 조직화가 필요하다. 문화권의 언어적 표현은 행동의 함의만큼 급진적이지 못한 측면이 많다. 내용은 급진적인데, 형식은 보수적인 문화운동의 일반적인 관행으로부터 벗어나기 위해서는 다양한 형태의 문화적 사건들을 현장에서 일으키는 시도들이 기도될 필요가 있다. 문화권을 행사하는 것은 행동을 통한 재현의 행위가 아니라 그 자체로 행위 속에 각인된다. 지금까지 문화권 투쟁은 사건

안에서 보다는 담론 안에서 구성되는 경우가 지배적이었다. 사건이 담론을 구성하는 현장에서의 문화적 권리의 발견이 더 요청된다. 이를 위해 사회적 소수자들에 의한(대한) 문화행동을 일상적으로 조직해보자.

Cultural Diversity in the Information Society

QUE Xiaohua

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Introduction

Currently, information technology and information industry have greatly promoted the development of social productivity, improved people's living standard, and deeply changed people's production and living style, thus, facilitating people's marching into an era of information technology. People now are undergoing a dramatic change from industrial society to information society. The information revolution has a deep impact on human being's live, study, work, as well as acts of government. Information has become an important tool for economical and social development. In this era, interpersonal communication has become an indispensable method for achieving our common goal – peace and development. Innovation of information and telecommunication technology brings us more rapidness and convenience to our communication.

As a result of civilization progress, information society should be a diversified and tolerant one with people coming first, from which each person and every county can benefit. However, one thing that shall not be ignored is, the increasing gap between developed and developing countries during the process of economic globalization and information network. "Digital gap" is widening now. The most undeveloped countries are facing the danger of information marginalization. International society is actively replying to this problem.

I. Information Society and New Media: Internet

In order to exploit the potentiality of information technology and realize the development objectives formulated by *Millennium Declaration*, information society summit proposes to establish a diversified and tolerant information society with people coming first, in which everyone can create, access, use and share information knowledge. As a result, every country and their people can take their potential of promoting sustainable development and improving living quality to full play. That is our common vision to future information society.

Current information resources, however, are excessively concentrated in a small number of developed countries. Increasing gap of wealth distribution exists between different countries, different languages and different cultures. It is shown that 81% of internet webpage is written in English, and less than 20% is written in other languages. There are 3000 large databases in the world, 70% of which locate in America. Diversity of human culture encounters a great challenge.

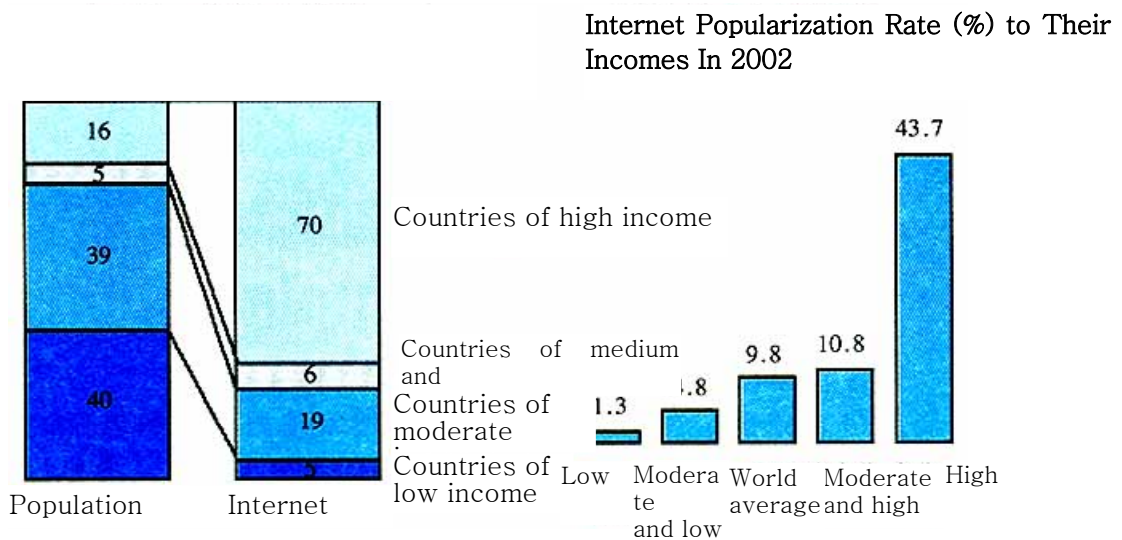


Figure 1 Digital gap in internet access

II. Information Society and Expression: Culture Diversity

1. The Impact of Information Society to Culture Diversity

- Unsymmetrical Development of World Information Industry

Due to unsymmetrical development, some countries which possess advanced information technology will monopolize information resources and related industry. They tend to control the information technology of those countries that lag behind in this field, penetrate information resources and dump information products to them.

As to culture, America is undoubtedly the *Information Supplier* with its leading role in information industry and its mother tongue as the *First Network Language*. 70% of the 3000 large databases in the world locate in America. The websites that are visited most frequently are proportionally that of developed countries, particularly the USA.

- Two Controversial Concepts in Recent Years: Homogenization of Global Culture and Global Localization

The advocates of the former concept believes that popularization of information technology and low price of information transmission give rise to a global pop culture, which is favored by people in whatever culture. While, the advocates of the latter concept hold that some special local culture may be well-received by global consumers under certain market conditions through information technology. The former accepts that the globalization caused by informatization will eliminate culture diversity and multiculturalism; on the other hand, the latter argues globalization, on the contrary, will stimulate the development of culture diversity.

Actually, they are two destinies of culture development in information society. As to the global culture market promoted by information technology, it strengthens the market force of global localization, and at the same time will put an end to culture diversity. When information products of certain local culture are favored by consumers, some other information and culture products are losing market and then opportunity to survive.

Europeans have been aware of the above threats. European countries possess developed technology as well as economy and cultural tradition of a long history. However, due to the difference in population scale, they will also lose edge in information times. Finland poses us the most typical example. It has the most developed information industry, for example, Nokia mobile phone has a dominant influence in the world. Nevertheless, the population base in Finland is too small to form a large-scale information culture consuming market, or sustain a cultural enterprise that has ability to compete with international media giant. This country has encountered conflict between advanced information technology and weak supply ability of national cultural product.

We have witnessed the damage suffered by biologic diversity during industrialization. Is it still necessary for us taste the bitterness of the elimination of cultural diversity in post-industrial society?

2. Promotion of Information Society to Culture Diversity

It is no doubt that informatization of global culture brings great impact and challenge on each country. Challenge, however, also means opportunity.

First, exchange and integration of different cultures on internet is the mainstream of development – an unstoppable trend. Any country can not isolate itself from this trend. Otherwise, it will step on the road to perdition. Facing the oncoming European and American culture, the most important thing is to get rid of the cliché of “defending” and “blocking”. The right way is to hold the initiative of future social culture and information activities, and introduce to the world the quintessence of national culture.

Second, competition on network content is of unprecedented. Beneath of the growth of economic strength is the survival problem of national culture. Spreading Culture on internet is a brand new form, which is by means just a copy of traditional culture products. It is perfect combination of latest technology and best creative idea, which roots in the creation and imagination on the basis of one's rich culture.

At last, Internet is quite open. It breaks the limits and restrictions of tradition, and brings glamour and splendor to culture all over the world through exchange and communication; gives rise to smooth communications among countries and perpetuate tradition into one's national spirit; and integrate the same into global information society. Therefore, internet provides all sorts of possibilities for culture diversity.

III. The Future of Culture Diversity in the Information Society: China's Experience

China, as a developing country, attaches great importance to the development of information industry, and has implemented a leap-over development strategy in which informatization and industrialization will interacted to achieve a mutual development. China's efforts bring positive effects. In recent years, 90 million people become telephone subscribers each year; total number of subscribers of internet is up to 78 million. In 2005, the total telephone subscribers will reach 500 million; penetration rate of phone subscribers reaches 40%; the internet subscribers amounts to 15% of the total populations. In China, telephone, television and internet are increasingly popular; millions of families benefit more and more from the informatization. Therefore, information industry has act as a leading, supporting, and basic industry of Chinese economy, plays an important role in the process of social development. In order to face the challenge of information society to cultural diversity, the following policies will be executed:

1) Carrying forward traditional and local culture. Traditional culture and arts will be popularized in order to protect and develop the cultural heritage called "the quintessence of Chinese culture".

2) Special programs will be provided for various social groups. Digital television and Pay-television will be developed to satisfy the diversified culture need of various people. Meanwhile, public service system of broadcast television will be improved, such as the project of "Broadcast television programs in every village" has been carried out since 1998. At present, the coverage rate of broadcast and television reach 96% and 95% of the total populations respectively. The gap of cultural communication and information between different areas and group is gradually narrowed down.

3) Language of ethnic minority shall be highlighted. China is a multinational country. Different culture features of various nationalities present rich cultural diversity. The basic requirement for cultural diversity protection is to protect language diversity. Programs in minority language are broadcasted in radio and television stations at all levels ranging from CCTV to local ones, covering most of the minority groups. The national radio stations launch minority language programs in 5 minority languages including Mongolia, Uigar, Tibetan, Korea and Kazakstan. The minority language programs of Chinese radio and television stations have met the basic needs of multinational people to listen to and watch the radio and TV program with their national content and in their own national languages.

4) International communication and cooperation will be actively carried out. China has set up and sustained frequent cooperation with many Asian countries. Each year, China imports a large amount of excellent movies and television programs of different subject from different countries and areas, which have greatly enriched audiences' choices, displayed the diversity and richness of international culture by introducing the culture of other nationalities in other areas. In the mean time, Chinese excellent culture is introduced to the rest of the world by the aid of media, to share the common culture heritage with people from other countries. CRI broadcasts programs targeting at foreign audiences in 38 languages for 300 hours every day. More than 100 countries can receive programs of CCTV International Channel, English Channel, Spanish and French Channels. A lot of excellent movie and TV series represented by sell well all over the world, especially in Southeast Asia and East Asia, like four famous literature works of *The Romance of Three Kingdoms*, *Tales of Water Margin*, *Red Chamber Dream*, *A Journey to the West*.

5) Chinese software and database will be the next focus to accelerate the establishment of various "digital library" and "digital museum". The masterpiece and precious literature will undergo digital processing to boost network cultural diversity. Meanwhile, "Rescue Project on Chinese Cultural Heritages" and "Sharing Project on National Culture and Information" (www.ndcnc.gov.cn) will be set up.

Conclusion

What we shall do now is to make detailed strategies to digitalize national culture heritages, art works, scientific research achievements of culture & art, and historic Artifacts of every country, so that culture and information resources in various languages can be visited by people through the internet. As a result, each culture can play an

important role in the world. In addition, internet information resources of major cultural heritages, artifacts and artworks shall be introduced to the national in their own language, so as to create a easy access for them to absorb human being's excellent civilization achievements.

Asia is our common homeland; and the rich Asian culture jointly created by all of us, is our shared treasure. The communication and cooperation of Asian countries have always played an active role in understanding and exchange of different cultures, as well as the protection of cultural diversity. Under the background of economic globalization and powerful voice for protection of cultural diversity, the communication and corporation become even more important. We are willing to cooperate with every country to open dialogue and exchange ideas on this issue, and try our best to protect and promote the development of culture diversity and offer our own contribution to the common prosperity of Asia and the whole world.

Cultural Diversity and Creativity: Cultural Expression and Cultural Heritage

BATMUNKH Norov
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Culture changes and transforms over time and space, and is always specific to and reflective of the socio-cultural setting of a given society, their ethnic groups, the society's unique features and natural conditions. Culture recreates itself, and enriches and merges with other cultural influences.

Mongolia, a country undergoing the transition to a democracy and market economy, is currently reviewing its policies towards cultural diversity.

The Constitution adopted by Parliament in 1992 states that "Mongolian national historical and cultural monuments, science and intellectual heritage shall be under the protection of the state".

Cultural diversity is embodied in the UNESCO Declaration and other international conventions, recommendations and documents. Following these guidelines, Mongolia has adopted, within a short period, the Cultural Heritage Protection law, the Law on Official Languages and the Law on Culture, and has also defined state policies on culture.

This legislation and policy aims:

- To create a legal environment for the development of culture and the arts, and the promotion of cultural diversity.
- To combine national cultural diversity with that of cultural diversity worldwide
- To establish cultural diversity as the norm within society, among artists and traditional arts performers.
- To guarantee the protection, passage and promotion of cultural diversity by respecting human rights and freedoms.
- To open cultural diversity opportunities for many social groups within society.
- To support the inclusion of some cultural heritage sites into the UNESCO World Heritage list.

Let me review some of the programs that are being implemented by Mongolia in this area:

1. Traditional Folk Arts Program: 2001-2008
2. National Program on the Protection and Restoration of (tangible) Historical and Cultural Monuments: 1999 – 2005
3. National Program in Support of Traditional National Arts: 1999 – 2006
4. National Program on Morin Khuur and Urtin Duu (National Music and Song): 2005- 2014

Cultural heritage lays down the basis for creating new artistic expression, enriching the past and promoting heritage. On the other hand, it also develops through interacting with other cultures. In this regard, traditional Mongolian cultural diversity faces strong influence from Western culture through TV, films, the arts, rock and pop music and other Western cultural exports.

Along with these, we can not deny the negative influence on national cultural diversity, education and young people's upbringing by films and television programs that promote violence, aggression, war, and pornography. To counteract this influence Mongolia has adopted related legal provisions and laws banning the promotion of violence, aggression, war and pornography in the Law on Culture, as well as adopting separate law banning pornography.

Currently, more than 170 non-governmental organizations are working in the area of cultural diversity. These involve various professional artist unions of musicians, singers, dancers, painters, writers and artisans.

The influence of globalization on the cultural sphere of humankind and on national culture deserves very special attention. One of the characteristics of the globalization process is increasing standardization, uniformity and universality. The challenge for countries around the world is to identify and develop country-specific cultural policies, protect cultural freedoms and expand people's choices. This is a shared challenge for societies worldwide, since equity in cultural opportunity is profoundly important in a globalised world.

Today Mongolia is experiencing the strong influence of urbanisation. The generation gap is widening in terms of time, space and mentality. As a result, living human treasures such as folk art and indigenous knowledge are under the threat of permanent loss. Traditional ways of life, and customs involving traditional nomadic oral and intangible heritage are now changing and various forms of cultural expression related to such heritage are on the verge of disappearing. Therefore it should be and is indeed under the permanent attention of the government of Mongolia to preserve and safeguard such national heritage.

The relics of Central Asian nomadic civilization are of considerable historical and cultural value to the Western world as nomadic cultures have undeniably shaped and molded the great civilizations of Asia and Europe. Mongolia represents the cradle of nomadic civilization and the rich historical and cultural heritage left by our ancestors who lived and created this ancient landscape is a source of pride and learning.

The government of Mongolia strives to develop our national culture. We consider this to be a valuable contribution to the implementation of UNESCO's Conventions on Tangible and Intangible Cultural Heritage and the Protection of World Cultural Diversity. Mongolia became a State Party to the Convention concerning the Protection of the World Culture and Nature Heritage in 1990.

Recognizing cultural diversity and protecting unique cultural identities embodied in intangible heritage is immensely important. There are languages and dialects, traditional blessings, music and songs, dance, handicrafts, everyday customs, rituals, games and festivals, traditional knowledge, and technologies. In this regard, I would like to inform you all that just few weeks ago the Mongolian Government joined the Convention of Safeguarding Intangible Heritage.

Also this year the Mongolian government adopted the “National Program on Morin Khuur and Urtiin Duu,” and in the framework of this program an action plan for 2005–2015 was approved to protect and develop traditional music and song. “Morin Khuur” is listed by UNESCO as intangible heritage - as a “Masterpiece of the oral and intangible heritage of humanity.” The government has completed a series of specific activities related to its preservation

Recently we sent a joint proposal with China to UNESCO putting forth the Mongolia national long song (urtiin duu) as multi-national candidate for the third proclamation of the “Masterpiece of Oral and Intangible Heritage for Humanity”.

The protection of cultural diversity is the protection of human rights. Every nationality must actively promote all kind of activities such as the preservation, dissemination and promotion of cultural heritage in the current era of globalisation. The implementation of cultural diversity in new creative works and their dissemination to the public will create intercultural understanding and encourage the respect for human rights and freedoms, especially towards those cultures of local and minority groups.

I would like to express my belief that the expertise and experience of the participants of this forum shall be greatly beneficial to our efforts, and I hope you may cooperate with us closely.

Thank you very much for your attention.



SESSION II - 6

Vanessa ACHILLES
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The background of the title page is a faded, blue-tinted image of a traditional East Asian mask, possibly a Noh mask, with a circular lens effect overlaid on it. The text is centered over this image.

The Cultural Diversity Programming Lens Toolkit

Office of the Regional Advisor for Culture
in Asia and the Pacific

Prepared for the UNESCO East Asian Forum on Cultural Diversity
Seoul, Republic of Korea
27-29 June 2005

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You can use the materials included in this toolkit provided you acknowledge UNESCO as the source.

For additional information, please visit our website or contact our office in Bangkok:

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What is the Cultural Diversity Programming Lens?

Universal Declaration on Cultural Diversity (2001)

Article 1: Cultural diversity: the common heritage of humanity

Culture takes diverse forms across time and space. This diversity is embodied in the uniqueness and plurality of the identities of the groups and societies making up humankind. As a source of exchange, innovation and creativity, cultural diversity is as necessary for humankind as biodiversity is for nature. In this sense, it is the common heritage of humanity and should be recognized and affirmed for the benefit of present and future generations.

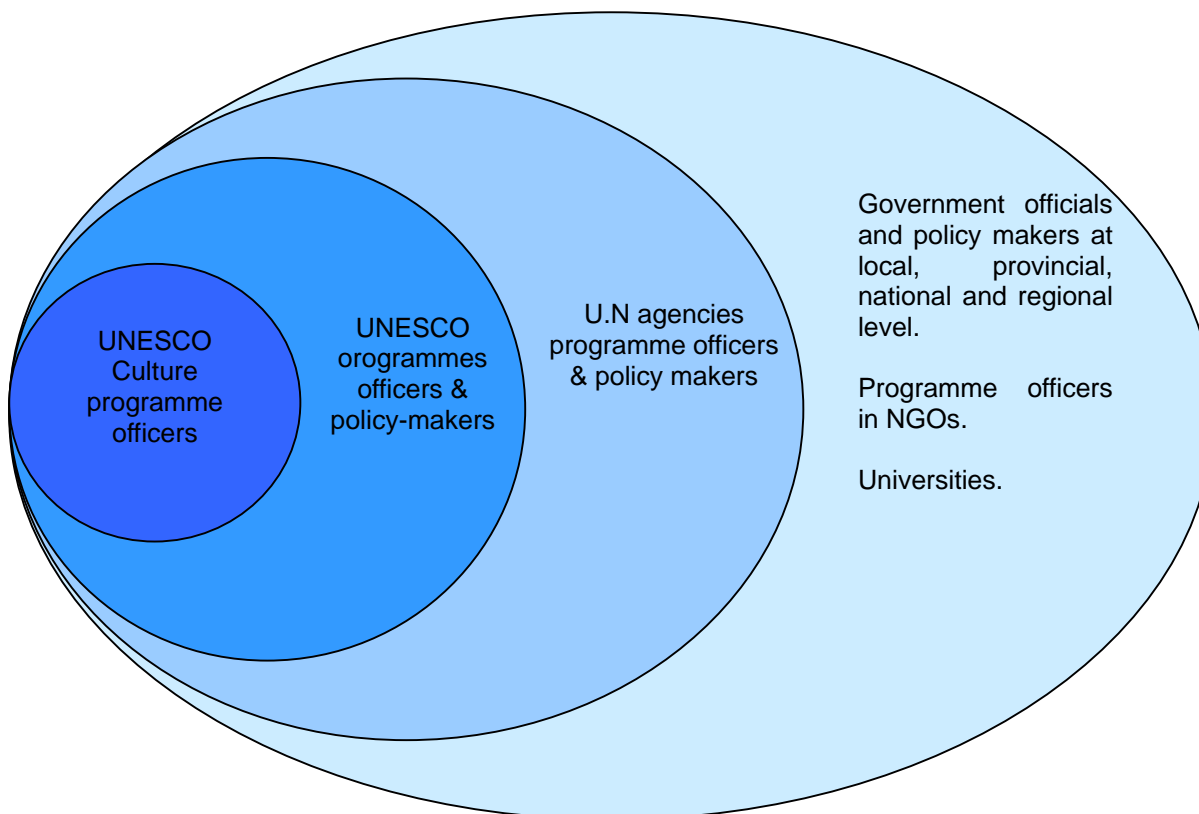
What is a Cultural Diversity Programming Lens?

- A lens enables people to see. The purpose of a cultural diversity lens is to **raise awareness** and open minds to new ways of thinking. The lens thereby opens the way to new solutions and activities.
- It is a supplementary tool which can be used to evaluate whether programmes, policies, proposals and practices promote and safeguard cultural diversity and therefore enhance work efficiency.
- It is a check-list or a list of criteria and questions supplemented by indicators.
- It can be used at all stages of a programme: planning, implementation, monitoring and evaluating. For example, the lens can be used to plan a project, and then re-used (with adaptations, if necessary), during the monitoring stage to compare the plans with the outcomes.
- It is a tool that can be used for all programmes and activities, not simply for the ones related to Culture.
- It allows programme officers and policy-makers to make **informed decisions**.
- It is ideally created in a participatory manner by those who use it. There is no perfect lens. Each programme can develop its own lens.
- This framework has been developed by UNESCO Bangkok and derived from the Universal Declaration on Cultural Diversity.

To what can one apply the cultural diversity programming lens?

- Project proposals
- On-going projects
- Programmes and strategies for governmental, non-governmental and international organizations.
- Policies, laws, national legal acts and regulations
- Decision-making processes
- Organizational structures

Who is using the cultural diversity programming lens?



The UNESCO framework

UNESCO Bangkok developed a framework for a Cultural Diversity Programming Lens based on the Universal Declaration on Cultural Diversity. Eleven main themes divided in sub-themes were identified. These will guide programme officers and policy-makers in the development of lenses and indicators appropriate to their programme.

The eleven themes are:

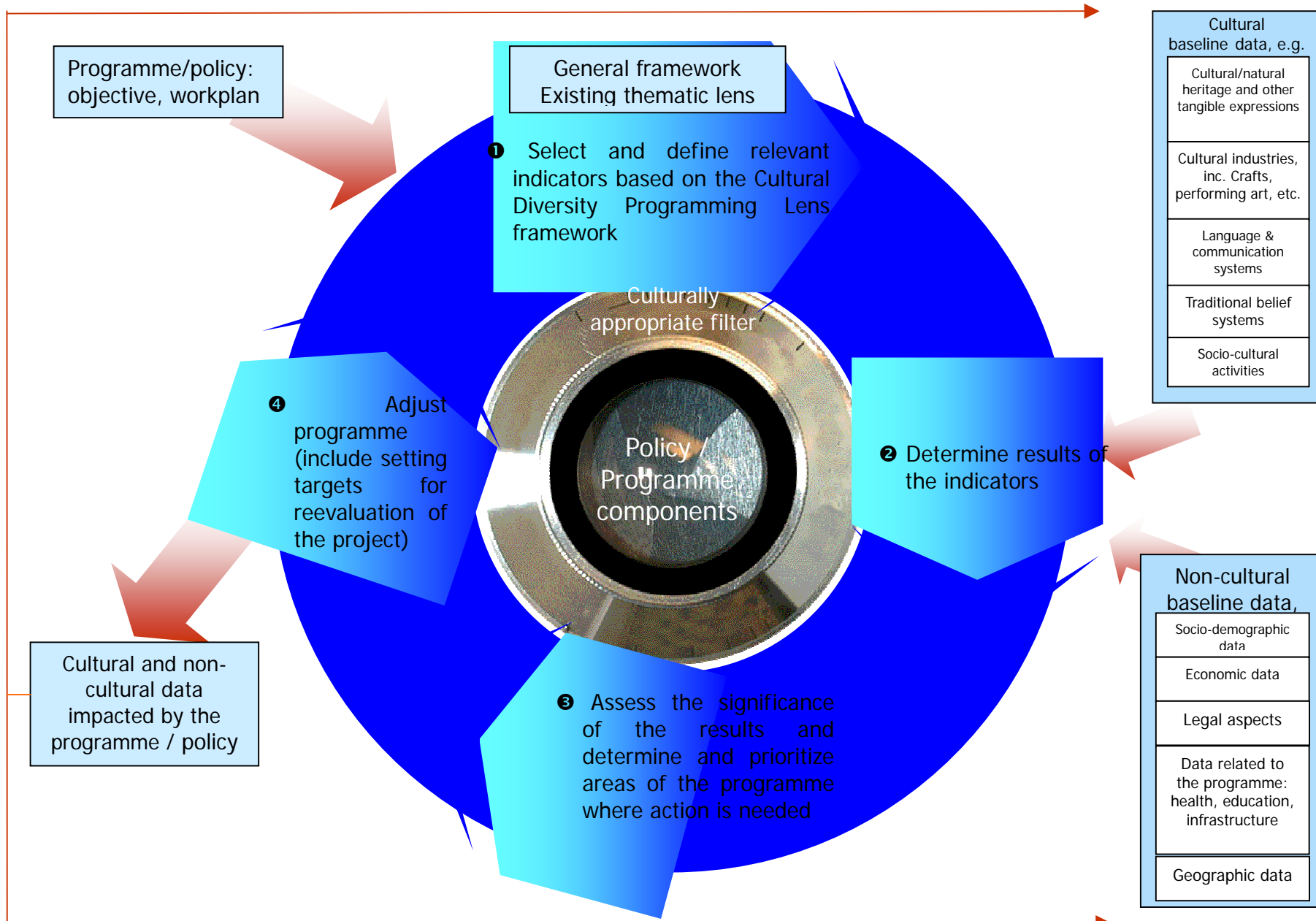
- 1) International human rights and cultural rights
- 2) National laws and regulations
- 3) Access for all
- 4) Inclusion of all
- 5) Participation of all
- 6) Linguistic diversity with a special focus on mother tongue
- 7) Safeguarding of cultural and natural heritage
- 8) Promotion of the benefits of cultural diversity
- 9) Interactions between science and traditional knowledge
- 10) Partnership and dialogue
- 11) International cooperation and solidarity

UNESCO aims at developing several examples of thematic lenses that can be used as such, or as guidelines to develop new lenses.

For more information, visit our website: <http://www.unescobkk.org/index.php?id=2513>



Cultural Diversity Programming Lens Cycle





Cultural Diversity Programming Lens: General Framework

Main question: *How is the programme (including project proposals, policies, laws and practices) respecting and safeguarding cultural diversity in general and the principles of the Universal Declaration on Cultural Diversity in particular?*

Main themes	Reference	Key questions	Sub-themes
1. International human rights and cultural rights	UDCD: 4, 5, 6	How will the programme protect (or compromise) international human rights, and specifically cultural rights, without infringing on other human rights?	<ul style="list-style-type: none"> • Respect of the right not to be discriminated on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, HIV/AIDS status, disabilities • Freedom of expression • Freedom of thought and religion • Right to education and to choose the kind of education for your children • Right to participate freely in the cultural life of the community (examples from the UDHR, see also definitions)
2. National laws and regulations	UDCD: 6, 7, 8, 9 MLA: 2, 4, 12, 13, 15, 16, 18	How will the programme support (or hinder) the creation, improvement, implementation of or respect for national laws and regulations regarding issues related to culture while respecting human rights?	<ul style="list-style-type: none"> • Intellectual property rights (e.g. copyright, patents, trademarks) • Licenses • Policies or laws regarding mobility, specifically artist's mobility • Policies or laws creating conditions conducive to the production and dissemination of diversified cultural goods
3. Access for all	UDCD: 2, 6, 8, 9 MLA: 10, 16, 17	How will the programme increase (or reduce) access of persons and/ or groups from cultural diverse backgrounds to the programme itself and to resources, services, programmes, means of expression and dissemination?	<ul style="list-style-type: none"> • Physical accessibility, economical accessibility, legal and social accessibility of the programme itself • Improvement of access to education; domestic and international markets; art, scientific and technological knowledge

4. Inclusion of all	UDCD: 2 MLA: 3	How will the programme increase (or decrease) opportunities for inclusion of persons and/ or groups from cultural diverse backgrounds in society and/ or in the programme?	<ul style="list-style-type: none"> • Inclusion of persons or groups of diverse cultural backgrounds: ethnicity, religion, social group, sex, age etc. (with special focus on obstacles to this inclusion) • Acceptability of the programme: relevance, quality, cultural appropriateness • Adaptation to various levels of literacy (including using drawings and/or audio in the programme)
5. Participation of all	UDCD: 2 MLA: 3, 19	How will the programme increase (or decrease) opportunities for participation of persons and/ or groups from cultural diverse backgrounds in society and/ or in all phases of the programme or policy?	<ul style="list-style-type: none"> • Phases: the research phase, the needs assessment, the design phase, the implementation phase, the monitoring and evaluation phase • Participation of persons or groups of diverse cultural backgrounds: ethnicity, religion, social group, sex, age, etc. (with special focus on obstacles to this participation) • Participation aimed at sustainability/ empowerment
6. Linguistic diversity with special focus on Mother tongue	UDCD: 6, 5 MLA: 5, 6	How will the programme increase (or decrease) linguistic diversity? How will the programme increase (or decrease) access to resources, services and programmes in people's mother tongue?	<ul style="list-style-type: none"> • Expression in the greatest number of languages • Creation in the greatest number of languages • Dissemination in the greatest number of languages • Formal/Informal Education available in mother tongue
7. Safeguarding cultural and natural heritage	UDCD: 7 MLA: 5, 13, 14	How will the programme encourage (or discourage) safeguarding (see definition) tangible and intangible cultural and natural heritage?	<ul style="list-style-type: none"> • Identification, documentation, archiving (incl. display) • Preservation, conservation, protection • Restoration, revitalization
8. Promote the positive value and benefits of a cultural diverse society	UDCD: 1, 12 MLA: 2, 7, 18	How will the programme recognize, affirm (or promote) the positive value and benefits of a cultural diverse society?	<ul style="list-style-type: none"> • Awareness raising • Advocacy • Research • (Inter-generational/cultural etc.) dialogue • Educational and informational components to strengthen appreciation and respect
9. Interactions between modern science and traditional knowledge	UDCD: 7 MLA: 3, 8, 14	How will the programme increase (or decrease) the opportunities to foster exchange and synergies between modern science and local knowledge?	<ul style="list-style-type: none"> • Protection of traditional knowledge and modern science • Incorporation of traditional and modern pedagogies. • Exchanges between traditional and modern experts and practitioners

10. Partnerships and dialogue	UDCD: 7, 11, 12 MLA: 2, 3, 19	How will the programme increase (or decrease) opportunities for partnerships and dialogue?	<ul style="list-style-type: none"> • Promotion of dialogue among cultures • Promotion of intergenerational dialogue • Partnerships between the public and private sector • Exchanges between people and experts • Development of links between excluded groups and government institutions, research institutions, organizations and businesses
11. International co-operation and solidarity	UDCD: 10, 11 MLA: 9, 10, 11, 17	How will the programme reinforce (or hinder) international cooperation and solidarity?	<ul style="list-style-type: none"> • Support emergent cultural industries and markets • Cooperating in the development of necessary infrastructures and skills • Counter the digital divide

UDCD = UNESCO Universal Declaration on Cultural Diversity, Paris, 2 November 2001.

MLA = Main Lines of an Action Plan for the Implementation of the UNESCO Universal Declaration on Cultural Diversity.

UDHR = Universal Declaration of Human Rights, December 1948



Cultural Diversity Programming Lens

Organizing Meetings, Workshops, Conferences, and Trainings

The following serves as an indicative guideline to help you organize a more culturally-diverse meeting, conference, workshop or training – referred to as “event” in the document here below. You can apply some or all of the following questions and indicators or create new ones to evaluate and enhance the efficiency of your activity.

Preparation of event

<u>Themes¹</u>	<u>Major questions</u>	<u>Possible indicators and other considerations</u>
4, 5	<p>Is the event designed by people from various backgrounds?</p> <p>Is the event targeted to participants from diverse backgrounds?</p> <p><i>* Note: Are disaggregated data (by country, religious and cultural group, age, sex, ethnicity, etc.) on the participants, speakers, and target groups available prior to the event?</i></p>	<ul style="list-style-type: none"> • Balanced representation of participants, conference organizers, trainers, and speakers/resource persons from diverse backgrounds (<i>ethnicity, social group, religious group, age, sex etc.</i>) • Balanced representation from the local/regional/national/international
3	<p>Is the organized event truly accessible for all participants (legal, social, physical and economical, information access)?</p> <ul style="list-style-type: none"> • <i>Is the event organized on dates / time of the day when no religious/traditional rituals or practices prevent the participants to attend?</i> • <i>Is the venue relatively convenient and accessible for the participants? Do the participants or invitees live in an area where geographic, climatic, political conditions may prevent them to attend?</i> • <i>Is financial support available to those whose economic situation may prevent them from accessing resources or external funds necessary to attend the event?</i> • <i>Will any national laws/regulations and international agreements encourage or discourage the participants from coming?</i> • <i>Will social taboos and gender/segregation issues impede the participation of some?</i> • <i>Will the event be announced and promoted through a mix of communication channels accessible to all targeted participants?</i> 	<ul style="list-style-type: none"> • Knowledge about the participants’ socio-cultural practices and beliefs • General information about the geographic location (inc. socio-political conditions) and the means of transportation/communication of the participants • Availability of funding and budget allocation • Access to visa, passport and other identification cards, positive discrimination /affirmative action • General information about the national contemporary social issues and traditional beliefs • Wide media coverage reach: use of various information tools such as newspaper, TV, radio, and related medium, village speakers, etc.

¹ The **themes** refer to the general framework of the cultural diversity programming lens.

2	Is the event's theme(s) and agenda compatible and in harmony with the host country's laws and cultural policies? • <i>Is the event's logistics consistent with the country's laws and regulations</i>	<ul style="list-style-type: none"> • General information on the country's cultural policies and related laws • Information on national laws, regulations, and cultural policies disseminated and made known to the participants beforehand
7, 8, 10	Are themes/topics to be discussed during the event relevant to the principles of cultural diversity?	<ul style="list-style-type: none"> • Number of cultural diversity-related issues incorporated in the agenda • Number of facilitators/trainers/speakers who are aware of the cultural diversity issues
4, 5, 9	Are the teaching/activity content, method, and objectives culturally appropriate?	<ul style="list-style-type: none"> • Use of examples based on real-life experiences • Consideration of the learning habits and communication patterns of the groups of facilitators and participants • Mix of activities (lectures, case studies, working groups, field trips, etc.)
3, 4, 6,	Are the provided materials appropriate for all participants?	<ul style="list-style-type: none"> • Availability in different languages • Availability of various visual aids/supports (drawings, audio) for people with different types of literacy
10, 11	Are the background materials, documents, and literature used to prepare the event coming from culturally-diverse sources?	<ul style="list-style-type: none"> • Information and data gathered from various countries, types of institutions/organizations (governments, NGOs), private and public sectors, etc.
7, 8	Are there entertaining activities planned to promote cultural diversity?	<ul style="list-style-type: none"> • Cultural performances, cultural visits and related activities incorporated in the programme/agenda

Process

4, 5, 6, 7, 9	Are various methods being used to encourage people from all backgrounds to participate fully/actively and be comfortable during the event?	<ul style="list-style-type: none"> • Language of the conference understood and spoken by all participants • Available translation • Number of interpreters/translators • Number of speakers presenting in their mother tongue • Mix and diverse activities (case studies lectures, sharing practical experiences, field trips, participatory exercises, traditional/local methods, etc.)
4, 5	Is the cultural distribution in working groups being considered and can these working groups function efficiently and effectively? <i>*Similar indicators and considerations in the preceding theme/major question can be applied here.</i>	<ul style="list-style-type: none"> • Disaggregated data by <i>religion, ethnicity, sex, age, etc.</i>
9, 10, 11	Are activities designed to allow discussions on similarities and differences among countries, regions, sectors of society (public and private), types of organizations (governments, NGOs), and varying approaches/methods (traditional and modern)?	<ul style="list-style-type: none"> • Diversity of topics for case studies • Available and ample time for interactive discussions, exchanges, and synthesis • Mix of activities (lectures, case studies, working groups, field trips, etc.)

		<ul style="list-style-type: none"> • Number of attendees representing from different schools of thought (traditional knowledge or the modern science)
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Note: It is useful to collect disaggregated data (by country, religious and cultural group, age, sex, ethnicity, etc.) of the participants before and during the event/activity.

Post-event

4,5	How did the final list of participants match with the list of invitees?	<ul style="list-style-type: none"> • Number and background information of people not admitted or refused • Number of “invited” non-attendees due to visa problems, personal beliefs, and other culturally-motivated reasons and the background information about the reasons behind • Number of unexpected participants/observers
4, 8	Do the final reports, recommendations, statements, publications fully respect the cultural diversity issue and discussion covered in the meeting?	<ul style="list-style-type: none"> • Content analysis of the outputs • Various mechanisms to get feedback from the participants (e.g. evaluation and survey sheets, follow-up systems)
3, 4, 7	Are the final reports, recommendations, statements, publications made available for/accessible to all?	<ul style="list-style-type: none"> • Modes of dissemination (via participants, networks, and Community Learning Centers) • Communication supports (video, written, audio, other) usable by persons from various cultural background • Access to documents maintained over time: library and web information service • Documents following from the event shared with other regions, countries, sectors of society, private sector, etc.
5, 8	Does the evaluation form ask for disaggregated information in order to analyze if all cultural needs and expectations have been met?	<ul style="list-style-type: none"> • Data on religion, sex, age, ethnicity, etc. available and requested
4	Will the participants from all backgrounds be able to use the learnt skills in various environments (at home; in their community; in the local/national market and environment; and in the international market and environment)?	<ul style="list-style-type: none"> • Availability of a follow-up, monitoring, and assessment plan • Support (e.g. technical, financial) made available to participants



Cultural Diversity Programming Lens For Safeguarding and Revitalization of Movable Tangible and Intangible Heritage (Through Museums, Exhibitions, and Cultural Events)

Museum in this context can be any kind of building or site exhibiting objects, either representing one specific culture and related artifacts or being a national museum representing objects and artifacts from a variety of cultures. Museum also typifies a ‘communal space’ where *themed*-exhibitions, displays, and cultural activities take place on a long-term or short-term basis. Initially, this lens was designed based on a project proposal about movable Shan heritage in Myanmar. Some of the following questions are mostly relevant to small-scale operated museums.

The following serves as an *indicative* guideline to help you develop a more culturally-diverse oriented project. You can apply *some or all* of the following questions and indicators or create new ones to evaluate your project proposals and ongoing programmes.

Preparation Stage (Exhibition/Event Planning and Staff Training)

<u>Themes²</u>	<u>Major questions</u>	<u>Possible indicators</u>
3, 4	Are the <i>current</i> and/or <i>targeted</i> beneficiaries of the museum and exhibitions culturally diverse?	<ul style="list-style-type: none"> • Disaggregated data <i>by age, ethnicity, sex, religion, country, etc.</i> through registration books and questionnaires
4, 5, 10	<p>Are all the stakeholders involved in and informed of the project? How are they involved?</p> <p>Are the channels of communication and platforms for discussion appropriate?</p>	<ul style="list-style-type: none"> • Representation of various stakeholders and interest groups (local communities including indigenous people, museum/exhibition staff, technical experts, government, civil society, an private sector) • Mix of communication channels • Rate of participation of stakeholders in the meetings and forums and the rate of replies to enquiries
5, 8, 10	Is cultural diversity reflected in the choice of experts/project team/staff?	<ul style="list-style-type: none"> • Balanced representation from the local/regional/national/international level • Balanced socio-demographic representation (according to sex, age, religion, and ethnic representation)
4, 5, 6	Are the materials, content, and methodology used for the staff training culturally and linguistically appropriate?	<ul style="list-style-type: none"> • Discussions, presentations, and materials in various languages and/or understood by all • Place and time suitability • Mix of didactic activities <p><i>* For more detailed questions and indicators on trainings and workshops, please see the “Lens on Organizing a Workshop”</i></p>
1, 2	Are the protocols and conventions on museums satisfied and applied?	<ul style="list-style-type: none"> • Lists of conventions signed by the country where the project is implemented and the level/degree of compliance • Agreements with other museums

² The **themes** refer to the general framework of the cultural diversity programming lens.

Implementation Stage

Themes	Major questions	Possible indicators
7, 8	Is the selection of objects and artifacts representative of the diversity of the selected themes of the exhibition?	<ul style="list-style-type: none"> • Number of represented artifacts from diverse countries/regions/cultural groups • All groups adequately/significantly represented
3, 4, 6	Is the display of the objects and artifacts and relevant descriptions, interpretation and learning materials culturally appropriate and accessible to all visitors?	<ul style="list-style-type: none"> • Appropriateness and availability of various languages used in the materials or texts • Effectiveness of the materials tested • Alternative methods of disseminating information: audio guides, pamphlets in different translations, interactive activities
7, 8, 9	Does the museum represent the dynamics and authenticity of culture or is it a mere static display of objects? <i>*Tangible walk-through could be both time and space specified--some kind of remodeled house with touchable and usable artifacts to experience culture by touching, smelling, and using the artifacts</i>	<ul style="list-style-type: none"> • Mix of tangible and intangible elements in the collection of the displayed objects • Mix of interpretation techniques: for example, <i>tangible walk-through</i> and the <i>use of multimedia</i> • Local experts' evaluation • Evaluation and adjustment mechanisms integrated in the project cycle
8, 9, 10, 11	Does the museum/exhibition/event promote cultural diversity outside and on a wider scale?	<ul style="list-style-type: none"> • Available educational materials and activities related to the collection and exhibition • Variety of products sold in the museum shop: books, objects, replicas, posters, postcards, souvenirs, CD-ROMs etc.
9	Are indigenous knowledge and modern technologies effectively and efficiently employed and combined to preserve the museum and its displays?	<ul style="list-style-type: none"> • Comparative analysis on the combination and incorporation of traditional knowledge and/or the modern technology process • Involvement of both kinds of experts (traditional and modern) and the use of technologies in the project design
9, 10	Do museum activities foster intergenerational dialogue?	<ul style="list-style-type: none"> • Organization of meetings and activities where the youth and the elders can mix and exchange views on various relevant issues and themes • Ratio of youth/elders in the project team and among the visitors

Sustainability

Themes	Major questions	Possible indicators
3,4	Does the museum use a variety of promotional tools and marketing strategies that attracts and serves the needs of different groups? <ul style="list-style-type: none"> • Minority groups and local communities • Domestic and international tourists • Business people • Art historians • Students • Women • Elders • Disabled • Financially-challenged • etc. 	<ul style="list-style-type: none"> • Pricing policies: discounted tickets, seasonal pass, free entrance for specifically defined groups • Events oriented towards specific target groups (e.g. theme-based exhibitions, children shows) • Mix use of promotional tools: pamphlet, posters, TV, and others • Number of visitors from different countries and age groups (through questionnaires and guestbook/registration book)
8, 10, 11	Does the museum promote cultural exchanges?	<ul style="list-style-type: none"> • Exchange of exhibitions/displays with other museums/countries • Exhibitions show and display a variety of themes and cultures

Take note that this lens was developed during the training workshop “Putting Cultural Diversity into Practice: Some Innovative Tools” in Bangkok on December 2004. The lens is still in its development stage and refinements are in process with contributions from all involved workshop participants and UNESCO Bangkok. Your constructive comments and critic will lead to a more practical and useful lens readily applicable to a pilot project on Movable Tangible and Intangible Heritage.

Definitions of Key Words and Concepts

Cultural diversity refers to manifold ways in which the cultures of social groups and societies find expression. From the diverse forms taken by culture over time and space stem the uniqueness and plurality of the identities and cultural expressions of the peoples and societies that make up humankind. *Cultural diversity* is made manifest not only through the varied ways in which the cultural heritage of humankind is protected, augmented and transmitted to future generations, but also through the variety of cultural expressions which are borne by cultural goods and services, in all parts of the world at any given time, through diverse modes of production, dissemination, distribution and consumption.ⁱ

Cultural rights are an integral part of human rights, which are universal, indivisible and interdependent.ⁱⁱ Under international law, the five human rights below are generally understood as *cultural rights*:

1. The right to education (art. 13 ICESC);
2. The right to participate in cultural life (art. 27 UDHR and art. 15 ICESC);
3. The right to enjoy the benefits of scientific progress and its applications (art. 27 UDHR and art. 15 ICESC);
4. The right to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which the person is the author, and (art. 27 UDHR and art. 15 ICESC);
5. The freedom for scientific research and creative activity (art. 15 ICESC).

The project concerning a Declaration of Cultural Rights elaborates and includes additional elements and rights.ⁱⁱⁱ See also:

- The right not to be discriminated on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (art 26 ICCPR);
- The right to freedom of opinion and expression, including freedom to seek, receive and impart information and ideas through media and regardless of frontiers (art. 19 UDHR and art 18 ICCPR);
- The right to freedom of thought, conscience and religion (art 18 UDHR and 18 ICCPR);
- In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language (art. 27 ICCPR);
- The right of parents to choose the kind of education for your children (art 26 § 3 UDHR).^{iv}

Culture refers to the set of distinctive spiritual, material, intellectual and emotional features of society or a social group encompasses in addition to art and literature, lifestyles, ways of living together, value systems, traditions and beliefs.^v

An **indicator** may be quantitative as well as qualitative. Quantitative *indicators* are statistical measures based on numerical or statistical facts that can be used to make sense of, monitor, or evaluate some phenomenon. Qualitative *indicators* are language-based descriptions of cultural phenomenon. *Indicators* are a ‘tool’ for policy and analysis, and they should be designed to meet the purposes of policymaking, analysis and evaluation.^{vi} At the very least an *indicator* should be: reliable, up-to-date; clear; inter-temporally and geographically comparable; accessible and relevant for cultural policy.^{vii}

An **indicator-benchmark** is a quantitative or qualitative measurement of progress on achieving the priorities and successfully implementing strategies in your cultural plan.^{viii}

Intangible cultural heritage means the practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artefacts and cultural spaces associated therewith – that communities, groups and, in some cases, individuals recognize as part of their cultural heritage. This intangible cultural heritage, transmitted from generation to generation, is constantly recreated by communities and groups in response to their environment, their interaction with nature and their history, and provides them with a sense of identity and continuity, thus promoting respect for cultural diversity and human creativity.^{ix}

ⁱ UNESCO Preliminary Draft of a Convention on the Protection of the Diversity of Cultural Contents and Artistic Expressions: not published yet

ⁱⁱ UNESCO Universal Declaration on Cultural Diversity: http://portal.unesco.org/en/ev.php-URL_ID=13179&URL_DO=DO_TOPIC&URL_SECTION=201.html

ⁱⁱⁱ Groupe de Fribourg in Cooperation with UNESCO, The Council of Europe, and The Swiss National Commission, ‘Project Concerning a Declaration of Cultural Rights’, 11th version, presented at the General Conference of UNESCO, 4 September 1996.: <http://www.americas-society.org/as/events/pdf.d/UNESCO%20Fribourg.pdf>

^{iv} ICCPR International Covenant on Civil and Political Rights, http://www.unhcr.ch/html/menu3/b/a_ccpr.htm; ICESC, International Covenant on Economic, Social and Cultural Rights, http://www.unhcr.ch/html/menu3/b/a_cescr.htm; UDHR, Universal Declaration on Human Rights, <http://www.unhcr.ch/udhr/index.htm>.

^v UNESCO

^{vi} Chapman, A., ‘Indicators and Standards for Monitoring economic, social and Cultural rights’, Second Global Forum on Human Development, Brazil, 9–10 October 2000, http://hdr.undp.org/docs/events/global_forum/2000/chapman.pdf

^{vii} Pfenniger, M., ‘Indicadores y Estadísticas Culturales: Un Breve Repaso Conceptual’, *Gestión Cultural*, No. 7, April 2004: <http://www.gestioncultural.org/boletin/pdf/Indicadores/MPfenniger.pdf>

^{viii} Oregon Cultural Trust, ‘Guide to Developing Benchmarks’, 23 July 2003: <http://www.culturaltrust.org/benchmarking.htm>

^{ix} UNESCO Convention for the Safeguarding of the Intangible Heritage: http://portal.unesco.org/en/ev.php-URL_ID=17716&URL_DO=DO_TOPIC&URL_SECTION=201.html

SESSION III

[Panel Discussion]

Cultural Diversity and Regional Cooperation in East Asia

문화다양성과 동아시아 협력

Proposal about Cultural Diversity in Information Society

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1. Introduction

Mainly due to the information and communication technologies (ICT), we have been moving towards an information society since late of last century. Information is now a key to the progress and prosperity of any nation. The world has witnessed the tremendous progress in Information Technology, such as computing, telecommunications, electronics and multimedia. Amongst these, the development of the Internet with its related technologies is the very notable one.

What ICT has changed and is yet still changing, is not only the technology, also the way we live, communicate, work, etc. In fact, ICT is changing the world we are living in. No wonder some people described the present age an age of Information Age or Computer and Space Age, before the term *Information Society* emerged.

2. Information Society: aim and reality

The concept of information society emerged in 1970s and throughout 1990s, though its definition has been argued many times, from William J. Martin to Alvin Toffler, it rapidly gained widespread currency.

According to the declaration of World Summit of Information Society (WSIS) in 2003, information society is people-centred, inclusive and development-oriented, where everyone can create, access, utilize and share information and knowledge, enabling individuals, communities and peoples to achieve their full potential in promoting their sustainable development and improving their quality of life, premised on the purposes and principles of the Charter of the United Nations and respecting fully and upholding the Universal Declaration of Human Rights.

WSIS declaration sketches out the bright future of information society for us. Unfortunately, reality is far from the dream. The unbalanced development of science and technology shaped the current image of the on-going information society building with a characteristic, which is defined as digital gap. If the developing countries and remote regions failed to catch up with the pace of information technology development, their digital future will be chillier.

In order to narrow the digital gap, the chief task to build information society obviously is to promote the construction of information technology infrastructure worldwide, particularly in the developing countries and remote regions. Meanwhile, enough attention should be paid for inter-net and information security, which means, for instance, to ensure cultural diversity is information, how to keep a balance between intellectual property rights and the rights of access in the public domain.

Apart from above, there are some viewpoints should be considered also:

To build information society, we should be aware that sustainable economic and social development, not the single technology development, is the foundation for information society.

A peaceful, stable and justice world is necessary to build information society. The international community should pay more attention to the “margined ” countries and communities, for a win-win and co-existing world. The development countries should keep pursuing their own way for information society building, together with the help from outside such as other countries and international organizations. The governmental sector, private sector and NGOs should better cooperate for the aim of building information society. Meanwhile, international organizations may take more responsibilities in coordinating and participating of the public policies of inter-net.

An understanding and harmonious information society ought to be the aim. That's, free express, human dignity and right should be respected and protected by law, social responsibility should also be advocated.

3. Cultural Diversity

Cultural diversity is the common heritage of humankind. The Information Society should be founded on and stimulate respect for cultural identity, cultural and linguistic diversity, traditions and religions, and foster dialogue among cultures and civilizations. The promotion, affirmation and preservation of diverse cultural identities and languages as reflected in relevant agreed United Nations documents including UNESCO's Universal Declaration on Cultural Diversity, will further enrich the Information Society.

--WSIS declaration

Human is certainly the fundamental elements of any society, so is of the information society. One of the principles of information society is to fully respect the cultural diversity. In this regard, UNESCO and WSIS reached consensus.

3.1 Cultural Diversity: questions

With regard to protect cultural diversity in information society, there are there questions should be noticed above all.

First, the unit upon which we argue about cultural diversity. Apart from the various definition of culture, the concept of cultural diversity is also need to be argued. When discussing cultural diversity at the international level, the unit of cultural diversity is nation, undoubtedly. Yet what about the nations with multi-ethnic groups? In the current UNESCO documents about cultural diversity, ‘minorities’ are mentioned but not as ‘minority culture’ (or shall we mention as ethnic group culture?).

Second, what's the relationship between multilingualism and Cultural Diversity? Multilingualism is widely regarded as a chief component or even a symbol for Cultural Diversity (even please see WISS declaration: Cultural diversity and identity, linguistic diversity and local content), the question thereof re may raise: is Cultural Diversity means or equals to multilingualism? Though language is the foundation of communication between people. Yet the fact is there are many countries are nation-state but others are multi-ethnic countries, such as China, each ethic group has its own language either in written or spoken, all together 56.

Third and the last, culture means not only cultural goods. When we discuss about cultural diversity, it should refer to all its forms, religions, languages, goods, etc. The current argument and future convention should be designed to not only protect diversity of national and regional cultural industries, but to protect the cultural diversity and the communication rights of all peoples.

3.2 Cultural Diversity: for a better understanding

It was once argued that diversity is always a tricky thing to discuss since for many people it means holding back from "real" issues. This point of view neglects that the minority culture would be diminished at all if no cultural diversity is called for. If so, how comes the "real issues"?

Communication is a basic layer of society and information technology offers the most advanced and efficient communication platform and access. In this regard, we have no reason to stop optimistically foresee the future of a world with diversified cultures, from the technology perspective.

More and more nations and peoples have accepted the declaration of cultural diversity as well as the declaration of information society. We are enjoying the convenience of technology with fruitful cultural content.

One of the major concerns of cultural diversity is language barrier. In one way we call for multilingualism, in the other way it checks the communication and understanding among cultures. Whatsoever, let the cultures all speak out their voice is of the chief importance. Further, either translate into other language or merged into digital cultural product would improve the sustainability of cultures.

Levi Strauss reminded us 50 years ago on the subject of diversity. "The diversity of human cultures is behind us, around us, and ahead of us. The only demand that we may make upon it is that it realize itself in forms such that each is a contribution to the greater generosity of the others."

Conclusion

Preservation of culture is preservation of the nation. During the last few decades, the rapid development of ICT makes the world become a small village by electronic information. The nations are facing the great challenge of information society for which is dominated by certain big ones. However, the ICT has helped nations and ethnic groups to gain worldwide information and understandings much more than before.

Some Suggestions for the Promotion of Cultural Diversity in East Asia: Long-term perspectives¹

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Cultural diversity in the East Asian region should be regarded as a precious new opportunity not only to enhance cultural cooperation among five Member States but also to contribute to overall social development in the region. The promotion of intercultural understanding and cooperation can no doubt greatly contribute to bringing people in the region closer together toward the period of mutual cooperation.

We all acknowledge the fact that peace and development in the region greatly depend on its efforts to increase cultural understanding. I am very glad to report that there have been remarkable achievements in the last years among the five nations in terms of the quality and quantity of cultural exchange. In recent times, this trend is noteworthy in the fields of film, television and music, which have been strongly influenced by the private and commercial sectors. This unexpected process motivated by the private sector is rendering some positive results to rectify the prolonged prejudice towards other races, brought about by historic and political factors. In short, thanks to the international movement for the promotion of cultural diversity, we have the opportunity to recognize the power of culture to narrow that gap.

However, as we are well aware, some unsolved issues still exist in the region that are causing a high level of mistrust, suspicion and outright racism. It is true that these issues are sometimes exaggerated and intensified by political motivations, and not by cultural misunderstanding.

Among the factors seriously affecting cultural diversity in the region, many scholars indicate four major obstacles such as the differing interpretations of history, new types of nationalism, the lacking of mutual cultural understanding, and globalization. I do believe that UNESCO programmes should be designed and implemented to mainly focus on dismantling of these four obstacles within the framework of the UNESCO Universal Declaration on Cultural Diversity in the next biennia.

In order to effectively implement some joint projects along the basic lines of UNESCO programmes, we need to consider changing the present working systems of National Commissions. At the moment in this region, the generally accepted practice is that most programmes are initiated and planned by National Commissions. Later, each National Commission begins to consider who will be invited and who could be regional partners. However, the phase of initial regional planning among National Commissions is too weak and premature. In contrast to our situation, European countries have much experience in carrying out their own programmes with the spirit of shared responsibility. They are not reluctant to have working meetings for identifying joint projects and their implementation methods. Through close contact among National Commissions (related institutes, organizations, NGOs, networks, etc.), the EU could have identified common interests with UNESCO and selected some joint action programmes in which all National Commissions could join and contribute.

¹ The ideas proposed in the article are the personal opinions, not representing the official views of the Korean National Commission for Unesco.

My suggestion is very simple and clear. If we all agree that cultural diversity is a foundation of intercultural understanding and development in this region and should deserve our utmost priority in UNESCO programmes, we need to make an inventory of activities related to cultural diversity in which National Commissions could join. For this purpose, it would be most relevant to hold the UNESCO Forum of Ministers of Cultural Policy as soon as possible.

In addition to the issue of the working systems of National Commissions, I would like to further indicate one technical problem in the cultural policies among five nations. Although I have not studied the cultural policies in-depth, I am of the opinion that the definition of culture varies in its application at the national level. These differences in the operational definition of culture is not unsurprising, considering the five member states have all developed their cultural policies in different social and political environments over the last forty years. Some comparative studies on cultural policies, particularly in the context of cultural diversity, could be very helpful to increase our understanding on the differences and similarities in the definitions of culture and the goals of national cultural policies among the five Member States.

Suggested joint programmes in the area of cultural diversity

1. Preparation of a project inventory on cultural diversity, to be carried out jointly in the next five years.
 - Cultural diversity and democracy (cultural right)
 - Cultural indicators for Cultural Diversity in East Asia
 - Promotion of Creativity through Cultural Pluralism, etc.
2. Study and publication of text books for primary schools: cultural diversity and universal values in East Asia.
3. Making a documentary film series, "Cultural Diversity in East Asia," with the participation of national broadcasting companies.
4. Women's Cultural Diversity Film Festival.
5. Special travelling art exhibition "Towards Cultural Diversity".
6. ASP and youth activities relating to cultural diversity (East Asian Youth Festival on Cultural Diversity).
7. Networking of university/institutes on cultural diversity in East Asia.

Cultural Diversity and Development

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Mongolia*

A new approach for the development of humanity in today's globalizing world was proclaimed more than ten years ago at the UN Summit on Environment and Development held in Rio de Janeiro – a doctrine that has come to be known as “sustainable development”. Viewing social development as interconnected with nature, the environment and human life, this idea is founded on the principle that development must be managed in accordance with definite laws concerning the environment and human development.

The establishment of sustainable development based on a proper balance between the environment, society, and the economy must draw upon people and human society, community awareness, customs, and specific intellectual and cultural values. Therefore development issues have lately come to be viewed in tight connection with basic human rights and freedoms, notably the state and realization of economic and political rights and freedoms. UNDP, UNESCO, UNICEF and other specialized organizations within the United Nations system have devoted considerable energy to giving a human face to development in this era of globalization.

For the past fifteen years, the United Nations Development Program (UNDP) has annually published a *Human Development Report* dedicated to the most important issues in human development. The 1999 *Human Development Report* was dedicated to the issue of “Globalization with a human face”, while the 2004 report is devoted to the issue of protecting and developing cultural liberty and cultural diversity, one of the basic problems of human development. This timely report is of particular significance in directing the attention of the world community towards new trends in world development. The UNDP has entitled this report “Cultural Liberty in Today's Diverse World”.

UNESCO, the United Nations Educational, Scientific and Cultural Organization, undertakes a range of activities to satisfy the cultural rights and freedoms of humanity, to protect and preserve cultural diversity and the tangible and intangible cultural heritage, and to transform these into creative forces for human development.

With these objectives in mind, a “Universal Declaration on Cultural Diversity” was unanimously ratified in 2001 by the 31st session of the UNESCO General Conference.

These documents are valuable in combating the views that conflicts, disputes and clashes between cultures and civilizations are inevitable in the 21st century, and in fostering the confidence of nations and peoples from around the world that the protection and mutual understanding of cultures and their diversity is a reliable means of preserving peace around the world and establishing peaceful and more meaningful lives.

Now I will introduce basic background of Cultural Diversity in Mongolia and some of the main activities in Mongolia within the UNESCO Universal Declaration on Cultural Diversity.

Cultural Diversity in Mongolia Background

For more than two millennia, the Mongols and their ancestors have lived by herding sheep, goats, cattle, horses and camels in the steppe and desert of Central Asia. The territory that is now Mongolia has

been inhabited by a succession of nomadic peoples – including the Hunnu, Khidan, Turks, Uigurs and Kyrgyz – each of whom left their distinct imprint on the cultural landscape of our nation.

As the contemporary Mongolian population is relatively homogeneous, with ethnic Mongols making up nine-tenth of the populace, one of the challenges that faces us today is ensuring that the cultural rights and liberties of our minority groups are respected and nurtured by the public and by the State. Approximately 82 percent of the Mongolian population is made up of Mongols belonging to the Khalkh ethnic group. Our largest minority population is Kazakh, largely concentrated in the westernmost province of Bayan-Ulgii, which constitutes around 5 percent of the total population. The remainder of our population is made up of more than twenty Mongolian and Turkic ethnic groups, including the Buriat, Durvud, Bayad, Tuvan Uriankhai Dukha or Tsaatan“ Reindeer People”, Zakhchin, Torguud, Uuld, Myangad, Darkhad, Barga, Uzemchin, Khamigan and Chantuu. Each of these minority groups retains its own distinct dialect and cultural traditions.

Landlocked and strategically located between Russia, China and Tibet, Mongolia has played a significant role in maturing cultural diversity in Asia.

A shining example is Zanabazar, the first Bogdo Gegen (1635-1723), was the most accomplished Buddhist sculptors in Asia. Historical sources record that he worked in several media, but it is his bronze sculptures that have earned him the greatest renown. Influenced by the Nepalese artists who had been called to the court of Khubilai Khan in the thirteenth century, Zanabazar created sculptures that are noteworthy for their sensuality and refinement.

The main principles, concerning the protection of cultural diversity and development.

The constitution of Mongolia and other laws guarantee the basic cultural rights and freedoms of each of these minority groups, including the freedom to practice their own religion and to be educated in their mother language. Yet in practice there are many obstacles to ensuring the equality of cultural rights for all minority groups. Increasing economic centralization, in particular, has led to the impoverishment of regional minority groups, and to the assimilation of ever-greater numbers of migrants into the central Khalkh culture. In effect the permanent collapse of state-supported industries in peripheral regions in the early 1990s, and the subsequent increase in the gap between urban and rural employment levels and incomes, has led to urban migration on a massive scale; by some estimates the population of Ulaanbaatar has nearly doubled since 1990.

Although minority-language education and specific cultural services are well established for the Kazakh population of BayanUlgii, there are insufficient resources to provide similar benefits to smaller minorities. Among the most disadvantaged populations are the Tsaatan (Reindeer people), a tiny ethnic group of Turkic origin related to the Tuvans, who live by forest-based reindeer-herding and hunting to the west of Lake Khuvsgul. As of 2002 there were just 42 Tsaatan families, constituting a total population of only 207. With only 28 nomadic Tsaatan children out of 322 pupils in the district boarding schools, there are insufficient resources to provide all educational services in the Tsaatan dialect; yet as a result the Tsaatan language has become highly endangered, with many children now possessing little more than a basic vocabulary.

Access to health care and similar services is also a concern for the Tsaatan, who face up to four days' journey by reindeer in winter to reach the district hospital. To combat such problems the Mongolian National Commission for UNESCO, “The Sparkles of the Spirit” foundation, Mongolian Reindeer Foundation, and the Governor’s Office of Renchinlkhumbé district (soum) of Khuvsgul Province (aimag) have proposed to cooperate in establishing a culture and information centre for the Tsaatan minority, which will include a local radio station and training centre. The Government of Mongolia’s strategy to preserve cultural diversity includes a focus on reviving the musical traditions of the Urtiin duu, or traditional folk “Long Song”, and the Morin Khuur , or “Horse-Fiddle”, which was proclaimed by UNESCO a “Masterpiece of Oral and Intangible Heritage of Humanity” in 2003. A nation –wide study of these traditions and home-based training program are now underway. A series of regional folk arts festivals has been organized over the past several years to reward the bearers of local traditions.

Conclusion:

1. Cultural policy should be one of the key components of development strategy.
 - Co-operate internationally and regionally in engaging in cultural activities to tackle the challenges of urbanization, globalization and ongoing technological changes.
2. Creativity and participation in cultural life are roots of cultural tradition.
 - Encourage to establish new regional links between culture and the education system so as to ensure full recognition of culture and cultural rights and the arts as a fundamental dimension of education for all, develop artistic education and stimulate creativity in education programmes at all levels.
3. Practicing to safeguard and enhancing the cultural heritage, tangible and intangible, moveable and immovable and cultural industries should be listed on the top of the all cultural working documentation.
 - Strengthen training schemes for national specialists and cultural administrators and managers.



Cultural diversity and Regional cooperation in East Asia

*By Dr. Sookhee KWAK
(28 June 2005 in Seoul, Korea)*

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Outlines

- * **I. Introduction**
 - * Cultural diversity of the region
 - * Definition of cultural diversity
 - * Crisis of cultural diversity in the Asia-Pacific region
 - * Issues related to cultural diversity
 - * Interconnected issues
- * **II. Necessity of EIU**
 - * Necessity of EIU
- * **III. Role of APCEIU and its regional activities**
 - * Background of APCEIU
 - * Missions of APCEIU
 - * Main Function of APCEIU
 - * Programme of APCEIU
 - * Activities of APCEIU
 - * Sub-regional workshop
- * **IV. Towards a culture of cultural diversity in East Asia**
 - * Propose
 - * Considerations



Cultural Diversity of the Region

- * In the Asia-Pacific region, which is characterized
- * by its diversity of culture, language, religion and socio-economic system
- * Diversity in East Asia: China, Korea, Japan, Mongolia, DPRK etc.: at sub-regional level, at national level, at local level



Definition of Cultural diversity

- * Culture+ Diversity: cultivated vs not-cultivated diversity
- * Diversity of Culture: equality of cultures, Exchange of cultures, Mutual respect,
- * Purpose: Sharing of diversity, richness of cultures, benefit of whole society: Social, economic more benefits, give and take, learning to live together, work together
- * Culture: Culture of living, tradition, language, community sharing(in broad sense): Protection of cultural heritage, Protection of mother tongue Language (in narrow sense)
- * Universal value vs individual rights

Trends in the Asia-Pacific region

- * -cultural diversity vs globalization
 - * -cultural diversity vs conflicts and violence / in non-peaceful situation
 - * -cultural diversity vs sustainable development
 - * -cultural diversity vs social equality
 - * -cultural diversity vs ICT
-
- * Diversities in East Asia as neighbor countries:
 - * East Asia vs. other sub-region in the Asia-Pacific region
 - * East Asia vs. other regions

Interconnected issues

- * replacing structures of militarization with structures of peace)
- * living with compassion and justice (sharing resources, promoting equity)
- * promoting human rights and responsibilities
- * practicing intercultural respect, reconciliation and solidarity; cultural respect
- * living in harmony with the earth; sustainable development



Cultural Respect and Solidarity

- * **Human rights** (Cross cutting) – incl cultural & linguistic rights (indig. refugees)
- * **Social and Cultural Inclusion** – democratic participation in all areas of life
- * **Diversity** – Respect for diversity and sharing commonalities
- * **Unity in Diversity** - universal values of cultures & spiritual traditions
- * Universality vs relativity – tribal practices/universal rights
- * **Productive Diversity** – diversity as a socio-economic benefit, sharing & learning from each other, productive synergies
- * **Mutual Respect**, Protection of culture, identity, language, faith, heritage
- * **Tolerance** acceptance of diverse cultures, languages, faith, spiritual traditions
- * **Indigenous issues** – linguistic, cultural, spiritual, land rights, traditional law, lifestyle, traditional knowledge, harmony with all life
- * **Countering Racism**, discrimination, xenophobia
- * **Reconciliation**, forgiveness, healing
- * **Equity**, equal opportunity, equal access (gender & marginalised)
- * Structure of **power** relationships –gender, indig, refugees, status
- * Individualism vs Collectivism sharing cultures/dominating cultures
- * **Peace**, non violence, conflict resolution, reconciliation, forgiveness, healing



To preserve cultural diversity

Cultural diversity can not be preserved without:

- * **Peace**
- * **Equity**
- * **Human rights**
- * **Cultural respect and solidarity**
- * **Sustainability**

Issues related to cultural diversity

- ✦ Indigenous people, identity, culture and language; sustainability ; nature; land; rights to hunt, to fish such like life –style of tribal peoples, Indigenous knowledge, protecting of knowledge (hubs, heritage of culture, value) ; misusing of company/ big capital, for example; drug, violating of peace, harmony with the life
- ✦ Migrant workers' culture, identity
- ✦ Refugees
- ✦ Dalit; social classes, or status
- ✦ Myth, spiritual tradition, customary laws, trivial law, Human rights issues, Myth can be interpreted, Superstition
- ✦ Gender issues or human rights
- ✦ Racism, human rights, equality
- ✦ reconciliation ; forgiveness, non-violence, conflict resolution, mediation, healing

Necessity of Education for International Understanding (EIU)

- ✦ From preservation cultural diversity to promoting cultural diversity:
- ✦ passive vs. active
- ✦ dead vs. live
- ✦ tangible vs. intangible
- ✦ Education for cultural diversity;
- ✦ Education for International Understanding: peace, equity, cultural respect and sustainability

Background of APCEIU

- ✦ **Establishment of Asia-Pacific Centre of Education for International Understanding under the auspices of UNESCO (APCEIU) in August 2000**
- in accordance with the 30C/Resolution 17 of the 30th UNESCO General Conference (1999) and an ensuing Agreement between UNESCO and the Government of the Republic of Korea.

Mission of APCEIU

- ✦ **The establishment of APCEIU is in line with the UNESCO key instruments to promote international understanding and peace through education.**
- ✦ **Such as the:**
- ✦ **- 1974 Recommendation concerning education for peace, international understanding and co-operation and education relating to human rights and fundamental freedoms,**
- ✦ **- 1994 Declaration and Integrated Framework of Action on Education for Peace, Human Rights and Democracy**



The main functions of APCEIU

- To strengthen national and regional capacities in education for international understanding;
- To encourage and facilitate collaborative links between Asia-Pacific initiatives and other regional, international and global efforts in education;
- To organize training workshops and seminars;
- To implement research and development of the philosophy, teaching teaching methods and curriculum of education for international understanding
- To produce and disseminate teaching materials and other publications




Programmes of APCEIU

- ✦ Training Workshops on EIU for Teachers and Educators at regional and sub-regional levels
- ✦ Development of EIU Curriculum and Teaching Module
- ✦ Development of EIU Teaching/Learning Materials
- ✦ Target group: Children, youth, students, teachers, teacher educators,



Activities of APCEIU

- Asia-Pacific training of teachers & teacher educators: Education for international understanding
- youth as peace messengers: peace education and conflicts transformation
- peace class for children and teachers; intercultural understanding
- development and dissemination of peace story in local languages: language and cultural diversity



Teacher Training Workshop

- ✦ In particular, as a key dimension of its mission, APCEIU has organized and conducted professional development workshops for teachers and teacher educators from countries in the Asia-Pacific region.

Sub-regional Workshop in 2003

- * in 2003 APCEIU co-sponsored the sub regional ASP workshop
- * education for sustainable development in Northeast Asia
- * with UNESCO Beijing Office and Chinese National Commission for UNESCO
- * March 25-28, 2003 in Beijing
- * Sri Lanka and India
- * with Ministry of Education in Sri Lanka, GTZ, and Maysore University in India
- * November 1-7, 2004 in Sri Lanka
- * November 8-9, 2004 in India


Propose

- * **Public awareness: actors in school, civil society, or company, stakeholders etc.**
- * **Effective ways to further promote EIU/cultural diversity as main streaming**
- * **Various collaborative initiatives have been taken at local school, national, regional and international levels for multiply impacts**
- * **Synergy**
 - **Cross linkages within UNESCO and**
 - **Institutional partnerships**



Consideration

- * Diversity
- * Identity / solidarity
- * Unity ; commonality in Diversity
- * Power relationship in terms of culture : structural / power / cultural biased
- * Methodological approach: Participation, decision making, democratic process, not form, medium of communication
- * Local thinking; national thinking: regional thinking



Thank you

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ACCU Regional Programmes on Intangible Cultural Heritage For Encouraging and Safeguarding of Cultural Diversity

OHNUKI Misako

Director,

Culture Division

Asia/Pacific Cultural Centre for UNESCO (ACCU)

Backgrounds:

Nobody denies that Asia and the Pacific is one of the world's most culturally diverse regions. How could we contribute to the preservation and promotion of cultural pluralism and identity through community-based activities and programmes in this region? There are so many hurdles, which are deeply and crucially rooted in issues like eradication of illiteracy, enhancement of basic education, poverty, discrimination against women and minority people, and so on. There are over 597 million people who cannot read and write in this region. Women comprise two-thirds of the region's illiterate population. Those people are likely to be socially, culturally, politically, and economically disadvantaged and oppressed. On the other hand, traditional bearers or practitioners are often the most important target for awareness-raising activities as they themselves are directly responsible for ensuring that transmission is actually taking place. In such a situation, the safeguarding of programmes involving intangible cultural heritage is closely related to the empowerment of the people, which could motivate the local people living under various circumstances to preserve, maintain and revitalize it. So we must overview this reality of Asia and the Pacific in order to plan and promote effective ways of safeguarding ICH programmes in this region.

In line with the principles of UNESCO, ACCU has been taking initiatives in implementing programmes on the safeguarding of tangible and intangible cultural heritage, book development and literacy education, jointly with Asian/Pacific UNESCO Member States since its inception in Tokyo in 1971. Particularly, following the latest movements of UNESCO, we have been placing special emphasis on the field of Tangible and Intangible Cultural Heritage by adopting an innovative and strategic policy since the end of the 1990s. In order to further strengthen our activities in this field, ACCU established in 1999 in cooperation with Nara Municipal government as a specialized focal point in the field of Tangible Cultural Heritage. On the other hand ACCU Tokyo office has shifted itself to focus on the Intangible Cultural Heritage Programme

1. HUMAN RESOURCE DEVELOPMENT

ACCU puts emphasis on Human Resource Development through workshops and training programmes on ICH in order to build capacities of cultural personnel and experts to safeguard ICH.

As the UNESCO Convention for Safeguarding of the Intangible Cultural Heritage demands that “to ensure identification with a view to safeguarding, each State Party shall draw up, in a manner geared to its own situation, one or more inventories...” in Chapter III Article 12-1. ACCU organized in 2004, as a part of heritage management programme, Workshop on Inventory-making for Intangible Cultural Heritage Management to share the situation of national/local ICH inventories in participating countries, to identify the challenges involved, and to establish some model steps for inventory-making, which could be adopted universally.



During the course of the Workshop, however, the approach to the Workshop conclusion shifted, due to its sheer difficulty. Ultimately, the experience and ideas contributed by the participants were put together in “Recommended Approaches to Inventory-making and Some Examples of inventory-making Programmes and Methodologies,” which should serve as a good foundation for future programmes in

the field. The group visited the city of Chichibu to experience a concrete example of Japanese ICH: they witnessed some aspects of "Festival float events and Kagura of Chichibu Festival" (designated as an Important Intangible Folk Cultural Property by the Japanese government) and met its practitioners. ACCU intends to hold its follow-up workshop in Southeast Asia in 2005.



2. NETWORKING AND INFORMATION SHARING: ACCU DATA BASE ON ICH

(URL: <http://www.accu.or.jp/paap/>)

Based on the strong recommendation expressed by the participants of the Regional Seminar for Cultural Personnel in Asia and the Pacific, which ACCU organized in 1998, ACCU developed Data Bank on Traditional/Folk Performing Arts in cooperation with Member States in the region. This Data Bank consists of three main parts: 1) Traditional/Folk Performing Arts, 2) Institutions/Organizations involved in their Preservation and Promotion, and 3) Country Background. Those data were collected from 18 countries by sending out data sheet prepared by ACCU and was compiled by ACCU in consultation with experts on ICH. Listed items of each country in this Data Bank were selected by the decision of respective Member States.

In March 2005, it started to provide streaming videos of the nine performing arts of Japan, in cooperation with Japan Broadcasting Cooperation (NHK), as an example of the expected inclusion of more videos of performing arts in other countries in the region.

ACCU intends to develop it and serve as **a Data Base of Intangible Cultural Heritage** in the near future, to include more information such as information about additional genres of ICH, as well as a new section on education to provide learning materials for young people such as a book titled “Intangible Cultural Heritage Around You.” ACCU also plans to develop a Japanese version of UNESCO’s web site of “Proclamation of Masterpieces of the Oral and Intangible Heritage of Humanity” to provide the Japanese public with information about UNESCO Masterpieces in cooperation with the Intangible Heritage Section of UNESCO.

ACCU hopes that the introduction and sharing expertise of developing process will provide the Member States with a very brief know-how and methodology of inventory-making process.

3. EDUCATION/AWARENESS-RAISING: MATERIAL DEVELOPMENT

(1) Materials on ICH for Young People

In order to share and appreciate cultural diversity in Asia, ACCU and some Asian countries started to document folk tales, traditional handicrafts, festivals, and traditional music and make available a series of books, LP records and cassette tapes with guidebooks around the middle of the 1970s. *Festivals in Asia*, *Folk Tales from Asia for Children Everywhere*, *Traditional Handicrafts in Asia and the Pacific*, *Folk and Traditional Music of Asia*, and *Musical Instruments of Asia and the Pacific* are



some examples of joint production since the 1970s. *Folktales from Asia* and *Festivals in Asia* were published under ACCU’s copublication programme, ACP. 29 titles have been produced in English prototype to be translated into local languages. For example, *Folk Tales from Asia* was published in 32 Asian languages plus 9 languages in other regions. The number of copies produced of this series is so far about 2 million.

For the production of the 30th title of ACP, ACCU organized the First Working Session for Drafting Guidelines for “Intangible Cultural Heritage Around You (tentative)”, in Bangkok, from 29 June to 1 July 2004, to determine the production guidelines and an editorial policy for the book, and to decide on its basic structure and draft contents.



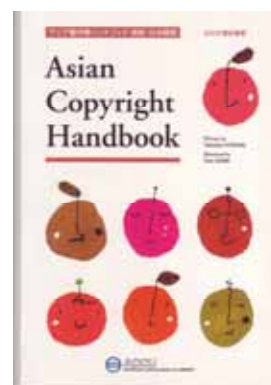
Many of the experts involved in safeguarding ICH activities in Asian and Pacific express their concerns that nowadays young people are not actively interested in their own traditional cultures and that there is an urgent need to raise awareness among them through providing them with good materials, for example, and to encourage transmission of the

expression from one generation to the next. The book idea was planned to provide countries with a visually-edited, quality book on ICH that will inform children and young people about the wealth of traditional performing arts and other ICH existing around them, and to get children and young people interested in ICH, in the form of both the UNESCO Masterpieces and cultural expressions/spaces in their own country.

This is draft dummy of the material. ACCU intends to start inviting Member States to submit texts and photographs so that the first volume will be published in 2006.

(2) Materials on Copyright for Encouraging and Safeguarding Cultural Diversity

It is an important issue to protect the rights of those who express their cultures, to encourage cultural and artistic activities from the judicial and make these rights a priority within the cultural policies of Asian countries, which are now being involved in rapid globalization. Intellectual properties, including copyrights, must be shared as cultural products by all mankind and are, as a source of intellectual activity, essential for the cultural development of each country.



own
angle

ACCU started a new programme on copyright promotion in 2004 under the auspices of Bunkacho (Agency of Cultural Affairs in Japan), so as to promote better understanding of copyright and to eradicate unauthorized exploitation of intellectual property in the region. A very basic introductory textbook for learners "Asian Copyright Handbook" was published in English, in November 2004. Now all the contents of the Handbook are being released in our APPREB Website <http://www.accu.or.jp/appreb/>

For the effective dissemination of the handbook, holds national workshops to draft national versions with adaptation to suit learning needs and local situations, in two or three countries every year. The first workshop was organized in Viet Nam, with the attendance of UNESCO's Legal Advisor and other experts. As the outcomes of this workshop Vietnamese version of the Handbook will be published very soon.

4. OTHER ACTIVITIES FOR ENCOURAGING CULTURAL DIVERSITY

(1) International Conference "The Safeguarding of Tangible and Intangible Cultural Heritage: Towards an Integrated Approach" organized in Nara

The above conference was organized by UNESCO and Bunkacho (Agency for Cultural Affairs Japan) from 20-23 October 2004 in the World Heritage City of Nara, Japan. ACCU joined cooperating bodies of the Conference as one of the secretariat to support this epoch-making conference. The conference was

planned to mark the occasion of the 40th anniversary of the Venice Charter in 1964, and of the 10th Anniversary of the Nara Conference on Authenticity in 1994, under the current UNESCO's new initiative in the field of intangible cultural heritage, adoption of the Convention on Safeguarding of ICH in 2003. This conference aimed to find out possible approaches to safeguarding tangible and intangible cultural heritage.

42 scholars and experts specializing in current tangible and intangible heritage activities participated, from 23 countries all over the world. The conference was inaugurated by Mr. Matsuura, Director-General of UNESCO and adopted the Yamato Declaration on Integrated Approaches for Safeguarding Tangible and Intangible Cultural Heritage on the last day. This Declaration can be downloaded at:

http://portal.unesco.org/culture/en/file_download.php/caa396baafc5505e342c75eeab9d99a1Yamato_Declaration.pdf

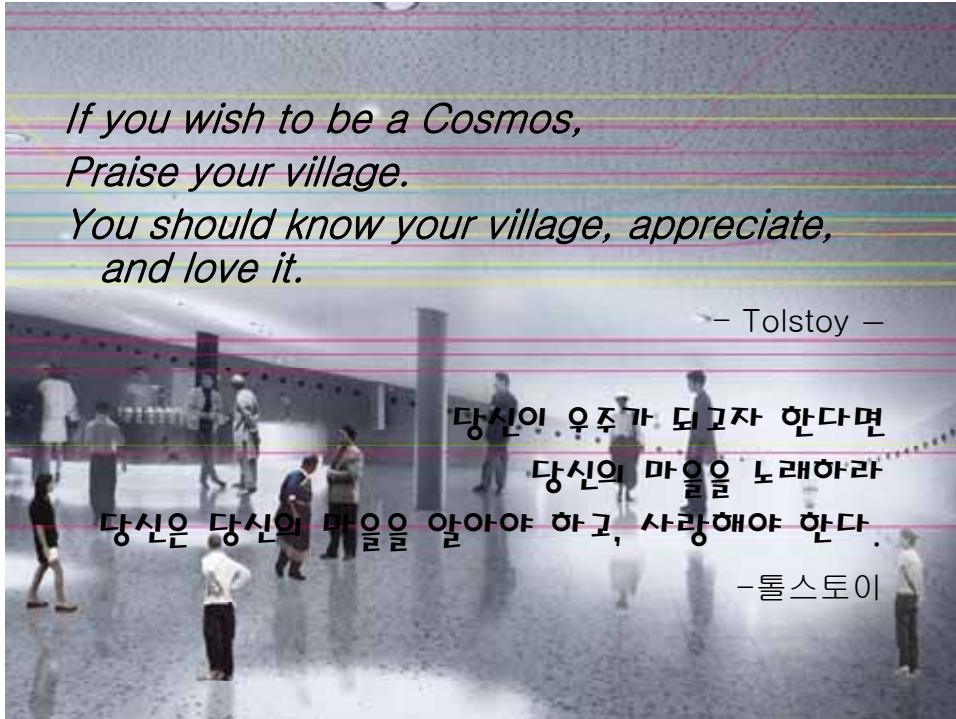
(2) 14th Noma Concours for Picture Book Illustrations(<http://www.accu.or.jp/noma/>)

ACCU holds concours for picture book artists in Asia and the Pacific, Africa, the Arab States, Latin America and the Caribbean, who have relatively few opportunities to publish their works. In many countries, books for children are often translations of European and American stories and tales. Therefore, we consider it very important to support local artists in producing their own picture books, so that children will have more opportunity to be exposed to and appreciate their own culture and history and, eventually, diverse cultures around the world.



The International Jury Meeting for this biennial concours for adult artists was held on 16 February in Tokyo, and 33 excellent works were selected from among 439 entries from Asia, the Pacific, Africa, the Arab world, Latin America and the Caribbean. The Grand Prize goes to “My Home” by a Mongolian artist called Ms. Bolormaa Baasansuren.

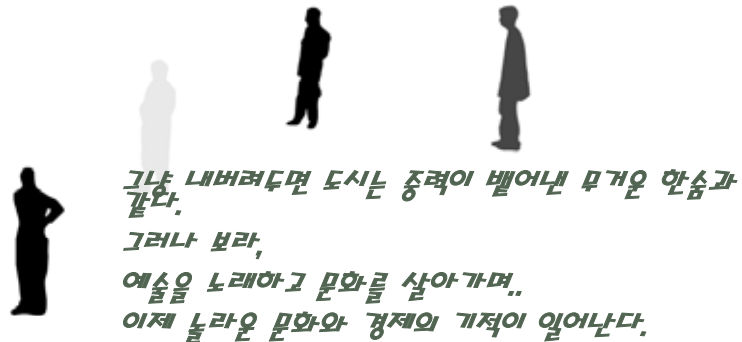
What I have outlined will not be an easy task and require a lot of funds, expertise and time. Some of your time during the Forum should be devoted to a discussion on how to establish network in East Asia to share our expertise on Safeguarding of Cultural Heritage and to start activities to expect a high standard in the region. What we should agree on at this Forum is our decision that we will launch a new initiative based on our jointly accumulated experiences. Otherwise, we will lose precious cultural heritage in the region common to humanity day by day. Let us make joint efforts to preserve the cultural diversity of our world.



If you leave the city as it goes, it is like a heavy sigh
that the gravity of the earth disgorged.

But, behold,

An astounding cultural economical miracle arises now.





Contents

- 1. In Gwangju, a Culture city, a fresh paradigm sprouts**
- 2. Cultural space : the Asian Cultural Complex(ACC) is a cultural power plant**
- 3. Proposals of programmes for regional collaboration in East Asia**



In Gwangju, a Culture city, a fresh paradigm sprouts



- Gwangju is the central city of the southwestern area of Korea and a local hub of the national transportation system.
- It covers an area of 501.32km² and has a population of 1.4million.
- Gwangju is called the City of Art, Taste, and Righteousness.

In Asia, what is becoming?

□ Asia, what is the extent?

Is not

– is not a term denoting some closed exclusive geographic territory.

Is

– is a global cultural mass sharing a variety of values beyond the geographical neighborhood.

Asia, Neighbors ; Similar while different

⚙ *Is common*

– is in common for having a similar modern history of undergoing colonized times and then dictatorial regimes during the course of the economic development

⚙ *Is different*

– is different for having the religious regional cultural uniqueness and diversities.

⚙ *Is common*

– is in common for degrading their traditional knowledge and experiences as the consequence of internalizing the Western value system.

⚙ *Is different*

– is different for the strength of economy between nations; the national competitiveness spreads from high through low rankers.

Culture, as a driving force to communicate and to create

- *Is*
 - is a fundamental element to re-join severed individual communities together.
- *Is*
 - is a vital process to improve living conditions that individuals and society demand.
- *Is not*
 - is not opposing against economy.
- *Is not*
 - is not explicable merely by economic theories.
- *Is*
 - is an element making an economic benign cycle of the production and the consumption revolve, the element that is mixed with new industries and transformed into a key economic factor

The space of resistance and alienation, thus, a possible city, Gwangju



- *have been*
 - there has been a history of endless resistance against the social unrighteousness.
- *have been*
 - there has been the democratization movement against the dictatorial regimes

So many similarities between Asia and Gwangju

- *Similar to*
 - is similar for having the history of alienation, exclusion, and resistance.
- *Similar to*
 - is similar for having well-preserved community consciousness due to the relative alienation during the industrialization
- *Similar to*
 - is similar for having potential opportunities to produce a new paradigm for the 21st Century.

Gwangju: a new model for a city

● *Will be*

- will be an alternative model of a city to that of the Western ones.
- will be a sound city with the firm basement of common sense.
- will be a future-oriented city bearing the Asian way of thinking and seeing.



What Gwangju wants to achieve



Want to achieve

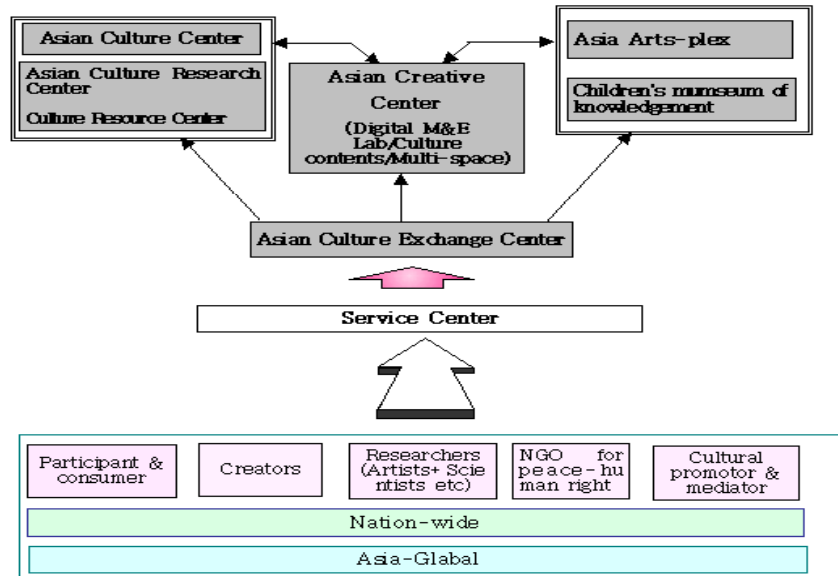
- a city that can be the base for exchanging and communication hub of Asian Cultures.
- Major base camp for Asian cultural coalition and exchange.
- Centripetal point of the cultural democracy and cultural diversity.

First step and main facility

- The national project, started in 2004, to make Gwangju a new cultural hub-city of Asia will be completed by the year 2023.
- The principle building construction of the project for the ACC(Asia Culture Complex) is scheduled to start in 2005 and to be completed in 2010.



The main facilities of Asian Cultural Complex(ACC)



For the understanding of Asian cultures and the demand for making them valuable

✿ Exchange of Asian Culture

- Representative cultural artists and craftsmen from Asia, hoping to work and research together, will now have a chance to realize their dream through connection in cultural creativity and cultural industries.

✿ R& 3D(Development, eDucation, Diffusion) on Culture of Asia

- The ACC will serve to accumulate a store of Asia's diverse traditional knowledge, produce the newest media, and provide a space for global-level understanding of international culture, cooperation, and prosperity for the future.

✿ EduCulture & Cultural activities

- The ACC will promote cultural creativity with preschool children, primary school students, and junior high school students. It would be an enjoyable locale for the average citizen and a creative venue for culture and the arts in which people participate.
- Before construction of ACC, cultural activities begin with Asian Artists, members of NGO, researchers in the field of Asian culture which is recognizing the significance of the Asian values while witnessing the limit of the Western paradigm.

Proposals of programmes for regional collaboration in Asia



Developing * Sustaining * Promoting the arts & art organizations

1. Develop production binding the latest technology to tradition including Asian Value
2. Support arts education and training networks
3. Promote experimental Asian art and creative collaboration
4. Institute a civic cultural movement in Asia to promote coexistence and the common good
5. Assume and pass on the spirit of the Gwangju Democratization Movement from a cultural perspective

Exchange & sustainment : Asian Cultural Partnership Initiative

- To explore best practice in developing integrated arts organization, NGO's that their work is related 'human right', 'peace', 'democracy' etc
- To support In-service training for person who are involved arts organization in Asia
- To develop experimental performing arts & a multi-art form project with professional
- To organize a seminar and related workshops for community workers, to develop their skills and support a network

Asian culture symposium & Asian culture forum

- to accelerate efforts to identify a need to create a network among Asian cultural movements
- to scrutinize the regional identity of Asia in a globalization era
- To provide international network and exchange for artists, art organization and NGO collaborating to create the Asian value

Artists in residence

- To run a series of creative production activities for Asian artists who are strongly involved Asian tradition knowledge
- To run a shadowing and mentoring programme for artists keen to develop special skills in the field of the arts
- To support a pilot event and studio performance for experimental artists.
- To organize young artists who want to research and develop an Asian art form

