DIFFERING DIVERSITIES

TRANSVERSAL STUDY
ON THE THEME OF CULTURAL POLICY
AND CULTURAL DIVERSITY

by Tony Bennett

followed by
seven research position papers

Cultural Policy and Action Department

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Preface

The present text constitutes a methodological approach to cultural policy and cultural diversity. To the best of my knowledge, it is the first inquiry to look in a concerted way at the relations between cultural policy and cultural diversity from a comparative international perspective.

It is to the credit of the Council of Europe's Culture Committee to have seen the need for, and the prospective value of, work of this kind at this historical moment. However, it is to the credit of the author, who has no former experience of working in an intergovernmental context, that such a report, of such practical value, has been realised. Forty-four member states, representing an extraordinary mix of cultural diversity, have unanimously endorsed the methodology and findings of this report. It is clear that Mr Bennett possesses a quality, rare in academics; he has the capacity to make very complex ideas broadly accessible and understandable. The art of translation apart, the methodology and conclusions also deserve special comment. The elaboration of these elements is very clear and succinct in the text and, for that, I will limit myself to several brief remarks.

The methodology for the development of the national reports, which together form the basis of the study, was worked out in close co-operation with the authors of the reports and the Council of Europe Secretariat. This complex task was very well realised. The decision to begin by taking account of the history of legal and political accommodation to longstanding conditions of diversity, in each national jurisdiction, was vitally important. This approach gives validity to the historical individuality of each jurisdiction, enabling us to take account of the specific debates, which animate a period of generalised transition. In this, the approach is true to the essence of intergovernmental co-operation: the attempt to search for an approach to a generalised international reality from within a context of respect for the particular.

I will limit myself to one general remark with respect to the conclusions to the report. Mr Bennett, in the introduction to his report, reproduces the Council of Europe Secretariat contextual statement for the activity:

> Cultural diversity, in all its forms, is posing a profound challenge to traditional formulations of cultural policy, and to our understanding of the public interests served by this policy. In most countries the artistic and cultural landscape has not evolved to reflect the realities of a changed social landscape. This rift threatens to undermine the legitimacy of cultural institutions and the public policy that supports them. The shift from homogeneity to diversity as the new

social norm requires a rethinking of the processes, mechanisms, and relation-
ships necessary for democratic policy development in diverse societies.

Mr Bennett's conclusions return us to the issue of citizenship and the nature of
democratic public policy in culturally diverse societies. The conclusions, in fact,
focus the activity on one of the central concerns of the Council of Europe as a
whole. At the end of the second world war the Organisation was invested with the
task of protecting and sustaining the most crucial elements of the European com-
mon heritage: democracy, human rights and the rule of law. Perhaps one of the
most critical challenges with respect to this historic role has been finding a way to
reconcile democratic public policy with the condition of cultural diversity.
Cultural diversity invests national cultural policy with the responsibility to define
the new conditions of equity and fairness for cultural participation. The report
illustrates the fact that to make democracy possible in our new environment, we
will have to re-configure the political meaning of citizenship to take account of the
overwhelming importance of the cultural dimension.

I am honoured to work for an organisation, which has the courage to confront the
vital and pressing issue of developing democratic cultural policy for cultural
diversity. I am grateful to the national administrations of those states represented
in the study to have provided such intellectually competent and personally com-
mitted authors of the national reports. And I am extremely heartened to note that
this report gives clear focus to the fact that our current history of radical institu-
tional change is giving birth to a formidable partnership: that between academic
theory and political pragmatism. This report illustrates that it is a partnership with
enormous potential to realise the goal of securing a just and democratic environ-
ment for all peoples and all cultures.

VERA BOLTHO,
Head of the Cultural Policy and Action Department
of the Council of Europe

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1. The Republic of Montenegro is one of the two republics of the Federal Republic of Yugoslavia.

Part I

**Differing diversities:
transversal study
on the theme of cultural policy
and cultural diversity**

Acknowledgements

The study: background, context and methodology

Background

The study reported on here forms a part of the programme of transversal studies of cultural policies developed by the Cultural Policy and Action Department of the Council of Europe's Directorate of Culture and Cultural and Natural Heritage. This programme aims to complement the Council's national cultural policy reviews by considering the lessons to be drawn from a comparative and contrastive analysis of the structures, procedures, and instruments that support the development, implementation and assessment of cultural policies in different national contexts.

The Cultural Policy and Cultural Diversity study involved participation from six member states – Austria, Belgium, Bulgaria, Luxembourg, Switzerland, and the United Kingdom – and, as a country enjoying observer status with the Council of Europe, Canada. Authorised at the 18th session of the Council of Europe's Culture Committee, meeting in Strasbourg from 21 to 23 April 1999, the study was conducted over the period September 1999 to September 2000. The methodology for the study was developed at two meetings – the first in September 1999, the second in February 2000 – involving the project consultant, the national co-ordinators for each of the participating countries, and the Secretariat of the Cultural Policy and Action Department (see appendix).

Context

The following statement outlines the project team's understanding of the context in which the study was conducted, and its purpose in that context:

> The overall objective of this study is to understand and support the development of democratic cultural policy in the context of culturally diverse societies. There are a great number of ways of approaching and defining cultural diversity. This study takes account of cultural diversity as it is expressed both as a result of a historical process of patterns of migration into and across different states, as well as cultural diversity that has subsisted within different polities over longer periods of time.

The international context in which national policy is developed is changing the landscape in which citizenship assumes a meaning. This context is bringing cultural participation and cultural policy into greater focus. National cultural policy has a new role to play in the new citizenship landscape. In order to perform as a democratic cultural policy it will need to define the conditions of equity and

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fairness for cultural participation. It will need to embrace diversity rather than cultural homogeneity as a norm.

Cultural diversity, in all its forms, is posing a profound challenge to traditional formulations of cultural policy, and to our understanding of the public interests served by this policy. In most countries the artistic and cultural landscape has not evolved to reflect the realities of a changed social landscape. This rift threatens to undermine the legitimacy of cultural institutions and the public policy that supports them. The shift from homogeneity to diversity as the new social norm requires a rethinking of the processes, mechanisms, and relationships needed for democratic policy development in diverse societies.

A further period of work is planned. This will focus on the practical implications of changing international contexts for the development and implementation of cultural diversity policies at the national level.

Methodology

The study was divided into two phases.

PHASE 1

This comprised the preparation of descriptive national reports by the national co-ordinators for each of the participating states. It was agreed that, while having due regard to the specific circumstances and peculiarities of different countries, each of these reports should address four main issues.

Issue 1: Cultural democracy, cultural citizenship and cultural policy

A discussion of the general themes and issues relating to debates about the relationships between cultural democracy, cultural citizenship, and cultural policy at the national level.

Issue 2: Mapping cultural diversity

An examination of the specific forms of diversity characterising the demographic characteristics of the population, focusing especially on longstanding autochthonous minorities and the new communities resulting from post-war immigration. This is complemented by a consideration of the legal and civic status of such groups in society and the key points of tension characterising their relationships to "mainstream" society.

Issue 3: Mapping cultural policy

A brief history of the development of cultural and media policies over the post-war period identifying the scope and dimensions of such policies, the administrative structures through which they are developed and implemented, and the principal

recurring unresolved tensions that have governed cultural policy debates and directions.

Issue 4: Cultural policy responses to cultural diversity

A description of the policies and strategies (legislative frameworks, laws, regulations, support measures, etc.) at the national level that focus on the specific opportunities for, or barriers to, the promotion of cultural diversity.

PHASE 2

This comprised three components: a programme of in-country site visits by members of the project team to each of the participating states; the commissioning of research position papers on selected transversal topics; and the preparation of the final report.

In-country site visits

The programme of visits was conducted from early May to late June 2000 with the countries visited in the following order: Canada, Belgium, Luxembourg, Switzerland, Austria, Bulgaria, and the United Kingdom. The sites visited in each country were chosen by the national co-ordinators as a means of illustrating different aspects of the interfaces between cultural policies and cultural diversity in the country in question. A common component in all visits was a meeting, or meetings, with senior policy officers and community representatives for the purpose of a round-table discussion of the problems and prospects for cultural diversity – and the implications of these for cultural policies – in the country in question. An agreed statement of the key issues arising out of each in-country visit was prepared on the basis of the records arising out of the meetings and consultations comprising each visit.

Research position papers

Seven research position papers were commissioned from acknowledged experts in the relevant fields, with a general brief to review the existing literature relating to the research topic in question and to recommend on strategic directions for the conduct of future research relevant to that field. These research position papers, listed below, are presented in part II of this publication:

– "The consequences of European media policies and organisational structures for cultural diversity" by Denis McQuail.

– "Assessing the implementation of cultural diversity policies" by Arnold J. Love.

– "The cultural policies of the European Union and cultural diversity" by Cris Shore.

– "Cultural planning and cultural diversity" by Lia Ghilardi.

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– "The implications of international copyright law for cultural diversity policies" by Mira T. Sundara Rajan.
– "The role of the media in the cultural practices of diasporic communities" by Annabelle Sreberny.
– "Preserving cultural diversity through the preservation of biological diversity: indigenous peoples, local communities and the role of digital technologies" by Rosemary J. Coombe.

Final report

The brief for the final report, as agreed at the second co-ordination meeting, was that it should offer an analytic perspective on the role that cultural policies concerned with the maintenance and promotion of cultural diversity can play as a strategic vehicle for the development of forms of cultural democracy and citizenship that are appropriate to the changing relations between peoples and polities at the start of the twenty-first century. The forms of cultural diversity to be considered should concentrate on both those associated with the patterns of migration that have characterised the post-war period, and the in situ forms of cultural difference that have resisted assimilation within dominant national cultures over extended periods.

Organisation of the report

The report is organised into six main sections. The role of each of these is summarised below:

Introduction

This outlines the interpretation of transversal methodology that underlies the study and offers a preliminary statement of the case for "differentiating diversities" that the report advocates. The relationship of this case to the study's specific focus on those forms of cultural diversity associated with post-war migration and the longstanding claims to differences of sub- or multinational, autochthonous, and indigenous cultural minorities is outlined.

The challenge of diversity

This identifies the different ways in which sub- or multinationalist, autochthonous, diasporic, and indigenous claims to cultural diversity challenge the strong tendency of nations to construct themselves as homogenising cultural formations governed by the logic of one people, one culture, one history. The specifically European parameters relevant to current debates about diversity are reviewed as are debates about globalisation and their relevance to the concerns of the study.

Diversity, citizenship, and cultural policy: comparative perspectives

This summarises the findings of the national reports in relation to three main issues:

i. the composition of the population in each of the countries studied in terms of its division into different ethnic or cultural groups, and the resulting priorities for cultural diversity issues;

ii. the relations between different levels of government and the distribution of responsibility for different forms of diversity between these, and the influence of legal and constitutional definitions of citizenship on approaches to diversity;

iii. the post-war development of cultural policies in their bearing on the management of cultural diversity.

Culture, government and diversity: policy contexts

This reviews the civic, administrative, social, economic, and conceptual contexts in which cultural diversity policies are developed. It also identifies the implications of these contexts for the ways in which cultural diversity policies are defined and pursued in different jurisdictions.

Cultural policies and cultural diversity

This reviews a range of the specific policy instruments through which arts and cultural ministries and related agencies seek to promote cultural diversity through, for example, particular kinds of arts funding, employment and training policies, and the regulation of broadcast and other media.

Conclusions: cultural diversity and cultural democracy

This reviews the prospects for the future development of the forms of cultural diversity examined in the study and places these in the context of broader debates about the relations between cultural diversity, cultural democracy and cultural citizenship. The report concludes in reviewing the measures that might be taken by the Council of Europe and its member states to further transversal approaches and the development of cultural diversity policies.

Executive summary and recommendations

In its broader meaning, when interpreted in the light of the concerns of cultural democracy, the promotion of cultural diversity involves supporting the right to be different of all those who, in one way or another, have been placed outside dominant social and cultural norms: disabled people, gays and lesbians, women, the poor, and the elderly as well as immigrant or indigenous groups. The needs of more finely-grained policies, however, require that the issues involved in these differing diversities be distinguished from one another.

The forms of diversity focused on in this study are those ethnically-marked cultural differences associated with the international movement of peoples and, within national territories, the claims to difference associated with the protracted struggles of *in situ* minorities to maintain their identity and specificity in the face of the homogenising force of national cultures. These are distinguished from other diversities by the respects in which they challenge the basic grammar of national cultures in emerging from relations between peoples, histories, cultures and territories which cannot be reconciled with nationalist projects. They also involve forms of difference that have been tangled up with the histories of racism and colonialism which have played so crucial a part in the processes of nation formation.

These forms of diversity can be further divided into four types:

i.   sub- or multinational, which dispute the homogenising tendencies of national cultures, but do so on the basis of essentially similar strategies by articulating a competing set of associations between a territory, its people and their culture;

ii. autochthonous, distinguishing the situation and circumstances of ethnically-marked minority communities that are the result of earlier movements of peoples (or of national boundaries) within Europe;

iii. diasporic, referring to the cultures produced in association with the histories of displaced peoples, involving the development of mobile international cultural networks operating across, and offering an alternative to, the territorial logic of national cultures;

iv. indigenous, which, developed in the context of resistance to colonial histories of occupation, typically contest dominant national cultures, by national mappings of people, culture, history and territory mobilising deeper and longer histories of indigenous cultural continuity.

There are three major European contextual factors that need to be taken into account in considering the relations between cultural policy and cultural diversity:

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i. new forms of international mobility which introduce new forms of hetero-geneity into the populations and cultures of Europe;

ii. the contradictory consequences of the European Union's concern with greater European cultural integration as a precondition for greater social and political integration;

iii. the protracted phase of adjustment between the peoples, cultures, histories and territories of central and eastern Europe with those of western Europe occa-sioned by the collapse of the Soviet Union in 1989.

Caution is counselled in interpreting the direct consequences of globalisation for cultural diversity in view of the relatively minor impact of global population movements on many of the countries examined. The potential of new communi-cations technologies to act as a force for diversity by breaking down the homo-geneity of national audiences and allowing greater point-to-point as opposed to centre-to-point communication is considered.

Five policy contexts are identified as having a significant bearing on the general directions of cultural policy approaches to diversity and the circumstances in which such policies are developed:

i. civic contexts concern the distribution of civic rights across the different groups falling under the jurisdiction of a national polity, and the kinds of divi-sions these establish between different sections of the population in terms of their cultural rights and entitlements. The principal differences between the states examined in the study in these regards concern the extent to which their conceptions of citizenship are based on assimilationist, implicitly pluralist, or explicitly multicultural principles;

ii. administrative contexts can constrain or broaden the prospects for diversity depending on the kinds of policy dynamics they enable. The relative merits of devolved and centralised forms of cultural policy administration are consid-ered, as are those of direct versus arm's-length systems of cultural administra-tion and the increasing tendency to conscript communities as agencies of cul-tural governance;

iii. social contexts refer to the social objectives that cultural diversity policies are connected to, usually in ways which either qualify or give a particular inflec-tion to those policies. Although the formulations may vary, there are usually three common elements involved in the overarching social objectives within which cultural diversity policies are set: a commitment to diversity, a commit-ment to principles of social justice, and a commitment to the continuing unity and integrity of the national culture. The consequences of these considerations are illustrated by examining the implications of the concepts of social integra-tion, social inclusion and social cohesion for approaches to cultural diversity;

iv. economic contexts comprise an increasingly influential consideration for cul-tural diversity given the perception that diversity constitutes a cultural resource that needs to be nurtured and managed from the point of view of the economic

benefits it might bring through cultural exports or a thriving cultural industry sector;

v. conceptual contexts are those provided by the understandings of the concept of culture which define the scope and directions of cultural diversity policies. Cultural policies now often eschew the restrictive implications of high or aesthetic conceptions of culture by embracing the anthropological definition of culture as a way of life and then pluralising this to define, as the remit of cultural policies, a concern with the ways of life of all of the different groups in a society: different social classes, different ethnic groups, different nationalities, and so on. The need to revise such conceptions in order to attend to the flows and crossovers between cultures, and the patterns of their intermingling that are produced by the movement of peoples and the restless cultural mixing that now characterises developed cultural markets, is considered.

Five general areas of concern are proposed for examining the role of the varied policy instruments through which arts and cultural ministries and related agencies seek to promote cultural diversity:

i. cultural policies and public spheres is concerned with the respective roles of cultural policies that seek to diversify the national public sphere comprised of "mainstream" cultural and media institutions, and those which aim at the promotion of a range of different public spheres to serve as the vehicles for debate, cultural expression and solidarity within and between the members of specific minority groups;

ii. the changing social dynamics of diversity registers the need for cultural policies to take account of the dynamics of diversity as these emerge out of the measures that the members of minority groups take to maintain an active involvement in their cultures and of the resources they draw on for such purposes. Relevant issues here include the role played by the new media – video, satellite, cable television, and the Internet – in the cultural practices of minority communities;

iii. cultural markets are affected by the actions of governments which, in regulating the conditions in which such markets operate, can play a significant role in enhancing the social dynamics for diversity that emerge out of the community and associational life of different cultural traditions and the relations between them;

iv. cultural policy and everyday life takes account of how the procedures through which cultural policies are developed and put into effect might need to be adjusted in response to the ways in which ethically-marked cultural differences inform not just artistic and media preferences but are knitted into the fabric of everyday life. This perspective is of particular relevance to the procedures of new models of cultural planning in their concern with how cultural resources are used in the contexts of the varied arts of living which jointly constitute the texture of everyday life in specific towns or cities. It also affects the relations between intellectual property standards and cultural diversity with particular regard to the situations of indigenous or traditional peoples;

v. assessing for diversity identifies the need for the implementation of cultural diversity policies to be subjected to more developed, but culturally appropriate quantitative and qualitative forms of assessment if they are to be able to compete with, or be integrated into, the demand for increasingly rigorous and sophisticated forms of assessment that increasingly characterise other areas of cultural policy.

Having noted the similarities between sub- or multinational, autochthonous, diasporic, and indigenous claims to difference, it is argued that the situation of immigrants – and especially non-European Union immigrants, strangers from afar – is the most precarious in all of the countries surveyed. Progress in strengthening the relations between cultural democracy and cultural diversity here requires that questions of citizenship be placed clearly at their centre.

Four principles, reflecting the more general perspectives of cultural democracy, might assist in developing the cultural entitlements that will need to form a part of a revised vocabulary of citizenship appropriate to the shift – mostly still a demand rather than an accomplished reality – from polities based on the normative principle of homogeneity to ones based on the principle of heterogeneity:

i. the first consists in an entitlement to equal opportunity to participate in the full range of activities that constitute the field of culture in the society in question;

ii. the second consists in the entitlement of all members of society to be provided with the cultural means of functioning effectively within that society without being required to change their cultural allegiances, affiliations or identities;

iii. the third consists in the obligation of governments and other authorities to nurture the sources of diversity through imaginative mechanisms, arrived at through consultation, for sustaining and developing the different cultures that are active within the populations for which they are responsible;

iv. the fourth concerns the obligation for the promotion of diversity to aim at establishing ongoing interactions between differentiated cultures, rather than their development as separated enclaves, as the best means of transforming the ground on which cultural identities are formed in ways that will favour a continuing dynamic for diversity.

It is recommended, with a view to further promoting and debating international practices in cultural diversity policies, that the Council of Europe and its member states should:

i. enlarge the international scope of its transversal study of cultural diversity policies;

ii. facilitate the development of international codes of best practice in cultural diversity policies through a programme of regional conferences and seminars;

iii. work to broaden and extend the range of constituencies that need to be involved in the development of cultural diversity policies;

iv. support and resource the development of international information networks on the development of cultural diversity policies;

v. facilitate the establishment and co-ordination of national and international research networks able to develop and conduct longer-term transversal research projects into the development, implementation and effectiveness of cultural policies for diversity.

It is further recommended that, in taking these steps, the Council of Europe should initially be guided by five priority themes:

i.   decentralisation and cultural planning approaches to diversity;

ii. cultural entrepreneurship and diversity;

iii. culture and the management of conflict;

iv. cultural diversity in everyday life;

v.   majority/minority public spheres.

Introduction

Transversal perspectives

On leaving Belfast after the final day in the country visit to the United Kingdom – itself the last of the country visits in the second phase of the study – my eye was caught by a heading on the letters page of the *Belfast Telegraph:* "Injection of cultural diversity needed". The case argued in the letter in question was that Northern Ireland would benefit from increased immigration to produce "a kaleidoscope of world cultures [that would] dilute the polarised views of the two cultures" which dominated the political landscape.[1] This echoed the concerns that had been voiced at a meeting earlier that afternoon with representatives of the relatively small Indian, Pakistani and Chinese communities in Northern Ireland. There was general agreement that the complex intersections of the religious and political affiliations which define the two main cultural traditions in Northern Ireland – Loyalist and mainly Protestant on the one hand, Republican and mainly Catholic on the other – so overwhelmingly dominated the concerns of cultural policy that questions relating to the cultural distinctiveness of Asian and other minority communities rarely received the attention they merited. There was also general agreement among the representatives of the "two cultures" who were at the meeting that a broader approach to cultural diversity would be welcome both for its own sake as well as for the possibility that it might help to lower the level of political intensity that still governs debates concerning the relations between the two main cultural traditions in Northern Ireland.

My point in beginning with this anecdote is to underline one of the most significant aspects of the way this study has been conducted and certainly one of its most compelling lessons. This concerns the irreducible specificity of the terms in which questions of cultural diversity are posed in different national contexts in view of the ways in which they emerge out of specific national histories and trajectories. The specific texture of the historical ground from which current debates about cultural diversity in Northern Ireland emerge, and the legacies that those debates must work through, are not replicated in any of the other countries participating in the study. But then the same can be said about each of these. The continuing historical force of the division between the French-speaking and Flemish communities in Belgium, and the complexity of the ways in which these and other cultural divisions are accommodated within the relations between the federal, community, and regional levels of government; the unique place of the cantons in Switzerland and their role in maintaining the plurilingualism that constitutes one of the hallmarks of Swiss cultural diversity; the clear differentiation, in Austria, of approaches to

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1. *Belfast Telegraph,* 28 June 2000, p. 12.

the forms of diversity associated with autochthonous minorities from those associated with immigrant communities, and the strong directive role of the national government in Austrian cultural policy development; the complex counter-currents of competing claims to cultural rights and recognition that are associated with Canada's First Nations, the varied cultural communities produced through successive periods of immigration, and the separatist aspects of Quebec nationalism – in these ways, and others, the interfaces between cultural policies and cultural diversity are deeply shaped by specific national cultural, political and administrative traditions.

It is in view of considerations of this kind that this study has aimed to be fully alert to the specific differences and peculiarities of the national cultural and policy formations of each of the participating countries. This has meant respecting, rather than merely paying lip-service to, the protocols of transversal methodologies with their requirement that research be regarded as a process of unfinished dialogue between different perspectives or standpoints which does not aim at some final resolution of the points of difference between them.[1] It has also meant recognising that, however much current debates about cultural diversity may reflect more general processes – the increased velocity of international cultural flows, for example, or new patterns of international labour mobility – and however much these may seem to require more co-ordinated forms of international or regional response, there can be no by-passing the consequences of the ways in which these processes connect with nationally specific histories, structures of government, cultural traditions, and systems of cultural administration.

This is not to suggest that there can be no transfer of lessons or experience from one context to another. What it does suggest, though, is that "transversal learning" is likely to be more productive the more it is alert to the specific circumstances of different national, and local, contexts. Otherwise, the "best practice" derived from one context may prove to be "worst practice" if simply translated to another context without due regard for its distinctive aspects.

Focusing diversity

It is for similar reasons that we should be wary of grouping together all forms of cultural diversity if this is at the expense of recognising significant differences between them: between the histories from which they emerge, the kinds of challenge they pose, and the policy responses they require if the ways in which governments engage with them are to be inventive and culturally appropriate. It is true, of course, that the vocabulary of "cultural diversity" has a broader currency than the specific focus that has been adopted in this study which is limited to those forms of diversity associated with the patterns of migration that have characterised the post-war period, and *in situ* forms of cultural difference that have resisted assimilation within dominant national cultures over extended periods. In its

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1. See Yuval-Davis, 1999.

broader meaning, when interpreted in the light of the concerns of cultural democracy, the promotion of cultural diversity involves supporting the right to be different of all those who, in one way or another, have been placed outside dominant social and cultural norms: disabled people, gays and lesbians, women, the poor, and the elderly as well as immigrant or indigenous groups, for example.

There is much value in this broader usage. From one perspective, groupings of this kind acknowledge that the recognition that is now given to claims to cultural diversity are a response to what have been, if not common, then interacting histories of struggle against the effects of the earlier homogenising tendencies of national cultural policies. The value of a common politics of support connecting these varied claims to cultural entitlement should not be underestimated. From a second perspective, groupings of this kind reflect the impact of human rights agendas and the role of intergovernmental agencies in disseminating and propagating these agendas as forces which national governments should take into account. Again, the value of connecting different claims to cultural entitlement to a common human rights agenda is not in question.

Difficulties can arise, however, if such groupings come to stand in the way of the more fine-grained distinctions that need to be made if more specific cultural policy issues and objectives are to be brought into appropriate focus. Three such difficulties might usefully be mentioned here.

The first is the risk that specific cultural diversity policies can lose their sharpness of focus when many different types of diversity are grouped together in this way and, in the search for a common denominator between them, subsumed within other policy agendas. This can happen where cultural diversity policies are defined as a sub-set of social inclusion policies since this often obscures the issues associated with the more difficult and distinctive aspects of contemporary claims to cultural diversity. What distinguishes the cultural perspectives of diasporic communities and indigenous peoples, for example, is less their demand for equal and inclusive cultural entitlements with all other members of society – although, this is, of course, a legitimate aspect of both indigenous and diasporic aspiration – than the demand for the right to maintain and develop specific cultural practices that will function as the organising foci for cultural lives that are not centred on the notional mainstream of a nationally defined society. Cultural diversity policies that are not sensitive to considerations of this kind are unlikely to meet the challenges that are now posed by new patterns of movement of both peoples and cultures.

The second is the risk that the concept of diversity will itself be eviscerated, emptied of any critical or productive content, if its usage becomes so extended and indiscriminate that it can be applied to any and all forms of cultural difference and invest an equal value in them. Nor is this an idle risk. It was clear, in discussions with the staff of a regional arts administration in one of the country visits, that the *realpolitik* of the circumstances in which they worked required that support for flower shows in rural church fêtes be seen as just as much a candidate for diversity funding as support for new, city-based cultural centres for minority ethnic groups or for the cultural activities of repressed minorities: the Roma/Gypsies, for

example. There are countless examples of this kind. Their effect, in disconnecting questions of cultural diversity from their relations to peoples who have experienced long-term cultural dispossession and a denial of ordinary civic rights, is to trivialise those questions. Where this is the case, those who have criticised the earlier formulations of multiculturalism as tending toward an empty celebration of difference have good reason for viewing the vocabulary of cultural diversity with a wary scepticism.[1] In place of making a fetish of difference, then, it is important that the focus of cultural diversity policies should be on the need for new kinds of "civic contracts" between the members of diverse populations and the jurisdictions in which they live.

The third difficulty is of a more general kind and echoes the concerns of Theodor Adorno when he argued that whoever "speaks of culture speaks of administration as well, whether this is his intention or not". Why? Because, Adorno argues (1991: 93), "the combination of so many things lacking a common denominator – such as philosophy and religion, science and art, forms of conduct and mores – (…) in the single word 'culture' betrays from the outset the administrative view, the task of which, looking down from on high, is to assemble, distribute, evaluate and organise (…)". Similar issues are at stake when the language of cultural diversity is used to bring together into the same administrative purview forms of cultural difference whose histories and social articulations often have little in common beyond the forms of cultural administration which constitute them as similar.

This is not to argue against the need for cultural administration or the need for such administration to divide the members of society into different categories for the purpose of developing particular policy objectives and devising the means by which to pursue those objectives. The issue is rather that the categories should be appropriate for the purposes at hand. The argument of this study is that, while useful for the purposes we have identified, the broader concept of cultural diversity does not bring into adequate focus the kinds of challenge represented by the forms of diversity produced by the patterns of post-war migration and *in situ* forms of cultural difference that have resisted assimilation within dominant national cultures over extended periods. For these both generate, and are generated by, distinctive cultural dynamics having to do with the relations between i. different peoples – usually defined in ethnic terms – and their cultural traditions, ii. the homogenising tendencies of nation-states, and iii. the history of racism. It is to a consideration of these matters that we now turn.

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1. A powerful and sustained case of this kind is advanced by Jan Blommaert and Jef Verschueren in their discussion of public debates about cultural diversity in Belgium (Blommaert and Verschueren, 1998). Ghassan Hage's criticisms of "zoo multiculturalism" tend in a similar direction. Hage's contention is that official multiculturalism often serves as a means of exhibiting diversity as a public testimony to the state's support for liberal and pluralist values (Hage, 1998). Paul Gilroy's criticisms of what he calls "corporate multiculturalism", in which major international corporations deploy racial signifiers of difference as a means of constructing a brand image of "timeliness, vitality, inclusivity and global reach", add to the repertoire of critiques cast in this vein (Gilroy, 2000: 21).

The challenge of diversity

Culture, time, and territory: cultural policies and nation formation

It is widely acknowledged that the history of cultural policies in western societies has been closely tied up with the development of those societies as nation-states. They have, in particular, been centrally implicated in those processes – absolutely central to nation formation – through which a people or ethnos is defined in terms of a particular culture, with both people and culture being treated as co-extensive with a particular territory.[1] Both people and culture, in such nationalist formulations, are also back-projected into the past in order to construct the histories of nations as those of a particular people, possessing a distinctive culture, having a long and continuous association with a particular territory.

That these are fabricated histories – or, in an influential formulation, "invented traditions" [2] – has detracted little from their extraordinary power to organise the terms in which millions of men, women and children perceive their relations to others and define their own identities. They have helped to constitute nations as, in Benedict Anderson's terms, "imagined communities" – communities of people who are imagined as essentially similar, who share a common identity as members of the same territorially defined society (the nation), and who share a common culture shaped by a shared history.[3] As such, these nationalist mappings of the relations between peoples, cultures, time and territory have had a strong in-built homogenising tendency: one people, one culture, one nation, one history. This is not to imply a total intolerance of difference. Nationalist mappings of the relations between peoples, cultures, time and territory often depict the national culture as a rich mix of diverse regional or local cultures. But these are differences of a particular kind, ones which can be accommodated within nationalist projects to the degree that their qualities can be portrayed as harmoniously blending with one another in the context of an encompassing and unifying national narrative.[4]

There is, however, equally little doubt that these homogenising tendencies have been less tolerant of other forms of difference. It is clear, for example, that the cultural work of depicting a "national character" and embodying this in idealised representations of men and women has resulted in the denigration and devaluation of the persons, bodies and cultures of gays, lesbians and disabled people. While

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1. See, for one of the most influential discussions of these questions, Poulantzas, 1978: 93-122.
2. The phrase comes from Hobsbawm and Ranger, 1983.
3. See Anderson, 1983.
4. See, for an insightful discussion of the different ways in which multicultural perspectives connect with nationalising rhetorics in the United States and Australia, Stratton and Ang, 1998.

reversing these tendencies is an important aspect of the broader agendas of cultural diversity, this need not involve a direct challenge to the unique configuration of the associations between people/culture/history/territory which give the homogenising strategies of nationalist discourses their unique spatial and temporal characteristics.

It is this that most distinguishes the forms of diversity focused on in this study: those ethnically-marked forms of cultural diversity associated with the international movement of peoples and, within national territories, the claims to difference associated with the protracted struggles of *in situ* minorities to maintain their identity and specificity in the face of the homogenising force of national cultures. For both challenge the basic grammar of national cultures to the degree that they involve relations between peoples, histories, cultures and territories which, in one way or another, are at odds with – which contradict, cut across, or cannot be reconciled with – those of nationalist projects. They also – in many cases, but not all – involve forms of difference that have been tangled up with the history of racism and its complex intersections with the history of colonialism which, in its turn, has played so crucial a part in the processes of nation formation within Europe and throughout the world.

If we have singled out these forms of diversity for special attention, then, it is because the challenge they represent is one which requires a significant reconceptualisation of the very logic and *raison d'être* of cultural policies. It requires, in essence, that the conditions in which cultural policies are developed and applied, as well as the ends to which they are directed, be looked at anew in the context of what are now increasingly recognised as the complex and varying ways in which the trajectories of peoples, cultures, and histories cut across, undermine, and provide alternatives to the territorial logic of national cultures. And this, in turn, requires that the issues that are posed by differing diversities should be carefully distinguished.

Differing diversities

It is true of all of the states participating in the study that their cultural policies are concerned with – to recall the brief for the study – "cultural diversity as it is expressed both as a result of a historical process of patterns of migration into and across different states, as well as cultural diversity that has subsisted within different polities over a longer period of time". The balance between these two kinds of diversity is, however, quite different from one country to another as are the legal, political, governmental and civic environments which determine the conditions in which cultural policies concerned with diversity can be formulated and developed. These are the considerations to which we turn in the next section in reviewing the findings of the national reports. It will be useful before doing so, however, to look more closely at these two kinds of diversity for they can themselves be further broken down into four claims to difference based on orderings of the relations

between peoples, cultures, histories and territories that challenge dominant nationalist constructions of these matters.

Sub- or multinationalist

Here, we have to do with claims to difference which dispute the homogenising tendencies of national cultures, but do so on the basis of essentially similar strategies by articulating a competing set of associations between a territory, its people and their culture. Quebec separatism and Scottish and Welsh nationalisms are the most obvious cases in point, although similar principles are involved in the relationships between the French-speaking and Flemish communities in Belgium while, in Switzerland, the strength of territorially-based cultural and linguistic communities is constitutionally enshrined in the federal structure of government.

Autochthonous

With respect to the countries participating in this study, this term has an officially recognised currency only in Austria where it is applied to the Slovenes in Carinthia and Styria, the Croats in Burgenland, or the Roma/Gypsies throughout Austria. The term is a helpful one in distinguishing the situation and circumstances of ethnically-marked communities whose minority and often subordinate status is the result of earlier movements of peoples (or of national boundaries) within Europe. The designation of such communities as autochthonous distinguishes their situation from that of more recent immigrants and, in doing so, places their claims to difference on a different footing: their long, continuing history of maintaining a distinctive culture and identity within the nation locates them as a more or less "natural" part of the national landscape. It also serves as a means of registering that, in many countries, cultural policies addressing these forms of cultural diversity are regarded as quite distinct from those addressing the circumstances of post-war immigrant communities. This is true, in different ways, of Austria, Switzerland, and the United Kingdom.

Diasporic

In recent debates on colonialism and post-colonialism, the concept of diaspora has been extended from its initial association with the Jewish diaspora to apply to the cultures produced in association with the histories of displaced peoples in the colonial and post-colonial periods. Its usage now also includes the mobile international cultural networks associated with the major international movements of population from less to more developed economic contexts: the Chinese diaspora; the Turkish diaspora in Europe; the Afro-Caribbean diaspora in the United Kingdom. Diasporic claims to difference constitute a profound challenge to the territorial logic of national cultures. In blending together, as James Clifford puts it (1996: 287), both "roots and routes" – that is, accounts of identities shaped by origins that are located elsewhere and subsequent histories of travel – diasporas

constitute "forms of community consciousness and solidarity that maintain identifications outside the national time/space in order to live inside, with a difference". As such, Clifford continues, they are "in constitutive tension with nation-state/assimilationist ideologies" (ibid.). Paul Gilroy (2000: 84, 111) makes a similar point, arguing that the "understanding of culture as a mutable and travelling phenomena" that has been developed in association with diasporas provides an alternative to "the powerful claims of soil, roots, and territory" in offering a basis for placeless ways of imagining and organising identities.

Indigenous

The situation of indigenous peoples – most obviously represented in this study by the First Nations in Canada – is sharply different. For indigenous claims to separate cultures and identities, far from featuring histories of travel, stress, as Clifford puts it (1996: 287), "continuity of habitation, aboriginality, and often a 'natural' connection to the land". Developed in the context of resistance to colonial histories of occupation, contemporary indigenous cultures typically contest dominant cultures by mobilising deeper and longer histories of indigenous cultural continuity which undermine national mappings of people, culture, history and territory by highlighting their relations to relatively recent histories of violence and conquest.

It should be added that these bases for the development of distinctive cultural formations and their claims to difference may conflict not just with dominant national cultures. They are often in tension with one another. Multinationalist claims to diversity, for example, often entail a devaluation of other bases for diversity to the extent that their success depends on the mobilisation of strong nationalist sentiments: the apprehension that Quebec separatism would result in reduced cultural rights for Canada's First Nations and varied Asian diasporas living in Quebec is a case in point. Recognition of these "differing diversities", and of the different challenges – and opportunities – they present, is crucial so far as the fine-grain of cultural diversity policies is concerned. However, it is equally important to take account of some common contextual factors – some of them specifically European, others more general international tendencies – affecting the circumstances in which questions of cultural diversity are now posed.

European and international contexts

In a useful survey, Tariq Modood has suggested that three factors distinguish the context in which questions of cultural identity are now posed in the "new Europe". They are:

The impact of several decades of both immigration and the use of so-called guest workers from (depending on the state in question) the Caribbean, Africa, Turkey, the Middle East, and Asia. Fuelled mainly by the demand for labour in the growth economies of western Europe, the consequence of these new forms of international mobility has been to introduce new forms of heterogeneity into the

populations – and cultures – of Europe. "These movements of people, often from former colonies, whether welcome or not, have", as Modood puts it (1997: 1), "created a multiculturalism that is qualitatively different from the diversity of personal lifestyles or cultural differences of historic, territorially based minorities that already characterise some western European communities."

Second, there is the continuing development of the European Union which, in its promotion of elements of a shared conception of citizenship across member states and tendency toward closer economic and political integration, opens up the prospect of a multicultural suprastate. Yet, while there is no disputing the force and relevance of the European Union, the extent to which its influence is likely to act as a force for diversity is widely and hotly contested. Seen from one perspective, the European Union agendas of citizenship can act as a force for enhancing the legal and civic rights of minorities in all member states. From another, however, the attempt to build and mobilise popular support for the idea of Europe has resulted, especially since the Maastricht Treaty of 1992, in a European Union cultural policy which, in promoting the idea of a common European culture and heritage rooted in the Christian and classical traditions, has functioned as a significant barrier to diversity in its exclusion of those cultures – from Islam to reggae – associated with Europe's new immigrant populations.[1]

The end of the cold war and the collapse of the Soviet Union in 1989 has inaugurated what will be a protracted phase of adjustment of the relations between peoples, cultures, histories and territories in Europe that particularly affects the countries of central and eastern Europe as these begin to reconstruct and reconceptualise themselves, their relations to each other within those regions, and their relations to western Europe. Debates centred on the "harmonisation" of the relations between such countries and the European Union in the areas of civic and human rights have a particular pertinence for the agendas of cultural diversity in these regions. A related challenge for diversity policies arises from the series of refugee crises arising out of the collapse of earlier political units, and the rapid multiplication of homeless and displaced peoples in mainland Europe.

The more general international tendencies that need to be taken into account in view of their relevance to all the states participating in the study are those centring on the concept of globalisation. The issues here are complex and need to be approached with caution. The term often covers many different phenomena – the patterns of world trade, the international mobility of labour, the organisation of international cultural flows – so that little sensible headway can be made without looking at each of these separately. Once this is done, the notion that general and unqualified references to globalisation can account for much soon evaporates. We do not by any stretch of the imagination live in a globalised world in which the movement of peoples, goods, culture, and information across and between

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1. This argument is developed at length by Cris Shore in research position paper 3: "The cultural policies of the European Union and cultural diversity". Shore has argued the same point at greater length elsewhere: see Shore, 1993.

countries is untrammelled by national and regional jurisdictions.[1] But this, equally, does not mean to say that, in some circumstances and some contexts, the concept does not – as a useful shorthand – identify tendencies that are new and worth noting.

From the perspective of our concerns here, two things stand out. First – in corroboration, extension and qualification of a point made already – the patterns of migration to many European countries and to Canada in the post-war period can, especially since the 1960s, accurately be described as increasingly global in character in view of the higher proportion of immigrants coming from outside the regional blocs to which they belong.[2] At the same time, though, this is far more true of some countries than others where the consequences of this aspect of globalisation have been negligible. In European Union countries, for example, the proportion of immigrants from non-European Union countries as a proportion of immigrants from European Union states was, according to 1995 data, 38.5% for the United Kingdom, 5.4% for Belgium, 3.1% for Austria, and 0.8% for Luxembourg.[3] It should also be noted that Bulgaria is not a country of immigration, and that cultural diversity issues there accordingly centre on the two largest internal minority communities – the Bulgarian Turks and the Roma/Gypsies.

Second, a series of new developments in communications technologies – video-cassette recording, satellite television transmission, multichannelling, and the development of the Internet and World Wide Web – have significantly transformed the media environment and enhanced the capacity of messages to travel across national borders in ways whose long-term significance is difficult to assess. It is already evident, however, that the ways in which these developments have been connected to debates about cultural diversity are varied and, often, contradictory. However, many see them as a force for diversity in breaking down the homogeneity of national audiences and allowing greater point-to-point as opposed to centre-to-point communication, thereby facilitating more varied patterns of international global flows which may prove crucial in sustaining those new social dynamics of diversity that run against the grain of the relations between people, culture, history and territory which characterise dominant national cultures.[4]

The questions posed by these and other new social dynamics of diversity are returned to in the section on cultural policies and cultural diversity. We now turn, however, to look at some of the more significant aspects of the different social, civic, administrative, economic and conceptual contexts informing the ways in which questions of cultural diversity are posed in different national settings. We do so, first, by reviewing the main findings of the national reports as they bear on considerations of this kind.

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1. See, for a useful antidote to the worst excesses of globalisation rhetoric, Hirst and Thompson, 1996.
2. See, for a discussion of the post-war patterns of international migration, Held et al., 1999: chapter 6.
3. See Melotti, 1997: 73.
4. See, for a good summary and review of this literature, Cunningham and Sinclair, 2000.

Diversity, citizenship, and cultural policy: comparative perspectives

This section reviews the national reports in order to identify the principal similarities and differences between each of the countries participating in the study in regard to three sets of issues:

i.   the composition of the population in terms of its division into different ethnic or cultural groups, and the resulting priorities for cultural diversity issues;

ii. the relations between different levels of government and the distribution of responsibility for different forms of diversity between these, and the influence of legal and constitutional definitions of citizenship on approaches to diversity;

iii. the post-war development of cultural policies, the major organisational forms through which cultural policies are developed and implemented, the distribution of responsibility for cultural policy approaches to diversity across different levels of government, and the connections between cultural policy approaches to diversity and other social and cultural policy objectives. I emphasise that any assessments implied or stated in these summaries are my own and not necessarily those of the authors of the national report in question.

Austria

Mapping diversity

Historically the most prominent forms of diversity in Austria have arisen out of earlier histories of movement across territorial borders, and the volatility of those borders themselves, and comprise a range of ethnic groups. The "autochthonous" ethnic groups are legally recognised as groups with specific cultural rights, the legal term being *Volksgruppen*. They comprise the Slovenes in Carinthia and Styria, the Croats in Burgenland, Hungarians in Burgenland and Vienna, Czechs and Slovaks in Vienna, and Roma/Gypsies in all nine provinces. For the most part, the *Volksgruppen* are experiencing decline in numerical terms, and in some cases significantly so: the number of Czechs in Vienna has fallen from 98 461 in 1910 to 6 429 in 1991. The numbers of immigrants, by contrast, are rising: those classed as foreigners currently constitute 9% of the population. The majority of these (56%) originate from the former Yugoslavia and 19% from Turkey. There is an unusual concentration of immigrants in Vienna, where they account for 17.6% of the population.

Governmental and constitutional provision for diversity

The rights of two of the recognised ethnic groups, the Croats in Burgenland and the Slovenes in Carinthia, were constitutionally enshrined in the Austrian State Treaty of 1955 which resulted from the negotiations held between the Austrian government and the allied forces on the subject of Austria's independence. The treaty, however, did not mention the rights of any other existing ethnic groups. The degree to which such provisions – focusing on such matters as language and schooling rights, and bilingual place names and road signs – have been honoured in practice has also proved variable. Often opposed by the German-speaking majorities at the provincial level, the federal government has also often failed to stand by these constitutional guarantees, frequently occasioning significant protest as a consequence. The new law of 1976 – the *Volksgruppengesetz*, or Ethnic Groups Act – has been seen as diluting the provisions of the 1955 treaty by the Carinthian Slovenes and Burgenland Croats and, as a consequence, has been contested on a number of occasions. However, it has also been welcomed by other ethnic groups – the Hungarians in Burgenland, for example, who had not previously enjoyed any specific legal provisions. There is no equivalent provision for the cultural rights of immigrants who also lack political rights and experience various forms of discrimination in the labour and housing markets, and in the delivery of social services. While questions concerning the need to rectify this situation were raised in the so-called "foreigners debate" of the 1990s, there has been only limited improvement in the formal rights of immigrants and there is currently considerable concern that their situation might deteriorate.

Cultural policy and cultural diversity

The history of cultural policy formation in Austria is characterised by two distinctive features: the unusually strong role of the state in cultural provision compared to the private sector; and the relative strength of the federal government in planning cultural policy even though, legally, "cultural sovereignty" is vested in the provincial governments. Characterised, in the immediate post-war period, by a conservative and limited focus on high culture, cultural policies acquired significant new directions in the 1970s. In response to the concerns of new social movements, there was a significant democratisation of the cultural sphere through the development of cultural policies that were intended to overcome barriers to cultural access based on relations of social class and gender. The 1990s also witnessed a major public debate about "cultural citizenship" in Austria which included a significant concern with questions of cultural diversity. This resulted in a blossoming of regional cultural initiatives directed mainly toward the cultural activities of the different *Volksgruppen* and, in the media sphere, in the experiment in media diversity (public broadcasting in Austria is a strongly centrally directed state monopoly) represented by the innovative "free radios" which are also platforms for immigrant communities. The stance toward immigrant groups, however, remained largely an integrationist one although new directions with a more explicit stress on the promotion of cultural diversity were outlined in the White Paper on the Reform of Cultural Policy in Austria that resulted from a review and

discussion process initiated in 1997. The subsequent change of government, however, has involved a review of these priorities with the consequence that the future of many of the initiatives developed in the 1990s – including that of the "free radios" – is now uncertain.

Belgium

Mapping diversity

There are three main kinds of cultural diversity in contemporary Belgium, each reflecting a different stage in its history:

i.   The longstanding historical divisions between linguistic groups – the Flemish, French- and German-speaking communities – with strongly marked, although not exclusive, associations with particular territorial divisions within Belgium.

ii. The recognition, since the late nineteenth century, of distinctive cultural groups – Catholics, socialists and liberals – based on specific belief systems, lifestyles and modes of political action.

iii. The arrival, largely over the post-war period, of immigrants from the European Union (62.2%) – mainly Italy, Spain, Greece and Portugal – and from non-European Union backgrounds (37.8%), mainly Morocco and Turkey.

The priorities for cultural diversity are accordingly seen as being with maintaining and developing these three forms of diversity while also balancing and reconciling the differences and contradictions between them. To date, these priorities have concerned mainly the first two kinds of diversity. Concern with the diversity of Belgium's immigrant communities is more recent and by no means so well consolidated in the structures of government.

Governmental and constitutional provision for diversity

The historical negotiation of the relations between Belgium's different language communities and its distinctive cultural groups has given rise to a dispersed system of government in which the principles of "plural citizenship" are secured by providing for a fluid set of relations between citizenship, territorial affiliation and cultural affiliation. This is achieved through the relations, at the sub-federal level of government, between the regions (the Flemish and Walloon regions, and Brussels-Capital) and the communities (Flemish, French- and German-speaking) which combine territorial and cultural principles in regulating the cultural affairs of those who are affiliated with a community either by living in a commune in a single-language region or by living in a bilingual commune and choosing the official language of that community.

There are no equivalent provisions in the structures of government for "plural citizenship" relating to the cultural rights of non-European Union immigrants, who largely lack civic rights. However, the question as to whether voting rights should be extended to such immigrants is currently high on the agenda of political debate in Belgium.

Cultural policy and cultural diversity

Cultural policies are largely the responsibilities of the communities, and there is no body at the federal level responsible for co-ordinating the cultural policies of the communities or for ensuring consistency between them. In the Ministry of the French Community, these responsibilities are largely discharged by the General Directorate of Culture which deals with the performing, heritage and plastic arts, books and literature, and youth and continuing education. Federal legislation passed in 1973 requires both the communes and the regions to take account of the beliefs and traditions of Belgium's distinctive cultural groups in framing and administering cultural policy. Cultural policies addressing the European Union and non-European Union immigrant communities within the French community have assumed a greater importance in the wake of the recommendations flowing out of the Royal Commission on Immigrant Policy established in the late 1980s. These policies, echoing the influence of French concepts of multiculturalism (the term "cultural diversity" has little official recognition in Belgium), place a strong emphasis on social integration. Their stress has thus fallen on the provision of opportunities for immigrants – officially described as foreigners – to acquire the language and cultural skills that will enable them to be more effectively integrated into Belgian culture and society. This orientation is now to some extent counterbalanced by the development of more positive approaches to the recognition of the distinctive cultures of Muslim immigrants. These are raising new issues for the relationship between cultural diversity and broader issues concerning the civic rights and status of Belgium's non-European Union immigrant communities.

Bulgaria

Mapping diversity

In ethnic and cultural terms, the population is mainly Bulgarian, accounting for 85.7% of the population at the 1992 census. Bulgarian Turks constitute the largest ethnic minority at 9.4% of the population, with especially heavy concentrations in specific regions of the country. The Roma/Gypsies count for 3.7% of the population. The remaining 1.2% of the population comprises a large number of relatively small ethnic groups, mainly from eastern and central Europe. Historically, Bulgaria has and continues to be a society of emigration – mainly to Turkey – rather than immigration. The cultural division between Bulgarians and Bulgarian Turks – which is also, in good measure, a religious division between Orthodox Christians and Muslims, although Bulgaria also has a large atheist population – has been a major source of social and political tension in the post-war period, particularly in the 1980s. The position of the Roma/Gypsies in Bulgarian society has always been precarious: they experience serious discrimination in the labour and housing markets, and in health and educational provision.

Governmental and constitutional provision for diversity

The Constitution of 1991 provides equal rights and freedoms for all ethnic groups and protects their identities. It prohibits the establishment of political parties on

ethnic, racial or religious bases, although the effects of this have been largely over-ridden by the registration, in 1990, of the Movement for Rights and Freedom which has since developed into a virtually exclusive vehicle for the political mobilisation and representation of Bulgarian Turks. The National Council on Ethnic and Demographic Issues was established in 1998 and has played a key role in developing and co-ordinating a Framework Programme for the equal integration of the Roma/Gypsies into Bulgarian society.

Cultural policy and cultural diversity

The place of cultural diversity in current Bulgarian cultural policies needs to be seen in the light of two overarching imperatives. The first is the pressing need – after the divisions of the 1980s, and the collapse of communism – to restore a viable sense of identity that can recruit broad public support and provide a basis upon which to negotiate the relations between different cultural and ethnic groups. The second is the need to manage the shift toward decentralisation, privatisation, and the introduction of market mechanisms into the production and distribution of cultural goods and services in place of the previous, strongly centrist and directive structures for cultural policy development that had been established over the period since 1945. There has been notable progress in some sectors here: the privatisation of the media has proceeded apace, with the rapid growth of commercial radio stations and cable television. There are, however, difficulties in a number of areas: the devolution of responsibilities from the central to the regional, district and local levels of government remains incomplete; there is relatively little experience in cultural industry development at the local levels of government; and the kinds of information that are needed for government to assist and regulate the activities of the private sector and the newly-flourishing non-governmental organisations (NGOs) operating in the cultural sphere have yet to be developed. Within this context, the national strategy for cultural policy managed by the Ministry of Culture embodies a commitment to the freedom of expression for all different cultural groups and communities as well as to providing information on cultural programmes in the languages of minority ethnic and religious groups. The Department for Regional Cultural Policy has special responsibilities for the promotion of cultural diversity.

Canada

Mapping diversity

As a colonial settler society, Canada has always been a society of immigration and, as such, there has always been a significant fault-line between Canada's settler population – mainly European in the first instance – and its First Peoples. This remains a significant aspect of Canada's diversity, which has become more complex over the post-war period as the major fault-line between the two major groups of European settlers – those of British origin and those of French origin – has developed into a major political division over the issue of Quebec separatism. At the same time, the changing patterns of immigration into Canada have produced

new fault-lines owing to the significant increase in immigration from, in the main, Asia. In 1954, nearly 95% of all immigrants came from Europe and the United States; by the mid-1990s, 60% of immigrants were from Asia, especially Hong Kong, India, the Peoples Republic of China, Taiwan, the Philippines, Pakistan and Sri Lanka. This, together with increased immigration from the Caribbean and on the part of Afro-Americans, has meant that questions of race have become a new factor in Canada's negotiation of diversity: the 1996 census classified 11.6% of the population as members of visible minority groups in the sense of being non-aboriginal people from non-white groups. In terms of linguistic diversity, English is the mother tongue of 60% of Canadians and French of 23% while 17% claim other languages as their mother tongue. Both French and English are official languages.

Governmental and constitutional provision for diversity

Canadian policies toward diversity have developed through a number of phases over the post-war period. Initially, from Canada's Confederation in 1867 to the early 1950s, they were characterised by the assumption that ethnic minorities and indigenous peoples should be assimilated into one of the "founding nations" of English- or French-speaking Canada. Immigration policies were also racially selective. The period from the 1950s to the 1970s was characterised by a growing ideology of cultural pluralism, an increasingly diverse society, and Canada's first formal policies of multiculturalism. The Canadian Bill of Rights (1960) barred discrimination on the basis of race, national origin, colour, religion or sex; Canada's racially exclusionary immigration policy was ended in 1962; bilingualism was acknowledged in the Official Languages Act of 1969; and Canada's first Multiculturalism Policy was introduced in 1971 – a policy that was significantly expanded in 1978 to include cultural enrichment and support for artistic and cultural expression. The period from the 1980s to the present is seen as one characterised by the insertion of multicultural issues within the broader agendas of cultural democracy and cultural diversity and, within that context, a more explicit recognition of diversity as a fundamental characteristic of Canadian society, and more formal mechanisms to implement a legislated policy on multiculturalism. This has been reflected in the Canadian Multiculturalism Act (1988), the Canadian Race Relations Foundation Act (1996) and the Renewed Multicultural Programme announced in 1997.

Cultural policy and cultural diversity

While cultural responsibilities are present at each of the federal, provincial and metropolitan levels of government, the agendas for cultural policy have always been driven from the federal level – currently by the Department of Canadian Heritage. This leading role, however, does meet with opposition, particularly at the provincial level and especially in Quebec where the federal government's involvement in cultural affairs is a bone of considerable contention. The relations between different levels of government have also been a source of difficulty in the delivery of diversity objectives which, while often clearly stated at the federal

level, often translate into practice much more patchily at the level of the local and metropolitan administrations which are responsible for providing services for new immigrants. In spite of Canada's formal commitments to multiculturalism, the strength of this commitment in cultural policies has varied over the period since the 1970s with economic objectives tending to prevail over diversity considerations throughout most of the 1980s and into the early 1990s. There was also a tendency throughout this period, and since, to connect questions of cultural diversity to Canada's wish to maintain the integrity of a distinctive Canadian culture, and cultural industry, in face of the all-too-palpable threat of Americanisation. The period since then has seen a renewed commitment to cultural diversity on the part of the Department of Canadian Heritage. Key priorities include:

i. the need to develop a more critical, conceptually coherent and empirically grounded approach to policy formulation and implementation;

ii. the need to sharpen the focus on institutional diversification and sectoral change, including developing better measures and indicators to assess change in cultural institutions and systems of cultural production;

iii. the need to direct greater attention to the local level in cultural policy and planning, and to find a new role for national policy in the local/global nexus.

Luxembourg

Mapping diversity

The major autochthonous forms of diversity in Luxembourg are organised in relation to the three officially recognised languages – Luxembourgish, as the national language, and French and German. While Luxembourg has a long history of immigration, questions concerning the position of immigrants in Luxembourg have assumed a distinctive significance in the period since the 1960s. This reflects the increased tendency over the period since then for immigrants who come to Luxembourg for reasons of employment to stay there rather than, as had been the earlier tendency, returning to their countries of origin. Immigrants now comprise 36% of the population with a particular concentration in the City of Luxembourg. Immigration is mostly from within the European Union with 13% of those classified as foreigners coming from Portugal, 5% from Italy, with Germany, Belgium and France being the next main sources of immigration. Portuguese and Italian immigrants tend to be concentrated in manual or service occupations, while immigrants from the other main European Union countries and America tend to be in professional or managerial occupations. Cross-border workers add a specific dimension to Luxembourg's daytime diversity, bringing the total of the immigrant and cross-border composition of the workforce to over 50%.

Governmental and constitutional provision for diversity

The principles of trilingualism for the promotion of Luxembourgish, German and French are protected and promoted by a range of constitutional provisions ensuring that official publications, schooling, the press, and broadcasting use all three

languages. The distinctiveness of Luxembourg's trilingualism consists in its concern to promote competence in and across all three languages rather than in organising and defending the rights of separate language communities. Since the 1970s, however, Luxembourgish has enjoyed a cultural resurgence and has been promoted especially actively since 1984 when it became the national language of the Grand Duchy. A variety of bodies – most notably the Government Commission for Foreigners and the National Council for Foreigners – has been established for the purpose of inducting and integrating immigrants into Luxembourg social and cultural life, and special consultative committees are established by local authorities where those classed as foreigners comprise more than 20% of the population. European Union immigrants have a range of political rights, including voting rights and the right to stand for election; non-European Union citizens do not have equivalent rights. Naturalisation is possible, normally after ten years residence or for the children of immigrants, provided that the criteria for adequate integration specified in the 1968 Luxembourg Nationality Act are met.

Cultural policy and cultural diversity

To date, the majority of official policy action has focused on the promotion of trilingualism and the distinctive cultures associated with the relationships and exchanges between the three autochthonous languages and their speakers. Such attention as has been given to the cultural situation of immigrants has been largely integrative in character and this has tended to come more from private associations – the Support Association for Immigrant Workers and the Foreigners Liaison and Action Committee, for example – than from public authorities. The activities of such associations have, in recent years, added to their social integration activities a more active promotion and celebration of cultural diversity – the 1997 Carnival of Cultures, for example – setting a lead which public authorities are now keen to follow.

Switzerland

Mapping diversity

There are two main aspects to diversity in contemporary Switzerland. The first, embodied in the principles of quadrilingualism and language territoriality, consists in the clearly demarcated geographical distribution of the four officially recognised national languages: German (63.6% of the population at the 1990 census), French (19.2%), Italian (7.6%) and Romansh (0.6%). The second comprises the significant immigrant population which, after a sharp fall in the inter-war years from a 1914 proportion of 15.4% of the population, now comprises 20.7% of the population. Propelled by a variety of factors – economic migration, refugees and asylum seekers – this immigrant population consists mainly of ex-Yugoslavs, especially Kosovans, and Italians, accounting for 23.8% and 24.8% respectively of Switzerland's foreigner population. It also tends to be concentrated in the main urban centres: 43.7% of the population of Geneva are classified as foreigners.

Governmental and constitutional provision for diversity

The principles of plurilingualism have a long-established place in the Swiss constitution and system of government. The conception of Switzerland as a confederation of twenty-six sovereign states, the cantons, including approximately 3 000 communities which also enjoy considerable autonomy, has meant that it has functioned as an association of relatively independent political communities without seeking to impose a higher order on these or to develop a common culture between them. While the confederation has played an important role in enshrining the principles of plurilingualism within the constitution, the implementation of these is largely a matter for each canton and community to determine. The most recent codification of plurilingualism is embodied in the new constitution, which came into force on 1 January 2000, obliging both the confederation and the cantons to take measures to preserve the quadrilingualism of Switzerland. This constitutional provision is backed up by a series of legal instruments enjoining appropriate use of all national languages in official publications, in schools, and in the transmissions of the Swiss Radio and Television Company. These strongly entrenched autochthonous rights to diversity are not matched by any equivalent cultural or civic entitlements for Switzerland's immigrant communities. The classification of immigrants as foreigners indicates that they do not have full citizenship rights in either the cultural or political spheres, although recent provisions in Neuchatel and Jura extend these rights significantly. While naturalisation is possible, the conditions that must be satisfied discourage many immigrants from applying for citizenship with the result that the status of foreigner is often transmitted to second and third generation immigrants. While the principles of quadrilingualism were developed over several generations, current Swiss perceptions are that these cannot simply be adapted to address the problems created by post-war immigration. Here new approaches to questions of political citizenship are needed.

Cultural policy and cultural diversity

The primary responsibility for cultural policy rests at the communal and cantonal levels, accounting for 53% and 38% respectively of 1989 cultural expenditures by public authorities, with the confederation contributing only 9% of such expenditure, mainly on projects of national importance or on diplomatic relations with other countries. The communal and cantonal administrations account for most of the libraries, museums, theatres, concert halls and heritage sites in Switzerland, and apply to these the principles of quadrilingualism as required by the confederation constitution and legislation. No similar requirements are placed on these administrations or the cultural institutions they are responsible for to cater to, or reflect, the cultural diversity of Switzerland's immigrant communities. Indeed, this has not, historically, been a significant priority of Swiss cultural policies. Operating on the assumption that most immigrants – whether refugees or economic migrants – would eventually return to their countries of origin or seek naturalisation, the dominant orientation of policies directed toward immigrants has been to provide for their integration into Swiss society through language and education programmes. These policies have recently been complemented by

programmes intended to promote intercultural communication as a means of promoting greater understanding between the autochthonous Swiss and immigrant communities. The orientation of these, however, remains strongly integrationist. At the same time, the highly devolved structure of government within Switzerland means that solutions to these issues have to be built from the bottom up at the cantonal and communal levels rather than being susceptible to central forms of policy development.

The United Kingdom

Mapping diversity

The longstanding historical issues around diversity in the United Kingdom have taken a sub- or multinational form in the claims to varying degrees and forms of cultural and political autonomy on the part of Northern Ireland, Scotland and Wales. These claims – never entirely suppressed by English hegemony – have been pressed with particular force in the post-war period in connection with nationalist cultural revivals and language movements in all three countries, although the situation is complicated in Northern Ireland in view of the longstanding religious-cum-political division between Catholics and Republicans on the one hand, and Protestants and Loyalists on the other. Each of these countries has now achieved a degree of political independence within a more devolved structure of government in the United Kingdom, and this has resulted in more autonomous cultural policies.

More contemporary forms of diversity are associated with the significant increase in overseas migration into Britain – especially from Commonwealth or ex-Commonwealth countries. This has given rise to substantial ethnic minorities comprising approximately 6% of the population, mainly in England – which accounts for 97% of Britain's non-white population – and mostly in large urban centres where they frequently make up 25% of the population. This is true of many parts of London which contains 45% of Britain's non-white population. The major non-white groups are, in the order of their relative size, of Indian, Caribbean, Pakistani, and African affiliation with significant Bangladeshi and Chinese communities too.

Governmental and constitutional provision for diversity

The major constitutional provisions for diversity concern the recent devolution of central government powers from Westminster to a Welsh Assembly, a Scottish Parliament and a Northern Ireland Parliament. This has consolidated the distinctive cultural programmes that were earlier provided for by special legislative instruments – the Welsh Language Act of 1993, for example, enjoining all public bodies in Wales to give equal status to Welsh and English – and has provided the conditions for the ongoing development of distinctive national cultural policies. Most post-war immigrants and their descendants have been entitled to full citizenship rights in view of their earlier status as Commonwealth (or ex-

Commonwealth) citizens. However, discrimination is experienced by most non-white groups in the labour market – although this is more true of some groups (Bangladeshis, West Indians, and Pakistanis) than of others (Indians) – and in the delivery of housing, social, health and educational services, while institutional racism is acknowledged as a problem in many areas of policing. There are no separate constitutional provisions guaranteeing rights to diversity for these groups, in part because, reflecting its common law traditions, Britain has no written constitution, nor a Bill of Rights. However, a variety of race relations laws provides protection against discrimination on the basis of race, religion or ethnicity in most areas of public and civil life. Proposals have also been made for the establishment of an overall Human Rights Commission that will address issues of inequality due to gender, race and disability.

Cultural policy and cultural diversity

While the London-based Department for Culture, Media and Sport plays a co-ordinating role in cultural and media policy development, many responsibilities are now delegated to the separate national administrations. Autonomous Arts Councils now exist in the four countries – a development that has been underway since 1994. The concerns of the Arts Council of Wales and the Scottish Arts Council focus mainly on the provision of specifically Welsh and Scottish language, cultural and media development; those of Northern Ireland on the relations between the two main religious-cum-political cultural traditions. This is not to suggest that a concern with minority ethnic cultures is lacking in any of these councils; however, the lead agent here has tended to be the Arts Council of England which, since the 1970s, has developed a range of policies and programmes in support of, as they have been successively described, ethnic minority arts, multicultural arts and, now, cultural diversity. This change in terminology reflects a change in perspective as questions of cultural diversity are now seen as concerning the nature and character of British culture as a whole rather than solely the needs of distinctive ethnic minority communities. The regulations covering the activities of broadcasters also make provision for programming related specifically to the cultural needs and interests of non-white Britons, while the recent development of satellite and cable television have provided important contexts for black cultural producers and audiences.

Culture, government and diversity: policy contexts

It is clear from these brief summaries that there are multiple and manifold differences between the countries studied in relation to both the forms of diversity that define them and how they have – or have not – responded to the challenges these present. How, in moving now to consider general tendencies, can we best identify the factors which influence the form that cultural policy approaches to diversity take in different jurisdictions? It will be helpful, in answering this question, to distinguish between two different levels of government activity that need to be taken into account when assessing the relations between cultural policies and cultural diversity. The first of these concerns the specific policy instruments through which arts and cultural ministries and related agencies seek to promote specific forms of diversity through, for example, particular kinds of arts funding, employment policies for cultural institutions, or regulations for the activities of broadcasters. This will be considered in the section on cultural policies and cultural diversity. The second, our focus here, has to do with the more general policy contexts within which cultural policy approaches to diversity are developed. Although these are often more remote from the immediate practicalities of cultural policy development and implementation, they have a profound influence in determining the limits of what is practicable and defining the conditions in which arts and cultural ministries must operate. We distinguish five such contexts here: the civic, the administrative, the social, the economic, and the conceptual.

Civic contexts

Questions concerning the relations between cultural diversity and cultural democracy inevitably bring into focus issues concerning the distribution of citizenship rights and entitlements across the different groups falling under the jurisdiction of a national polity. It will prove difficult to make much headway with these issues unless it is recognised that, historically, citizenship is a discriminatory form developed by modern nation-states in the divisions they establish between citizens and foreigners. Citizenship is, in this regard, as Barry Hindess puts it (2000: 1490), "a conspiracy against foreigners" in the respect that while all modern democratic regimes express a commitment to the idea of universal human rights, "they frequently deny those rights to the non-citizens in their midst and at their borders." Citizenship is also, Hindess argues, particularistic in character in the sense that entitlement to civic rights is associated with involvement in the distinctive culture or way of life that characterises the national society in question. "It is", he continues, "the impact of this presumption that is at issue in contemporary debates

around multiculturalism, the politics of difference, and the position of indigenous minorities." (ibid.: 1491).

There is little doubt that the legacy of such conceptions of citizenship remains very much intact, although the forms this take vary depending on the specific versions of citizenship that apply in different national contexts. Umberto Melotti (1997: 75-78), in reviewing these questions, argues that the conditions of citizenship in many European countries take the form of "ethnocentric assimilationism" – best exemplified by the French case – in which immigrants are eligible for the same rights enjoyed by native citizens provided that, at least in the public sphere, they abandon their claims to cultural difference and assimilate thoroughly into the culture of the host society. Elements of this aspect of citizenship are evident in Switzerland, Belgium, and Austria – where, until 1998, the naturalisation law demanded "assimilation to the Austrian way of life" and still requires the integration of the applicant into Austrian culture and society – as well as in Luxembourg where, however, their presence is not quite so marked. The debates about diversity in these contexts often exhibit distinctive characteristics as a consequence of the emphasis that is placed on immigrants undergoing a programme of cultural retraining that will allow for their effective integration into the national society as a condition for full citizenship. Where such conceptions prevail, the scope for cultural diversity policies is obviously constrained. A key question thus concerns the extent to which such views will prove revisable over the near to medium-term future when, for a variety of reasons, their legitimacy is likely to be increasingly contested.[1]

The situation in Britain is somewhat different – Melotti characterises it as one of "uneven pluralism" – in that, rather than drawing a clear-cut distinction between citizens and non-citizens, it operates with a range of intermediate positions, linked to the history of the Commonwealth, which differentiates between citizens according to their place of birth and British ancestry (or "patriality").[2] This has meant that immigrants from Commonwealth and ex-Commonwealth countries have often received full citizenship rights without the requirement that they adopt a British way of life. It has also meant that, rather than addressing the immigrant individually and directly in the context of government-sponsored integration programmes, immigrants have been related to indirectly through the intermediaries of ethnic community associations as parts of "race and ethnic relations programmes" premised on the assumption that there will be enduring differences between Britain's minority and majority ethnic groups. This sometimes results, as one of its more obvious negative consequences, in a tendency toward a strong social and

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1. Melotti (1997: 77) advances three general reasons in support of this contention: first, that the more global patterns of international mobility become, the greater the likelihood that the distance between the cultures of immigrant communities and their host societies will be so large as to make assimilationist strategies unworkable; second, the greater ability of immigrant groups to make use of community forms of organisation and new media to maintain active cultural connections with their countries of origin; and, third, the influence of human rights conceptions in delegitimating assimilationist conceptions.
2. Melotti, 1997: 78-80.

cultural segregation of immigrant groups – especially those whose members are visibly different – from "the mainstream", although this tendency is offset by second- and third-generation intermarriage. There is also little doubt that the distinction between citizen and foreigner constrains the possibilities in the field of cultural diversity policies through its impact on the terms in which immigration is discussed. The damage done to the credibility of the current Government's commitment to cultural diversity by the extent to which it has accommodated the concerns of the anti-immigration lobby in debates about refugees and asylum seekers is a case in point. There are real and unresolved tensions here between the approach of one arm of government – the Home Office – and that of the arts and cultural ministries in the United Kingdom.

Canada differs from all of the European countries examined in the study in the degree to which, since the 1960s, it has eschewed assimilationist objectives in favour of multiculturalist formulations. These, with growing force since the 1980s, have enshrined in varied constitutional and legislative forms the right of all Canadians to full civic participation in their community – local, provincial and federal – whatever their cultural backgrounds. At the same time, Canada has been important internationally in recognising the case for the constitutional provision of specific and distinctive rights for its First Nations. Critics, however, argue that the gap between the development of general commitments and provisions for diversity in Canada and the implementation of those principles in effective cultural policies is an unacceptably wide one – although this raises more general issues to which we return later.

Administrative contexts

The scope for cultural policy approaches to diversity is obviously affected by the particular kinds of administrative arrangements that apply within the cultural policy field. While there are a number of potentially relevant considerations here, I will limit my attention to three: that of devolution versus centralisation, the different effects of direct versus arm's-length forms of cultural administration, and the importance placed on communities as agencies of governance.

Devolution versus centralisation

Devolved models of government are clearly favoured in a number of the countries participating in the study. Switzerland and Belgium are the most obvious, and perhaps most radical, cases in point in view of the strong roles played, respectively, by the cantons and communities in the administration of cultural affairs. However, the distinction between the federal and provincial levels of government in Canada has also always been an important one, with the former playing the leading – albeit contested (especially in Quebec) – role in cultural policy development. Austria and Bulgaria exhibit the strongest centrist tendencies in view of the strong and directive role played by their central governments, while in Luxembourg the Grand Duchy is by far and away the most significant tier of government. Britain,

too, had – and has – strong centrist tendencies, although these have now been significantly qualified by the devolution of significant areas of responsibility to the governments of Northern Ireland, Scotland and Wales and the establishment, since 1994, of autonomous Arts Councils for each of these alongside the Arts Council of England.

Assessing the consequences of these different systems of government for cultural diversity policies is, however, a difficult matter that cannot be answered abstractly since it is likely that these vary according to the type of diversity that is at issue. From the point of view of autochthonous and multinationalist claims to diversity, more dispersed and devolved systems of government have obvious advantages. The role of the cantons in sustaining Switzerland's commitment to the principles of quadrilingualism and language territoriality has obviously been crucial, just as it is clear that the cultural role of the Welsh language has been – and is likely to be further – strengthened as a consequence of devolution. Yet the situation often looks different if we consider the situation of immigrant groups. Although these need not benefit from a strong and directive central state (Austria is a case in point), central governments can often play a leading role in developing cultural policy agendas and legislative contexts for diversity in the face of what can often be the narrower and more parochial chauvinisms of provincial or local administrations. There is thus little doubt that, in Canada, the federal government has played the leading role in developing the varied conceptual parameters that have governed successive phases of Canada's engagement with multiculturalism as well as promoting the legislative and civic environments within which cultural diversity has been pursued. It is also true that in Canada the federal level of government has proved more responsive than most provincial governments to the claims of Canada's First Nations.

Direct versus arm's-length forms of cultural administration

A significant factor in any calculations about the prospects for diversity concerns the extent to which different systems of cultural administration allow for the emergence of various "champions for diversity" within those systems. The distinction between arm's-length systems of administration of the kind that are found in both Canada and the United Kingdom where the central arts and cultural ministries allocate monies to a range of semi-autonomous arts councils, film institutes and similar agencies which are then responsible for dividing these funds between different cultural programmes and institutions, and the practice through which funding and programme priorities are more directly determined and administered by central arts and cultural ministries (France is the classic example,[1] but this tendency is evident in both Austria and Bulgaria) is relevant here.

Although the matter would need further investigation, the evidence from a number of the country visits would suggest that arm's-length systems do increase the likelihood that there will be a strong and continuing voice for diversity within

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1. See Looseley, 1995.

government on the part of the cultural intermediaries working in arts councils and the like in view of their relative independence from the state and from the immediate political orientations of the party, or parties, in power. However, such inquiries would need to be placed in a broader context since it is likely that differences of this kind are symptoms and manifestations of more general differences concerning the relations between the state and civil society that characterise different political systems and the consequences of these – in their implications for the conduct of associational life independent from the state – for the social dynamics of diversity. The case of Austria again suggests itself as one where the structures of corporatism have resulted in a particularly "thin" civil society in comparison to the state, with the consequence that active constituencies in support of diversity have been, and still are, more difficult to organise and mobilise.

Governing through communities

A noted recent tendency has consisted in the increased emphasis that is placed on communities of various sorts (ethnic, indigenous, regional, neighbourhoods, lifestyle communities) to assume responsibility for organising and managing themselves and their members. This renewed stress on the role of communities as an intermediary between the state and its citizens has been strongly associated with the political agendas of the "third way" and, in more general terms, needs to be seen as a response to the concern to roll the state back out of the lives of its citizens that has been such a marked characteristic of neoliberalism.[1] There is significant potential in these developments for enhancing the scope of cultural diversity policies that are attuned and responsive to the cultural dynamics of different communities. At the same time, however, it needs also to be recognised that the delegation of the capacity to develop, implement, monitor and assess cultural policies from government to community organisations can – depending on the nature of the communities concerned, and the forms of their governance and accountability – lead to conservative forms of cultural closure rather than an opening up to new forms of diversity.

Social contexts

Cultural diversity policies are usually regarded as components of those aspects of cultural policies that are concerned to pursue social objectives by and through the ways in which cultural resources, and access to them, is administered. As such, in forming an interface between cultural and social policies, questions of cultural diversity are rarely posed in isolation from other social objectives. Nor should they be, since this would be to make an absolute value or fetish out of difference. While this may be true of some cultural theorists,[2] there is no evidence that governments

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1. See, for an authoritative discussion of these tendencies, Rose, 1996. I have also discussed the implications of these developments for contemporary forms of cultural administration: see Bennett, 2000.
2. This charge is most often levelled against Homi Bhabha's accounts of cultural difference, and Arjun Appadurai's endorsement of post-nationalist perspectives. See, for an economical and balanced summary and assessment of these issues, Morley, 2000: 232-235.

do so. To the contrary, in all of the countries under investigation, cultural diversity objectives are always stated in the context of, or alongside, other social objectives which serve, immediately, to either qualify or give a particular inflection to that commitment to diversity. Moreover, although the formulations may vary, there are usually three common elements involved in such formulations: a commitment to diversity, a commitment to principles of social justice, and a commitment to – in some form – the continuing unity and integrity of the national culture. However, the ways in which these three elements are related to one another differ significantly with important consequences for the organisation of the social contexts within which cultural diversity policies are set.

I have already touched on these matters in my discussion of the assimilationist implications of concepts of social integration. My earlier comments on the vocabulary of social inclusion also bear on the point as, in Belgium, Luxembourg, and the United Kingdom, cultural diversity policies are tending to be seen as a sub-set of social inclusion policies. These, too, give a particular inflection to cultural diversity debates owing to the connections they establish between such debates and the ways in which social inclusion policies tend to fuse social justice principles with more conservative conceptions of the relations between cultural and social integration.

The vocabulary of social inclusion is, as Ruth Levitas puts it (1998: 22), "a curious amalgam of a liberal, Anglo-Saxon concern with poverty and a more conservative, continental concern with moral integration and social order". As such, she argues, it is able to function as a shifter between these two concerns: it can "almost unnoticed, mobilise a redistributive argument behind a cultural or integrationist one – or represent cultural or integrationist arguments as redistributive" (ibid.: 27). A more inclusive society is one that is both more just and better integrated, and it is somehow able to be both by becoming more different at the same time – but only provided that such differences take appropriately limited and "acceptable" forms so as not to threaten social integration.

There is a risk here that cultural diversity, in being brought into the policy playing field under the rubric of social inclusion, has tagged onto it the coda of social integration that is now often the nationalist sting-in-the-tail of current diversity formulations even where assimilationist objectives have been explicitly abandoned. Similar concerns have been expressed in relation to the policy rubric of social cohesion that now provides the main umbrella policy context for cultural diversity policies in Canada, although with how much justice remains to be seen as this remains a developing policy vocabulary that is subject to varied interpretations.[1]

Special consideration also needs to be given to the unique circumstances of the post-communist regimes of eastern Europe in this regard in view of the role that the resurgence of strong, ethnically-marked nationalisms plays in developing their credentials for equality of treatment with other nations in an enlarged Europe. The

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1. *Making Connections: Culture and Social Cohesion in the New Millennium*, the Conference Reader for the CIRCLE/CCRN Round Table held at Edmonton, Canada, in May 2000 provides a useful compendium of the differing uses of the term in both Canadian and European cultural policy discourse.

difficulties of balancing such strategies with the requirements of cultural diversity and cultural democracy that western Europe enjoins on its prospective new partners are made clear from the strains and stresses that have accompanied the measures introduced in Bulgaria since 1989 in relation to the Bulgarian Turks. This obliges, once again, recognition of the national specificity of the circumstances in which questions of cultural diversity are inescapably posed. Tzvetan Todorov summarised the issues at stake here nicely when, on returning to his native Bulgaria after a long period of exile in France, he remarked that Paris was "undoubtedly a propitious place for a euphoric renunciation of nationalist values, Sofia less so" (cited in Morley, 2000: 241).

Economic contexts

These now provide an increasingly influential setting and rationale for cultural diversity policies which – especially in advanced economies where the knowledge and information economies are displacing the predominance of traditional industrial sectors – are seen as having a significant role to play in developing the varied cultural skills and resources required by a vibrant cultural economy. From this perspective, diversity enriches the cultural capital of national or regional economies. It results – in the case of the connections of cultural diversity to cultural tourism, for example – in niche products for marketing in the global marketplace. Or, and more commonly, diversity is seen as necessary for the processes of "product innovation" as new artistic and cultural forms are seen to depend on the syncretism and cross-cultural fertilisation that is possible only in culturally diverse societies.

Given this perception that diversity constitutes a national cultural resource that needs to be nurtured and managed from the point of view of the economic benefits it might bring through cultural exports or a thriving cultural industry sector, cultural policies and industry policies often become closely intertwined. This is true of the prominence that questions of intellectual property now enjoy in relation to those cultural industries which rely on the authentication of specific forms of difference in order to organise the markets they require – as is the case with Inuit art, for example. It is also evident in the concern to develop forms of industry training that will provide routes for cultural workers to pass from the "margins" to the "mainstream" which will thereby be able both to enhance its product range and enlarge and diversify its market scope.

Conceptual contexts

The contexts that are relevant here are those provided by the understandings of the concept of culture which define the scope and directions of cultural diversity policies. It is now a commonplace for national cultural policies to eschew the restrictive implications of high or aesthetic conceptions of culture by embracing the so-called anthropological definition of culture as a way of life and then pluralising this to define, as the remit of cultural policies, a concern with the ways of life of all of the different groups in society: different social classes, different ethnic groups, different nationalities, and so on.

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Indeed, this extended sense of the scope of cultural policies is an essential prerequisite for cultural diversity policies inasmuch as these are typically concerned with forms of artistic and cultural expression that have usually fallen outside the purview of official hierarchies of the arts which, historically, have been ethnically and racially discriminatory in their marginalisation and denigration of non-European cultures and, within Europe, of the cultures of ethnic minorities. However, there is no reason to suppose that the more extended scope of contemporary cultural policies is sufficient, in and of itself, to curtail the influence which such hierarchies of the arts exercise upon and within the policy process. There is, to the contrary, evidence that they still exert considerable influence on what gets funded, by how much, and on how what gets funded is classified, owing to the ways in which – often through the interpretation of criteria of excellence – they are embedded in the operating routines of cultural institutions, funding agencies and granting bodies.[1]

These are matters that require continued investigation and monitoring if the extended scope of contemporary cultural policies is to lead to greater parity of esteem across and between the competing cultural tastes and values of different sections of the community in culturally diverse societies. As a part and parcel of these concerns, attention needs also to be paid to the ways in which the extended scope of contemporary cultural policies is embodied in the administrative arrangements through which cultural policies are developed and put into effect. The relations between arts policies, media policies, heritage policies, sports policies, and – as an issue we pay special attention to in the next section – the broader disciplines of cultural planning are all relevant here with the likelihood being that the more these fuse with and inform each other, the more cultural policies will deliver a differentiated range of outcomes for a wide range of constituencies.

Few would doubt the importance of these tendencies in extending the scope of cultural policies and weakening, although by no means fatally, the influence of elitist conceptions of the arts within those policies. They have been especially important in facilitating the transition from the "democratisation of culture" – in which it was assumed that there is only one true or worthwhile form of culture, and that the task of democratic cultural policies was to equalise the opportunities for access to that culture – and "cultural democracy" in which cultural policies are (theoretically) to accord a parity of esteem and equality of treatment to an array of different cultures.

The view that we can divide the field of culture up into different ways of life, however, is one that has been called into question in the new approaches to theories of race and ethnicity that have been developed since the 1980s. Stuart Hall's work on the "new ethnicities" has been especially important here in calling into question essentialist constructions of ethnicity which view the divisions between different peoples and cultures as more or less permanent and unbridgeable barriers, fixing individuals into one culture, one identity and one form of belonging. Hall (1991),

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1. See, for a challenging discussion of these issues in the Canadian context, Tator, Henry and Mattis, 1998.

reflecting on the immense creativity that results from the friction of conflicting identities experienced by artists and musicians who are black, Caribbean, and British – and all three at once, refusing to jettison one position in favour of the others – insists that, instead, the identities that people have of themselves, and the cultures to which they see themselves as belonging, have always to be seen as multiple, complex and contradictory.

It is from perspectives of this kind that debates about culture as a condition of hybridity and in-betweeness have taken their cue. While by no means resolved – to the contrary, the debates around the concept of hybridity are hotly contested[1] – one fairly clear by-product of these debates is that it is no longer adequate to think about the relations between cultures in a society in the form of their compartmentalised division into separate ways of life and identities. It is rather the flows and crossovers between cultures that has to be attended to, and the patterns of their intermingling that are produced by the movement of peoples and, of course, the restless cultural mixing that now characterises the organisation of all developed cultural markets.

Arjun Appadurai's doubts about the continuing value of "culture" as a noun bears on my point here. Used as a noun, Appadurai argues, culture invariably taxonomises, reifying divisions between cultures as classificatory divisions between ways of life whose boundaries are fixed in the administrative gaze that constitutes them. Expressing his preference instead for the adjectival "cultural" as being more open to "a realm of differences, contrasts, and comparisons", Appadurai (1996: 13) – keen to place a limit on the language of cultural diversity by seeing only some forms of difference as being culturally significant – suggests that we should regard as cultural "only those differences that either express, or set the groundwork for, the mobilisation of group identities".

Why does this matter? Because Appadurai argues, it means that we have to think the configuration of the cultural field differently; still as a field of differences, yes, but one in which differences, rather than being conceived taxonomically as separated ways of life, are thought of as overlapping trajectories, cultures in movement, curving in and over one another – plaited, if you like – in mutually refractive relationships.

It is, then, ways of thinking of culture along these lines that need to be developed and thought through if cultural diversity policies are to be guided by conceptual bearings that will avoid some of the difficulties discussed earlier. This will not provide a way round the more immediate and sometimes intractable difficulties facing cultural diversity policies which – in whatever context, but in ways that are profoundly affected by the different histories that impact on them – are, to recall my earlier argument, concerned with in some way mediating and balancing nationalist projects, social justice principles and principles of difference connected to emerging transnationalist formations. But it might help in thinking new ways through them.

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1. For a helpful review of these, see Caglar, 1997.

Cultural policies and cultural diversity

Priorities for diversity

I have suggested that, albeit in varying ways, the cultural policy frameworks in operation in most jurisdictions are concerned to strike some kind of balance between three considerations: social justice principles involving, to varying degrees, the recognition of common cultural rights for all the members of a society; the recognition of the distinctive claims to difference of autochthonous, immigrant, indigenous and sub- or multinational communities; and the concern that all groups need to be integrated into or cohered within a common national culture. While it is, for historical reasons, unsurprising that this should be so, there is, I have also suggested, much to be learned from the different ways in which these three issues are connected to each other in different jurisdictions.

Here, however, I shall tilt the balance of my concerns in favour of the second of these policy foci. There are a number of reasons for this. The first is that it is likely that this will prove to be the cutting-edge of cultural diversity policies for the future if – to recall a phrase of James Clifford's – these are to provide an adequate response to the demand of "living inside" national cultures, but "with a difference". Social justice principles will, of course, remain important as will questions of social integration, inclusion and cohesion. It is, however, likely that these will prove more productive the more the kinds of practical cultural and civic skills and knowledge that the new members of any society need in order to be able to function effectively within that society are disentangled from nationalist requirements that acceptance into a society must depend on a process of cultural conversion requiring the abandonment of previous cultural identities as the price of adopting new ones. The relations between cultural diversity and economic policies can also be expected to become more important. The crucial test for cultural diversity policies, however, will be the extent to which they are able to validate, sustain, and develop forms of cultural practice and involvement resting on distinctive claims to difference arising out of histories that are different from, and in some cases in conflict with, dominant national cultural traditions and trajectories. At the same time, we can expect that national cultural policies will come under increasing pressure to reach cultural accommodations of this kind owing to the growing influence of both larger regional economic formations and international policy and legislative jurisdictions.

The second reason for giving this bias to my concerns is that the development of cultural policies of this kind is likely to pose the greatest challenge to the current processes through which cultural policies are developed, put into effect and assessed. There are, of course, many policy instruments that have been developed

in the pursuit of diversity, including: special funding procedures and criteria for indigenous, ethnic and multicultural arts; the development of employment and training policies on the part of "mainstream" cultural institutions; the regulatory requirements placed on broadcasters and print media; ethnic, indigenous and community radio and broadcasting systems; and regulations for the appropriate treatment of culturally sensitive material in museums and heritage institutions. As it is not possible to look in detail at each of these separately, I shall illustrate the issues they pose by considering the role of cultural policy instruments under five broad headings: cultural policy and public spheres; the changing social dynamics of diversity; cultural markets; culture, policy and everyday life; and cultural policy assessment.

Cultural policies and public spheres

I use the term "public sphere" here loosely as a means of co-ordinating a discussion of issues which tend to be cast in different terms in debates focusing on different cultural sectors: as issues concerning the relations between "mainstream" and "alternative" cultural institutions in debates about the performing arts, film, museums and art galleries; and as issues concerning the relations between different media spheres in debates about media and broadcasting policies. For the issues at stake in these debates are substantially similar concerning, as they do, the relative roles to be played by incorporating diversity into i. those cultural and media institutions – whether at the national, provincial or local levels – which are concerned with the provision of cultural services addressed to the population at large, and which might be defined as the national public sphere, and ii. the provision of specialist support for activities and institutions related to the particular cultural interests and needs of a specific group or community and generating, as the case may be, distinctive diasporic, indigenous, autochthonous, sub- or multinational public spheres.

These should not be presented as alternatives, although the balance between them is, of course, always a matter for debate and assessment in the particular contexts prevailing in particular times and places. However, both are needed in culturally diverse societies, just as attention needs to be paid to the relations between the two.

The inclusion of diversity within the national public sphere is crucial from a number of perspectives. It is important – especially in the case of publicly-funded institutions – as a means of stating and symbolising a commitment to the right of all groups in a society to have their cultural interests and activities taken into account in the allocation of public cultural resources. It plays a significant role for the members of immigrant communities in helping them develop a sense of place, belonging, and recognition in their host societies. Such recognition is also crucial as a means of introducing forces for change into the national public sphere by incorporating within it dynamic new forces that will contribute to a questioning of the national culture and the development of new understandings about what it

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should include. Equally important, it is through their incorporation into the national public sphere that minority cultures acquire a "footprint" into the dominant culture that allows them to enter into dialogue with the "mainstream" and serve as a means of educating public opinion in the virtues and benefits of diversity. This capacity of institutions in the national public sphere to act as a means of effecting cross-cultural exchange means that they have a significant long-term role to play in building public support for diversity.

Recognition of this is, however, variable across the countries surveyed and, from the evidence presented, seems to be the most developed in Canada, in relation to both First Nations and immigrant groups, and the United Kingdom, principally in relation to immigrant communities. In both contexts, a range of policy instruments has been developed to diversify the national public sphere. These include the provision in broadcasting regulations for multicultural programming; the requirement that diversity be included in the corporate plans of publicly-funded theatres, art galleries and museums; the promotion of diversity through equal opportunity employment practices; and the critical examination of management practices and structures to ensure that members of minority groups are represented at all levels, from boardroom to canteen. It is also clear, however, that making the national public sphere more responsive to the requirements of diversity involves changes to the assumptions on which they operate. In the case of museums and archives, for example, it means that the conceptual basis on which collections are acquired, managed and made publicly accessible needs to be reconsidered.

There is little doubt, though, that diversifying the national public sphere is seen as insufficient from the perspective of both indigenous and immigrant communities. On the one hand, the process is seen as slow, frustrating, and subject to a good deal of window-dressing on the part of many cultural organisations which, their critics argue, often grudge the diversity requirements they are obliged to meet and therefore comply with them largely formalistically. It is also often argued that the criteria of excellence which inform many of the institutions in the national public sphere are – whether explicitly or implicitly – ethnocentric or racist. On the other hand, diversifying the national public sphere is not seen as an adequate means of giving voice to the full range of creativity in culturally diverse societies. Here, the development of separate or alternative provision is seen as having a central role to play in sustaining the operation of a range of different public spheres which serve as the vehicles for debate, cultural expression and solidarity within and between the members of different communities – and, in some cases, for dialogue with the wider society but on terms set by the communities in question.

Again, there are many policy measures that have been developed to serve these ends. The indigenous media systems developed in Canada – and Australia – are cases in point, as are the varied forms of community radio and television that exist in many European countries. Community arts and theatre programmes, and the development of specific community museums or – in the case of indigenous peoples – keeping places have also been important. Common issues that are posed across these different sectors include the need for staff training and development;

the need for more "user friendly" approaches to the procedures that relate to applications for funding support; the need for the standards of value that are relevant to the community concerned – rather than those of government agencies – to govern cultural programming activities; and the need to find a way of balancing and reconciling operational autonomy for community-based cultural organisations with more general requirements of public accountability.[1]

The changing social dynamics of diversity

Questions concerning the relations between cultural diversity and public spheres largely focus on the more or less direct roles played by governments in relation to those cultural and media institutions and activities which they fund, whether wholly or in part, and regulate. It would, however, be a mistake to believe that the prospects for diversity depend solely, or even mainly, on what governments can offer by way of direct support in these ways. Account needs also to be taken of the social dynamics of cultural diversity as these arise out of the measures that the members of minority groups take to maintain an active involvement in their culture, and so keeping it alive and developing, and of the range of resources they are able to draw on for this purpose. At the same time, these dynamics of diversity "on the ground" have also to be considered in their relations to changing policy horizons. These relations are often symbiotic ones, with changing dynamics of diversity prompting new cultural policy settings and being, in their turn, affected by changing policy environments.

The point can be briefly illustrated with reference to the three stages which – speaking very broadly – have characterised international shifts in policy approaches to ethnically-marked forms of cultural difference over the post-war period from, first, support for "ethnic minority" cultures, to, second, multiculturalism, and, third, the approaches of cultural diversity. If the first of these was guided by a perception that immigrant communities were in danger of losing their distinctive cultures without some forms of government support, that support was directed toward the maintenance of ethnic cultures as separate enclaves, disconnected from the national culture and sustained by a social dynamic that was perceived as an essentially defensive one arising out of an embattled relationship to the host society on the part of "ethnic minorities". Multiculturalism, by contrast, has usually been conceived as a response to criticisms of the designation of "ethnic minorities" in precisely those terms – as uniquely ethnicised groups committed to separatist cultural strategies – for their role in fostering the belief that majorities are somehow not ethnic, or separatist, too. As such, it responds to and seeks to foster a different social dynamic through which, in being more complexly partitioned, the national culture is viewed as being made up from the independent developmental trajectories of different cultures existing side by side and –

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1. There is a rich literature on these issues in Australia where the question of separate forms of accountability has received considerable attention in relation to the administration of cultural associations run and managed by Aborigines. See, for an insightful discussion of the issues involved, Rowse, 2000.

irrespective of their size or status in terms of histories of migration – each being judged, at least theoretically, as being of equal value. In the current moment of cultural diversity, by contrast, it is the intersections and intermixings of, and crossovers between, different cultural perspectives and traditions that produces the social dynamics for forms of cultural diversity that constantly interpenetrate one another with new and unpredictable consequences. It is this dynamic for diversity that cultural policies – while still pursuing aspects of the earlier phases – are now, in responding to the new conceptual contexts discussed in the previous section (Culture, government and diversity: policy contexts), seeking both to accommodate and to promote.

Cultural markets

However they are conceived, the social dynamics of diversity have to connect with – or be propelled by – market mechanisms if they are to prove sustainable. It is, moreover, through the role they play in providing the conditions in which markets operate that governments can enhance the social dynamics for diversity that emerge out of the community and associational life of different cultural traditions and the relations between them. It is arguable in these respects that the connections between cultural and economic policies bear most directly on cultural diversity. Three contemporary areas of concern illustrate the potential significance of these connections.

The first concerns the role of "cultural entrepreneurship" in using existing markets or developing new ones for minority arts and cultural activities. While the term is a new one, there is a long history of "cultural entrepreneurship" on the part of black artists, perhaps most successfully in the music industries. There is also ample evidence of the respects in which such entrepreneurship can be assisted or frustrated by the measures governments take in terms of a range of factors: local cultural industry development policies, the regulation of sound recording industries, and the regulation of playtime for different categories of music on national broadcast networks, for example.[1]

The second concerns the significance of connections between cultural diversity and cultural tourism, especially for indigenous peoples whose economies often depend significantly on the strong appeal that their arts and culture have for tourists as well as for the world art market. It is true that there are many difficulties here. The risk that cultural diversity, in these circumstances, becomes a form of "zoo multiculturalism" in which indigenous cultural production becomes tailored to the interest in exotica which characterise the tourist gaze is real enough.[2] So is the risk that most of the financial benefits will go to cultural intermediaries rather than to indigenous cultural producers and communities if intellectual property standards and their application are not adjusted to take account of the specific

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1. A range of relevant issues here is canvassed in the essays collected in Malm, 1992, and in Bennett et al., 1993.
2. For an assessment of these issues across Australia, Canada and New Zealand, see Craik, 1994.

circumstances of indigenous cultural production.[1] Be this as it may, many indigenous economies are now so locked into cultural tourism that the development of culturally appropriate ways of managing this industry is likely to be essential for their future viability.

The third area focuses more on the activities of audiences than producers, and concerns the roles which the new media – video, satellite and cable television, and the Internet – play in the cultural practices of minority communities. The evidence from a range of studies suggests that the rates of use of these media are unusually high among the members of such communities. This suggests, in turn, that the new media play a significant role in the organisation of the international networks and cultural flows on which the maintenance of diasporic cultures depends.[2] It is also clear, in some jurisdictions, that these patterns of use are driven by an active dissatisfaction with the range of diversity on offer in public and commercial free-to-air channels. These preferences of culturally diverse communities as consumers in the media marketplace are clearly of relevance to the role that the development of future policies for the new media can play in enhancing cultural diversity.[3]

Culture, policy and everyday life

It is clear from the issues reviewed so far in this section that a cultural policy for diversity cannot be just an arts policy in view of the central role played by the media – new and old – in the practices of diversity. But nor will cultural policies for diversity prove adequate if they are conceived as simply arts plus media policies. Account has also to be taken of the ways in which cultural activities are knitted into the fabric of everyday life; of the ways in which ethnically-marked differences in cultural tastes, values and behaviours inform not just artistic and media preferences but are embedded in the daily rhythms of different ways of life; and of the ways in which these connect with other relevant social characteristics – those of class and gender, for example.

The issues that such a broadened perspective opens up often go beyond the immediate remit of arts and cultural ministries. The question of work cultures and the role that these can play in fostering racial hatred is an example, although these issues clearly connect with debates about the role of legislation or media regulation in prohibiting incitement to racial hatred and violence, or the measures that might be taken to reduce the racial vilification and abuse that is often associated with spectator sports. Other issues have to do with the implications of different religious belief systems as these are translated into different norms and values for the conduct of everyday life, and the social tensions and conflicts these can occasion.

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1. See research position paper 5: "The implications of the legal environment for cultural diversity policies" by Mira T. Sundara Rajan for a discussion of the issues involved here.
2. See research position paper 6: "The role of the media in the cultural practices of diasporic communities" by Annabelle Sreberny for a discussion of the relevant literature here.
3. These issues are considered in research position paper 1: "The consequences of European media policies and organisational structures for cultural diversity" by Denis McQuail, but see also Collins and Murroni, 1996.

There are, however, also ways in which such a broadened perspective is of more immediate relevance to cultural policy development. One concerns the relevance of techniques of cultural planning which, unlike the sectoral or arts-specific focus of more traditional forms of cultural policy, are concerned with how cultural resources are used in the contexts of the varied arts of living which jointly constitute the texture of everyday life in specific spatial contexts. Applied to perhaps greatest effect as parts of urban development projects, cultural planning prompts the development of new skills on the part of cultural administrators in requiring i. that they draw up a complete inventory of the cultural resources which – if they take a spatial rather than a sectoral perspective – they are responsible for, and ii. that they develop plans for the use of those resources that aim at their integration with the other areas of planning (economic, traffic, architectural) which have to be taken into account in preserving and enriching the diverse cultural ecology of complex urban systems.[1] The evidence from the United States and elsewhere points to the risk that, unless cultural planning is integrated into urban planning in these ways, cultural diversity will take the form of increasingly marked patterns of racial segregation as "white flight" to edge-cities and gated communities isolates black communities in under-resourced and decaying city centres.

Equally compelling issues are raised by the close interdependence between questions of cultural diversity and those of biodiversity given the extent to which knowledge of, and the ability to manage, many endangered natural environments is locked up in the languages and ways of life of indigenous and traditional peoples whose futures are also insecure. The issues considerations of this kind pose have been given international prominence through the Convention of Biological Diversity which obliges its signatories to respect, preserve and maintain the knowledge innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity, and to ensure that their intellectual property regimes support these objectives.[2]

Assessing for diversity

Assessing the effectiveness of cultural policies is a notoriously underdeveloped practice compared with many other areas of policy evaluation, and still very much more of an "art" than a "science". If this is true generally, it is even more true of the methods that have been developed for assessing the impact of cultural diversity policies. There are a number of reasons for this: the hostility of many forms of arts management to quantitative forms of assessment; the lack of precision that characterises many cultural diversity policies, and their sometimes controversial and contested nature; the difficulty, in many countries, of collecting data that

1. See research position paper 4: "Cultural planning and cultural diversity" by Lia Ghilardi for a fuller discussion of these issues.
2. These questions are discussed by Rosemary Coombe in research position paper 7: "Preserving cultural diversity through the preservation of biological diversity: indigenous communities, local communities, and the role of digital technologies".

classes artists or audiences in terms of their ethnicity; and the difficulty white policy makers and researchers experience when trying to learn more about the cultural activities of ethnic minorities or indigenous peoples who, complaining that they have been virtually studied to death in the context of colonial histories and administrations, are understandably reluctant to collaborate in such inquiries.

It needs to be recognised, however, that, as cultural policies assume an increasing importance in view of their now evident economic significance in the knowledge and information economies of developed societies, so they are also likely to be subjected to increasingly sophisticated forms of quantitative assessment. This, in turn, is likely to mean that cultural policy approaches to diversity will need to follow suit if they are to compete with other cultural policy agendas or, just as important, be effectively integrated with them. Since "governing by numbers" is inescapably a central aspect of modern technologies of government, cultural diversity policies will need to develop approaches to the production of cultural diversity indicators that can allow them to function effectively in the context of such technologies. This requires a closer statistical knowledge of the ways in which everyday cultural practices map on to the key social variables of gender, age, class, and ethnicity – and the relations between these – than is presently available in most jurisdictions.[1]

At the same time, the need for qualitative forms of assessment is increasingly recognised. These are, indeed, crucial if cultural diversity policies are to engage with the ways in which the relations between different cultures are experienced by those who live at their intersections. They are also crucial if the relations between cultural diversity and concerns about social cohesion, national identity and social inclusion are to be addressed.

The evidence to date suggests that this is much more likely to be successful where assessment methodologies and processes actively involve the communities that are concerned and, ideally, are led by members of those communities.[2] The studies conducted in the United States by watchdog organisations like the National Association for the Advancement of Colored People seem especially promising in this respect. It is also noticeable that the most critically valuable cultural diversity research in Austria is conducted by independent research organisations while, in Canada, the work of the independent Centre for Research-Action on Race Relations is impressive in its methodological innovations and the clarity of its focus.

1. See, for an indication of the issues involved here, Bennett, Emmison and Frow, 1999.
2. I draw here on research position paper 2: "Assessing the implementation of cultural diversity policies" by Arnold J. Love.

Conclusions: cultural diversity and cultural democracy

These things are never won

I would like to end as I started, anecdotally, in reflecting on the country visit to Canada, which concluded with a meeting involving a range of policy makers, administrators and researchers who had just completed two days discussion at the Round Table organised by the European CIRCLE network and the Canadian Cultural Researchers Network (CCRN). The remark – "These things are never won" – was made by Dr Catherine Murray from Simon Fraser University in the context of a discussion of right-wing criticisms of multiculturalism that are currently prevalent in Canada, and especially outside the major cities, opening up the prospect of significant divisions between those Canadian cities large and diverse enough to participate in a global network of cosmopolitan world cities and their more monocultural and chauvinist hinterlands.

The warning is surely a salutary one at a time when, as one critic puts it, governments which trumpet the virtues of globalisation and diversity are also "almost everywhere tightening their border controls and more vigilantly enforcing immigration laws" (Morley, 2000: 225). However much policy elites may have understood the need for a shift from homogeneity to heterogeneity in the management of culture, popular support for such policies is often much more lukewarm, lacking, or antagonistic. This results, in many jurisdictions, in climates of opinion that can be politically exploited for xenophobic ends as well as placing limits on the room for manoeuvre that is available to pro-diversity political forces.

At the same time, though, these things are never entirely lost either. This was evident from discussions with the young Austro-Turkish staff of Echo – a magazine for young, second-generation migrants in Vienna – who, notwithstanding the somewhat gloomy prospects for any immediate advancement of their position in Austrian society, were clearly undaunted by the challenges of living and working in the relations between their parental cultures and those of "mainstream" Austria. And popular support can sometimes be ahead of both policy and political opinion. Although it was widely argued that the election, in 1997, of the Coalition Government in Australia represented a backlash against the commitment of the previous Labor administrations to multicultural and Aboriginal rights, and although the Coalition Government has had calamitous consequences for indigenous Australians, the turn out – in early 2000 – of hundreds of thousands of ordinary Australians to give Aboriginal Australia the apology that the Coalition Government has denied them was clear evidence that the clock could not simply be turned back to the bad old days of White Australia.

My point, then, is that, in thinking about the role that cultural policies can play in the development of cultural diversity, it is necessary to have the long term in view, for it is only over the long term that the powerfully divisive ways in which the relations between different peoples and cultures have been organised in the histories of nationalism and colonialism can be overcome. This has been partly a matter of the ways in which the relations between different peoples and cultures has been represented in western societies. It has equally, though, and just as persistently, been a matter of the ways in which such differences in representation have been translated into, and helped to justify, significant inequalities of civic status and treatment.

It seems likely that, in this respect, some roads here will prove longer than others. While, as we have noted, there are similarities between what we have characterised as sub- or multinational, autochthonous, diasporic, and indigenous claims to difference, the situation of immigrants – and especially, in Europe, of non-European Union immigrants, strangers from afar – is the most precarious in all of the countries surveyed. It seems unlikely, moreover, that significant advances will be made in strengthening the relations between cultural democracy and cultural diversity here without putting questions of citizenship clearly and firmly at their centre.

The perspective of cultural democracy

It is questions of these kinds concerning the relations between cultural diversity and citizenship that properly belong at the centre of current debates about cultural democracy where, as we have noted, they meet similar claims to difference arising from the histories of related oppressions in the fields of gender, sexual preference, and disability. These too, of course, have their specific properties which need to be fully attended to in the fine grain of cultural policies related to their specific needs. But there is also much to be gained from looking at their intersections, for there is little doubt that the oppressions of women, gays, lesbians, disabled people, and non-white ethnicities have, in varied complex ways, underwritten and supported each other, especially as bases for the unequal distribution of civic rights and entitlements.

Indeed, it is only from the perspective of these intersections that the vocabulary of citizenship can be reshaped in ways that reflect the shift – mostly still a demand rather than an accomplished reality – from polities based on the normative principle of homogeneity to ones based on the principle of heterogeneity. The pursuit of full and equal political citizenship rights is, of course, a central aspect of such concerns. There is, however, also a need for a clear understanding of the principles of cultural citizenship that also need to be secured. Four principles are of paramount importance in developing such a revised vocabulary of citizenship.

i. the first consists in the entitlement to equal opportunity to participate in the full range of activities that constitute the field of culture in the society in question;

ii. the second consists in the entitlement of all members of society to be provided with the cultural means of functioning effectively within that society without being required to change their cultural allegiances, affiliations or identities;

iii. the third consists in the obligation of governments and other authorities to nurture the sources of diversity through imaginative mechanisms, arrived at through consultation, for sustaining and developing the different cultures that are active within the populations for which they are responsible;

iv. the fourth concerns the obligation for the promotion of diversity to aim at establishing ongoing interactions between differentiated cultures, rather than their development as separated enclaves, as the best means of transforming the ground on which cultural identities are formed in ways that will favour a continuing dynamic for diversity.

Widening the debate

What role can the Council of Europe and its member states play in taking these debates forward? The following recommendations are advanced in answer to this question:

i. that the international scope of its transversal study of cultural diversity policies be enlarged

The lessons that it has been possible to derive from the limited exercise in transversal methodologies that this project represents could be significantly enhanced if parallel studies were undertaken in other member states. The value of the role of Canada in this study also suggests the desirability of involving other states with observer status in such studies if European cultural diversity policies are to both benefit from, and contribute to, broader international debates in this area. The value of any enlargement of the initial scope of the study, however, will be considerably enhanced if the criteria for participation ensured that a broad range of different approaches to diversity were considered across a range of different civic, administrative, social, and conceptual contexts.

ii. that the Council of Europe and its member states facilitate the development of international codes of best practice in cultural diversity through a programme of regional conferences and seminars

It has been clear that a good deal of the value of this study has been generated by the processes through which it has been conducted. The programme of in-country site visits proved especially valuable in the exchange of perspectives and information it made possible between arts and cultural policy administrators in different jurisdictions. The co-ordination of a programme of regional conferences and colloquia concerned with sharing best practice and examining the civic, administrative, social, economic, and conceptual contexts which condition the development of cultural diversity policies in different jurisdictions would help to maintain and extend the useful momentum that has been developed here.

iii. that the Council of Europe and its member states work to broaden and extend the range of constituencies that need to be involved in the development of cultural diversity policies

It cannot be stated too strongly that cultural policies for diversity cannot be just arts policies, or even arts plus media policies; they must encompass the much wider range of issues and policies that have to be addressed if the promotion of diversity is to take account of the many and varied ways in which culture is implicated in the organisation of everyday life. This perspective needs to be fully articulated and embodied in the terms of reference for future cultural diversity initiatives undertaken by the Council.

iv. that the Council of Europe and its member states support and resource the development of international information networks on the development of cultural diversity policies

There is undoubtedly a useful role to be played here through the establishment of an information network that would improve the circulation of information regarding current cultural diversity policies and the literature and examples of good practice that are available within different national jurisdictions.

v. that the Council of Europe and its member states facilitate the establishment and co-ordination of national and international research networks able to develop and conduct longer-term transversal research projects into the development, implementation and effectiveness of cultural policies for diversity

Considerable long-term benefit is likely to flow from the facilitation of research concerned with the civic, administrative, social, economic, and conceptual contexts of cultural diversity policies in different jurisdictions, and with assessing the relative effectiveness of different cultural policy instruments. Research of this kind is rare, and transversal studies are even harder to come by. The Canadian Cultural Researchers Network and CIRCLE offer important examples of the value of research networks that are able to draw on the perspectives of cultural policy practitioners, academic researchers and community representatives. The development of an international research network with a specific focus on diversity, and involving researchers, practitioners and policy makers, could valuably add to and complement the activities of both.

Priority themes

It is important that, in taking these steps, the Council of Europe should be guided by the perspective of cultural democracy as elaborated earlier in this section, and that the steps it takes should contribute to the further elaboration and development of the principles of cultural citizenship which that perspective requires. At the same time, it is important that these matters should be pursued concretely, with close reference to the detailed aspects of cultural policy formation and implementation, to help develop and share policy templates that will contribute to fruitful internationally collaborative approaches to cultural policy development. For this

purpose, five priority themes are proposed in view of their capacity to bring together a range of the issues canvassed in the two previous sections. They are:

i. Decentralisation and cultural planning approaches to diversity

This should focus on the creation of local, regional, municipal, and community structures and strategies for the development and implementation of cultural policies committed to the pursuit of cultural diversity objectives.

ii. Cultural entrepreneurship and diversity

The issues to be considered here concern the developing interface between cultural producers and electronically mediated markets, with especial reference to the role that government can play in assisting new forms of cultural entrepreneurship that will create new markets and distribution routes for local, indigenous and diasporic cultural producers.

iii. Culture and the management of conflict

This should concern the role that the promotion of cultural diversity can play as a means of fostering greater civic dialogue between the members of culturally diverse societies and so serve to reduce the prospects of conflict within such societies.

iv. Cultural diversity in everyday life

The need here is for a closer examination of the implications of extending the traditional remit of cultural policy (encompassing arts, heritage and media policies) to embrace a wider definition of cultural resources and their relevance to cultural diversity objectives.

v. Majority/minority public spheres

The issues to be considered here concern the balance between, on the one hand, policies directed at the reform of existing public cultural and media institutions to make them more responsive to the agendas of cultural diversity and, on the other, the need to support differentiated public spheres related to the specific cultural needs of different social groups.

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Part II

Research position papers

The consequences of European media policies and organisational structures for cultural diversity

Research position paper 1

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Introduction: on cultural diversity and media policy

Diversity has long been an important goal of media policy and a criterion for evaluating media performance in many countries, although often under other names such as pluriformity, pluralism or multiculturalism. Its origins are generally to be found in democratic social theory and in the critique of media monopoly, especially in the years after the second world war, when most European press systems were threatened by a strong wave of newspaper press concentration. Initially diversity was mainly interpreted in political terms, because press monopoly tended to favour conservative or "bourgeois" parties.[1] Another impetus was given towards the promotion of diversity as a value by the institution of public broadcasting. In many countries, public broadcasting was explicitly required to represent the diversity of the national society according to a number of dimensions.[2] Moreover, the promotion and protection of diversity came to be seen as a primary justification of the broadcasting monopoly. According to Hoffmann-Riem (1987), "the public service philosophy of broadcasting (…) is oriented towards the accessibility of pluralistic information for citizens and society rather than the freedom of communicators." When commercial television was introduced in much of Europe, there was much emphasis on cultural diversity in national licensing conditions.

Media systems in Europe are often rooted in certain historic cultural divisions. This is evident in countries such as Belgium and Switzerland which have quite separate media for the different language communities, and also in countries with still flourishing (regional) minority languages (and cultures), such as Spain or the United Kingdom. Elsewhere, the ideal of "media cultural diversity" was supported on grounds of political, religious and local/regional divisions. The Netherlands is an example of a historically "pillarised" national society, with a vertical political-religious stratification reflected in social life and in media policy and structure.

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1. See Picard, 1985.
2. See Hoffmann-Riem, 1996.

In post-war Germany, political considerations supported the maximum of decentralisation of institutions, including media, on a regional basis.

Social-cultural diversity is not static and changes both in degree and form. Many tendencies of modern society reduced the significance of some older bases of differentiation, especially religion, social class, region and language and dialect. There has been an extensive "globalisation" of many aspects of experience, including media consumption. Cultural "homogenisation" has been widely predicted, in Europe as elsewhere in the world. However, there are also some counter trends. One of these is the conscious rediscovery and revival of distinctive cultural practices, also of older minority languages, literatures and customs. Secondly, new cultural openness and relativism (the postmodern spirit in effect) have encouraged the forging of new life-styles, involving a mixture of cultural elements. Thirdly, there have been new waves of immigration into Europe and across its frontiers. National societies are becoming more and more "multicultural" as a result, with significant minorities bringing with them their own religious practices, dress and other customs. More enlightened political and social policies have protected such minorities from pressure to assimilate and given rights to maintaining cultural identity.

The potential centrality and significance of mass media in these matters stems from their popularity and extensive occupation of the cultural environment, their influence in matters of language, symbolic representation and meaning. If one limits attention to the main areas of cultural diversity to which the media are thought to be relevant, the following potential effects of media come to mind:

–   expressing and maintaining the "national cultural identity" of existing nation-states within the wider Europe;

–   expressing and maintaining subnational and cultural identities, based on religion, region, language or other attributes;

–   helping immigrant minorities to make satisfactory contact with their host environment and vice-versa, while at the same time keeping some cultural autonomy and equality of status as citizens;

–   serving the diverse cultural needs of citizens of Europe, according to a wide range of other dimensions, including class, age, gender, taste, leisure interests;

–   establishing some common cultural identity as citizens and members of a wider European community, in support of more democratic political institutions and in legitimation of the "European project".

Some of these effects (they could also be goals of policy) involve contradictions and none are easy to attain in a planned way. This paper will briefly summarise certain features of media systems and of European media policy and the main research findings relevant to "media cultural diversity". Diversity (or its absence) can be identified in different forms and at several points in the process of mass communication.[1] The issue arises especially in respect of the following: ownership

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1. For a general discussion of these matters see McQuail and Cuilenburg, 1983. Also McQuail, 1992.

and control of media; the structure of distribution systems; the content that is offered; the composition of audiences and the patterns of use.

Media structure and cultural diversity

Most of the mass media in Europe are run as private businesses and any benefit (or harm) to the cause of cultural diversity as indicated by the above-mentioned goals has to be mediated through the market, with conditions varying from country to country. In general it is thought that large scale and concentrated media work against cultural diversity. However, Europe is very variable in the degree of concentration and centralisation of its media and in many countries there are strong regional and local media press systems.[1] Cable and other forms of distribution have helped to increase the range of television channels and to develop local and community media provision.[2] The general view from the media industry is that minority media cultural needs can generally be met by the free media market, provided sufficient demand is present. However, the media market favours larger market segments as well as richer and younger customers, and may not serve the needs of many social and cultural minorities that do not meet these criteria. We can thus expect to find inconsistent trends as a result of market forces – sometimes towards diversity, sometimes towards homogeneity and convergence.

Media policy for cultural diversity in Europe

Governments are not generally able to intervene effectively in media in order to foster the goal of cultural diversity, although attempts have been made by way of press subsidies and other forms of support.[3] Even in relation to broadcasting, government has to keep its distance from decisions about content and public broadcasting has to make its way in a competitive audience market. Most policy decisions about the media and cultural diversity are taken at national level and countries have generally been jealous of their sovereignty in this respect. As a result, the scope for European level action is very limited and policy initiatives are mainly confined to aims that cannot be achieved at national level (the subsidiarity principle at work).

National media policy has promoted cultural diversity in varied ways, according to criteria that happen to be salient in the given case (for instance, language, region, ethnicity, religion, gender, etc.). There is also variation according to the medium concerned. In the case of newspapers, there is little policy or regulation, but some national subsidy systems target selective subsidies at specific publications. Murschetz (1998) cites the example of Norway, where subsidies are available for immigrant community publications and those of the Sami indigenous minority. Broadcasting regulation offers numerous examples of requirements to

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1. See, for example, Gustafsson and Weibull, 1997; De Bens and Østbye, 1998.
2. See Jankowski, Prehn and Stappers, 1992.
3. See, for instance, Picard, 1985; Skogerbo, 1997.

service various minorities and maintain programme diversity. In the United Kingdom, for instance, Channel 4, launched in 1982, has a statutory obligation to offer programmes that are different from Channel 3 (ITV) and to serve a diverse range of interests and groups. There is also a Welsh language version of Channel 4. In Germany, many of the state broadcasting regulations specify diversity of programming as a requirement and provision for minorities. In some cases, advisory councils of viewers have to be consulted in order to achieve access and balance.[1]

European media policy has also been dominated by an economic rather than a cultural logic, despite early ambitions to try to forge some kind of shared "European cultural identity". The primary aim had been to extend the principle of the single market and harmonisation to the media and cultural field, with a secondary aim of strengthening European cultural production in order to reduce dependence on the United States. The keystone of the media policy of the European Union is the 1989 Television Directive (revised 1996), which has two main objectives relevant to the present issue. One is to promote the cross-border flow of television within Europe, by harmonising the basic rules affecting content and advertising. The second is to stimulate European television and film production by setting a minimum "quota" of European broadcast content and a target figure for independent productions.[2]

Along the same lines, the European Union has had a policy of financial support for audiovisual production under programmes called MEDIA92 and MEDIAII, which especially seek to encourage European co-production, partly for cultural diversification but also to increase market opportunities for production internationally as well as within European media markets.

The broader issues of media pluralism have been discussed within the context of European policy especially in the 1992 Green Paper on media pluralism and concentration, but little has been done except to set out issues and achieve consultation.[3]

Several other relevant matters have figured in a minor way in European policy discourse, without policy results, but with some significance in their consequences. One relates to support for minority languages that are under threat. Another to the possibility of developing a European code of ethics for journalism. There has also been some central support for the principle of public service broadcasting.[4] Despite its relative decline, public broadcasting may still be the best instrument for

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1. See Hoffmann-Riem, 1996; Becker, 1998.
2. In theory this policy should help to widen the media experience of European citizens and reduce the dominance of American media imports. The long term aim is to increase the diversity of cultural experience and the opportunities for cultural employment.
3. See Pauwels, 1998. Agreement has not been reached either on what is desirable or feasible, although it is doubtful if much can be done in practice beyond limiting the acquisition activity of some very large media companies. There is some inconsistency between the goal of having globally competitive media firms and the central values of cultural pluralism.
4. Especially by way of the protocol to the 1998 Amsterdam Treaty which legitimates some legal protection, privileges and subsidy on grounds of the wider public interest.

directly achieving several of the cultural diversity goals mentioned earlier and the support of European Union policy is increasingly important towards this end.

In general it can be said that European media policy is ambiguous and potentially contradictory in respect of cultural diversity. Harmonisation and increase in size of the media market tend to encourage uniformity and concentration, in the absence of counter measures. On the other hand, cultural subsidies and support for new and independent audiovisual production are expressly designed to resist this very tendency.

Media cultural diversity research issues

Research in this whole area has been quite diverse and also very uneven, driven by divergent concerns, but certain main topics can be identified. These are described under a number of headings, as follows.

Americanisation, globalisation and European cultural identity

The perceived danger of Americanisation of European television was first signalled by the research of Nordenstreng and Varis (1974) into the imbalance in global communication flows. However, the issue was again highlighted because of the expansion and commercialisation of European television since the early 1980s.[1] In addition the European Commission has regularly monitored the effects of its "quota" policy[2] and others have also evaluated European media policy.[3] The findings defy a brief summary, but key points to note include the following:

– the dominance by American imports is especially marked in respect of fiction – films and drama series. It has remained at a constantly high level as a proportion of European television output, especially as a low-cost filler of the ever-expanding number of hours of transmission. Researchers tend to emphasise the negative cultural consequences of dependence on imported images, regarding fiction as of especial significance because it is so popular and engages the imagination;

– other things being equal, audiences prefer to watch their own national (or cultural) production and more of this is being produced and scheduled in prime time hours;[4]

– when it comes to importing fictional content, American material is still favoured over the production of other European countries. To some extent it provides the most widely shared (popular) culture of Europe. One result is that television is not really a medium of cross-cultural European exchange;[5]

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1. Key publications include: Sepstrup, 1989; Thomsen, 1989; Biltereyst, 1991, 1992, and 1995; Kelly and De Bens, 1992; Hemel, Mommaas and Smithuijsen, 1996; De Bens and De Smaele, 2001; Moragas and Prado, 2000.
2. See, for instance, European Commission, 1998.
3. See, in particular, Biltereyst, 1998; Machet, 1999.
4. See De Bens and De Smaele, 2001; Moragas and Prado, 2000.
5. Smaller European countries tend to be at a double disadvantage, since they may also be dependent on the cross-border transmissions from large neighbours, as in the examples of Wallonia and France, Flanders and the Netherlands, Ireland and England, Austria and Germany.

– there is a good deal of evidence that audiences can and do make appropriate distinctions between home and foreign content and watch the latter in more detached ways which makes any impact on the "own" culture less likely.[1] "Alien" cultural influences are often resisted or filtered out in the reception process;

– there is much imitation of American models in home-produced fiction and entertainment, but different, more culturally familiar types and versions of some genres are appearing in Europe[2], just as America borrows and adapts from Europe. European soap opera tends to be more realistic and more community-oriented;

– language remains a major barrier to all sorts of cross-cultural media influence (Biltereyst, 1992). The early expectations that international satellite channels would strongly compete for audiences with national terrestrial transmissions proved false, just as did the expectation that a viable pan-European channel might be a culturally unifying influence.[3] Barriers of language can be partly overcome by dubbing, but where possible, as in Music Television or News, "regional" language editions of international channels have to be introduced to compete with local provision (Roe and De Meyer, 2000). Financial and media structural problems have also been considerable, despite efforts to facilitate cross-border advertising.

Convergence of media systems and threats to diversity

In general, research has not yet confirmed that either "European culture" or that the different national cultures of Europe are seriously "at risk". There are also differing views about the significance and strength of any process of media globalisation. A number of comparative and cross-national studies of media systems and policy[4] indicate that television systems and underlying values are not really converging despite the common trends of commercialisation and deregulation.

There is even less evidence of convergence (thus of declining diversity) in the newspaper press.[5] Barriers of language and the deeper embedding of the press in the national culture serve as a cultural preservative. Patterns of audience behaviour (amount and type) as well as styles and genres of content remain quite diverse, suiting local needs and stemming from national history and tradition.[6] Amounts of television viewing and newspaper reading vary a great deal as between northern and southern countries of Europe. Inter-country differences show up in content preferences amongst adults and also children.[7]

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1. See Biltereyst, 1991.
2. See, for instance, Liebes and Livingstone, 1998.
3. Cross-border satellite transmission in Europe has had little impact, examples of some success including the Franco/German Arte and Euro-News.
4. For instance Blumler, 1992; Siune and Truetzschler, 1992; Robillard, 1995; Mitchell and Blumler, 1994; Hoffmann-Riem, 1996; D'Haenens and Saeys, 1998.
5. See Gustafsson and Weibull, 1997.
6. See Wieten, Dahlgren and Murdock, 2000; Pasquier et al., 1998.
7. See Livingstone, 1998.

There have been a number of trend studies examining (and comparing) the impact of commercialisation and expansion on the programming of the main television channels.[1] There is evidence of convergence in the balance of content types in mainstream television, especially as between public and commercial channels. Although the changes during the decade from late 1980s to late 1990s do not seem dramatic, there has been a trend for public broadcasting to move information and cultural programming out of peak viewing hours and also to suffer a decline in audience. The overall effect is probably some loss of diversity in television experience for average viewers.

Tabloidisation and cultural decline?

There has been a good deal of debate and some research about another effect of "Americanisation", arriving on the back of commercialisation. This concerns the quality of information that is made available by media to citizens, especially in relation to participation in political life. The thesis of "video-malaise" and "TV-tabloidisation" links the quantity and type of typical television (info-tainment) with lower levels of information, more cynicism and less willingness to participate in civic life. Schulz (1997) presents some supporting evidence of this in relation to the German audience. Brants (1998) casts doubt on the reality of any decline in the quality of politics on media. Some other studies in Germany also support this counter-view.[2]

Some media researchers, especially in the cultural studies tradition, do not accept indicators of change in the form of "popularisation" or even "Americanisation" at face value as evidence of "decline".[3] While there is probably more superficiality and sensationalism, there are many examples of new popular genres and formats (talkshows, breakfast television, debates, phone-ins) which have a capacity of connecting personal and emotional concerns with public issues. They are also more likely to involve women in the public sphere than did the older, elite, male-dominated and newspaper-led form of politics (Livingstone and Lunt, 1994). They can also offer opportunities of access for cultural minority voices (Leurdijk, 1997).

Sub-nation, region and language

At the sub-national level, a good deal of research has inventorised the survival and even flourishing of media in the regional language and indicated some of the pre-conditions for survival and the pressures to fail.[4] Policy and subsidy can often be very helpful, although there must be some base in popular support as well and some potential financial viability. In general it is agreed that any regional identity has to precede any successful media provision. The question of language is closely

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1. See Chaniac, 1994; Hellman and Sauri, 1994; Krüger, 1997; McQuail and Siune, 1998; De Bens and De Smaele, 2001; Moragas and Prado, 2000; RAI, n.d.
2. For instance Bruns and Marcinkowski, 1996.
3. See Dahlgren, 1995; Hermes, 1997.
4. See Garitaonandía, 1993; Cormack, 1998; Bulck and Poecke, 1996.

bound up with that of region and the most successful current examples of regional television relate to cases where place and language coincide (for example SC4 in Wales, TV3 in Catalonia, ETB in the Basque country, TG4 in the Irish Gaeltacht, Omroep Fryslan in Friesland).

However, language and place may not be enough on their own. Guyot (1998) has described the case of the Breton language, where despite the fact that in Basse Bretagne, 24% are Breton speakers, there is little Breton media provision. The obstacles are social and economic, with most speakers older and not commercially interesting to advertisers. New cable and satellite channels are directed at the young and affluent. There is little financial viability. Hoffmann-Riem (1996) stresses that policy cannot regulate for diversity of content directly with much hope of success. There have to be structural provisions, of the kind built into public service broadcasting. Guyot argues for co-ordinating different kinds of cultural policy as a way of achieving results in a given region.

Minority language situations vary enormously from country to country. According to Cormack (1998), the chances for minority languages depend not only on obvious things like the number of speakers, but also on the degree of political support, the relative symbolic value of the minority language (as in Ireland) and the mounting of campaigns of support. Lately, there has been a more favourable trend in European support for regional and minority media (the concept of "Europe of the Regions"). There are potential benefits as well as threats from changes in the media. Cormack (1998) suggests that the cause of minority languages may be helped by the larger threat to many national European languages from the international imperialism of the English language.[1] Advocates of minority languages and opponents of English language dominance share a common cause and can benefit from the same protective measures.

Immigration and ethnic minorities

A fair amount of research has been carried out on the media provision for immigrants in various European countries and media needs and uses of immigrant minorities.[2] For many members of ethnic and language minority groups, new media developments have strengthened cultural ties with countries of origin, even if the parallel goal of integration may be less well served. However, in general, a genuine "multiculturalism" of society is more likely where ethnic minorities have autonomous bases of identity. This was the original concept, for instance, behind the pillarised society of the Netherlands and it is consistent with policies to protect historic subcultures in European national societies. The situation in relation to dominant mass media is less positive.[3] It is hard for ethnic minority members to gain access on equal terms to the media of the host country. The news values of the main mass media have a persistent tendency to "problematise" if not penalise the

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1. See also Findahl, 1989.
2. See Frachon and Vargaftig, 1995; Hargreaves and Mahdjoub, 1997; Husband, 1998; Downing and Husband, 1999; Browne, 1999; Dijk, 1999; Ogan and Milikowski, 1998; Sreberny, 2000.
3. See Downing and Husband, 1999; Dijk, 1999.

presence of immigrants, as much research testifies.[1] Research suggests that over time, a once "problematic" immigrant group gradually loses its negative stereotype in the media, only to be replaced by some new "outgroup" – currently often "asylum seekers" (Lubbers, Scheeper and Wester, 1998).

In several countries, there are examples of immigrant groups receiving their own local cable television services, especially in larger cities (for example Migranten TV in Amsterdam). Where the ethnic immigrant population reaches a "critical mass", the situation is even more favourable. Husband (1998) has concluded with reference to the United Kingdom that "on the whole, minority ethnic communities are well served by the press". He reports a case study of the Pakistani minority of the city of Bradford, which accounts for more than 10% of the population. They not only have several newspapers, but also several radio stations, some local cable television and many film and video outlets. The media environment of this particular minority is rich enough to allow considerable fragmentation and internal diversity of its own. Husband even sees a potential problem of a threat to a shared public sphere which can "facilitate dialogue and engagement across ethnic boundaries".

Media concentration and pluralism

Although media pluralism and concentration, as indicated above, has been on the agenda of European policy discussions for some years, there is little comparative research. It is hard to reach conclusions about the extent of any problem or the prospects of any solution.[2] Little more has been done at the pan-European level than the work of the Council of Europe and the European Commission in inventorising the situation of different media systems in respect of concentration and posing certain questions for Europe of the kind that arise in national contexts.

Local, community and alternative media

Media research has always tended to pay most attention to the "big media" of the moment, especially television, as if size (or ratings) must be correlated with significance in other respects. Against this trend, there has also long been a movement of researchers in Europe to pay attention to "small media", especially local and community radio and television.[3] The main conclusion of research on local and community media is that the new technologies (and also the climate of deregulation) have opened the way for more diverse access opportunities and more alternative forms of media expression for small groups, something that is still growing with the Internet.[4] Small scale media take their impetus from real communities. Their tendency thus is to reinforce the identity of the minorities and revitalise localities they serve, rather than crossing cultural boundaries as such.

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1. For example, Leurdijk, 1997.
2. But see, for instance, Pauwels, 1998; Picard, 1998; Meier and Trappel, 1998a and 1998b; Humphreys, 2000.
3. See, for example, Jankowski, Prehn and Stappers, 1992; Jankowski and Prehn, 2000.
4. In general, globalisation has affected national media (through the spread of global media culture and commercial links) much more than it has local media that have acquired a new vitality and do not have to cede audiences.

Women and media

Feminist research on the media has its own agenda, but sidelights have also been shed on the cultural diversity issue. Conclusions are mixed on the possibility of overcoming some known media cultural deficits. It still seems that the traditional "mainstream" media and news journalism especially, remain dominated by men and "male" concerns, as conventionally understood (business, formal politics, football, etc.). However the situation is said to have improved compared to twenty years earlier and there is more diversity of representation of women in content. Although the employment of women in media professions is increasing, it is still difficult for women to have much influence within the various professions.[1] However, policies of some public broadcasting organisations have favoured the advancement of women.

On the other hand, women are gaining more influence because of their audience power and their role as principal controllers of household purchasing decisions (which matters to advertisers). There is also evidence of widespread gendering of certain television genres and of "feminisation" of newspaper content (Neveu, 1997). Certain sectors of the publishing industry (for example, magazines, romantic fiction) as well as of television (for example, day-time television) continue to regard women as their chief market and pay attention to their views and needs (Zoonen, 1995). According to Zoonen, the new genres and formats mentioned above open up new possibilities for female journalists and allow more space for feminine subjectivity. There are already high hopes that the Internet will open up many opportunities for women to communicate and inter-communicate, despite initial male bias in adoption of computer-based technology.

Public service broadcasting as agent of diversity

Public broadcasting has played a key part, as noted above, in maintaining and extending cultural diversity for all kinds of minority interests and tastes (Raboy and Atkinson, 1997). However, research has shown not only an overall decline in audiences for public broadcasting, and therefore reduced cultural influence, but also the adoption of competitive strategies which relegate cultural goals and programming to inconvenient hours. There is less room and money for pursuing various cultural goals.

Media ethics in Europe

One of the minor items in the European policy discussion has been a discussion of the possibility for a European "code of journalistic ethics" that could be adopted more widely by European media to strengthen quality and accountability. This could have an important bearing on some diversity issues. Laitila (1995) has examined the ethical codes of thirty-one European codes and found enough similarity to make this a feasible project, given policy support.

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1. See Zoonen, 1994; Gallagher, 1995; Baehr, 1995; European Commission, 1999.

Strategic directions for research

Conceptual clarification

A necessary condition for progress in research (and also policy) in this area is a dedicated inquiry into the complexities of the many issues that are identified under the heading of "cultural diversity". The term has been widely used in different ways to refer to many different aspects of (a changing) reality and the existing stock of ideas, terms, concepts and theories is rich but confusing. Diversity of media can take several forms, especially internal versus external and proportional versus equal or open access.[1] It can relate to different levels of social organisation and kinds of collectivity (society, community, nation, group, region, etc.). The internal cultural diversity of most European countries is constituted by new as well as older divisions and identifications (think of refugees, ex-colonial citizens, "guest workers", citizens of other European Union countries, etc.) Changing media also give rise to new modes of access, representation and participation.

Cultural diversity can (in principle) be "measured" or assessed according to numerous dimensions and criteria (ethnicity, religion, language, nation, gender, social class, region, aesthetics, media forms etc.). However, compared to earlier situations in which diversity research was carried out, there are now many more potential cultural divisions that can claim equal recognition. This poses an acute problem of selection of "cultural indicators".

The difficult question of the relation between culture and identity needs also to be taken into account.[2] Ideas about cultural identity, autonomy, authenticity are the heart of public and policy concerns and need to be clarified on a continuous basis, because of the pace of globalisation and of other changes. It is also pertinent to mention debates and research around the notion of media and cultural "quality", which have not diminished in intensity and relevance even in this postmodern age.[3]

The conceptual work referred to does not have to be done again from the beginning but it needs to be kept under continuous review and adapted to new situations.

Turning to more empirical matters, there are numerous lines of research that merit continuation or initiation. It is not easy to assign priorities or orders of importance, but the agenda that follows is influenced by certain assumptions about trends and forces at work in the cultural-media landscape and about gaps in deficiencies in what we know.

Media concentration

There is reason to think that processes of concentration at the level of ownership are likely to accelerate in global media markets which will affect European media directly and indirectly, especially as digital television and Internet develop further

1. See McQuail and Cuilenburg, 1983.
2. See, for instance, Schlesinger, 1987 and 2000.
3. See Ishikawa, 1996; Rosengren, Carlsson and Tågerud, 1991.

as mass media. There is a need for a continuing programme of research into media structure with a multimedia, integrated and cross-national scope. Account should be taken of ownership, other relationships, audience reach and economic performance. The relevant information is mainly in the public domain but it is very voluminous and constantly changing. What is needed is the development of a good framework and sharp analytic tools (conceptual and methodological).

Policy research

The topic of media policy is a necessary and suitable object of study in the present context, although it has to be said that it continues to be generally well covered in description and assessment by ongoing research.[1] Of particular importance is a close attention to the role and performance of public service broadcasting in relation to cultural diversity, especially because this is about the most effective tool available to democratic governments for influencing media cultural performance and because it is increasingly under threat (Raboy and Atkinson, 1997). An active relationship between research and policy can also be encouraged by designing evaluation research on particular aims of European media cultural policy.[2]

Media monitoring

Alongside research into media structure is needed research that can perform a monitoring role on media output, essentially to chart the consequences of structural and other change for key issues of cultural diversity as proposed by Nordenstreng and Griffin (1999). There should be a wider remit than the effects on public broadcasting schedules and audiences or the imports of American content that have dominated research until now. Issues of violence, quality and implications for young audiences should be taken into account.[3] Issues of gender and multi-ethnic representation should also be covered in a monitoring programme.[4]

The role of the printed press, especially newspapers, has not diminished in the electronic age and requires equal attention for its contribution to intercultural perceptions and attitudes as well to political processes. The concepts and methods for press monitoring are already well developed and can be applied to specific questions of cultural diversity.[5]

Some indicated topics for monitoring include: the "image" of various minorities in the media; content convergence and loss of diversity under conditions of competition and concentration; degree and kind of access for relevant voices and groups; cross-national images, perceptions and stereotypes in the media.

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1. For instance Goldberg, Prosser and Verhulst, 1998.
2. As in Biltereyst, 1998.
3. See, for instance, Carlsson and Feilitzen, 1998.
4. See Downing and Husband, 1999.
5. The enormous scale of media dissemination makes any kind of monitoring a daunting task and thus underlines the need for well conceptualised, methodologically sound and sharply focused (selective) studies. See Edwards, Golding and Howitt, 1999.

New media

So far the Internet has been largely unresearched and uncertain in its course of development, although it has given rise to great hopes and some fears in relation to cultural diversity.[1] It is too early to recommend any systematic monitoring (and it is hardly possible), but exploratory and diagnostic research into the real potential for (interactive) access of an effective kind for culturally identified minorities should be continued.

Audience research

There are other ways of proceeding. One of the most promising is by way of the study of audiences.[2] Research can focus on media needs and experiences of particular subcultural groups, or look at the reception in relevant audiences of particular media items that open up specific issues of cultural identity. In general, "reception research", usually ethnographic and qualitative in character and thus very intensive, is good at shedding light on the meaning of media cultural experiences in specific contexts. More extensive, quantitative research into the (changing) patterns and types of use of media, mapped out by cultural variables of audience membership is worth developing further. Here examination of new and changing life-styles offers a promising way of combining empirical evidence about media use with evaluation of cultural attributes of content.[3]

Media organisations

Media organisational studies have already contributed a good deal to our understanding of many factors that hinder or foster the diversity of cultural production. Although the relationship between the composition of media occupational groups and the diversity of content is not simple and direct, there is such a relation and it needs to be further studied by analysis of professional education, occupations, power structures in media and attitudes of relevant media professionals. Again, the breadth of study requires choices to be made. Since most work until now has focused on the position of women and ethnic minorities it seems sensible to build on existing findings and theory.

Conclusion

The body of research that has been reviewed provides some useful materials for trying to assess the contribution of media policy (and structure) to promoting cultural diversity in Europe. One conclusion is that structures at national level are still very different from each other and this situation in itself makes a contribution to diversity. Whether in private or public hands, the media are still often quite responsive to the varied cultural needs of audiences.[4] In any case, effective pres-

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1. See Slevin, 2000; Jones, 1997.
2. See Alasuutari, 1999; McQuail, 1997.
3. See Andersson and Jansson, 1998; Johansson and Miegel, 1992.
4. With reference to television, see Mitchell and Blumler, 1994.

sure for the most relevant forms of diversity has to come from people themselves. In turn, this requires that there have to be means for expressing demands, opportunities for access and responsiveness on the part of media.

Policy, whether European or national cannot fundamentally "engineer" cultural diversity or keep it in place by legislation, because it is of its nature dynamic and unpredictable in the forms it might take. But policy can be supportive and protective, can set some limits to anti-diversity tendencies of media structure, and signal desirable objectives. Often the most effective measures are to encourage small scale and grass roots initiatives. Policy can keep a space free for the "public sphere" and maintain the legitimacy of the principle of intervention in media for social or cultural purposes. Until now, and in some degree, so far these goals do seem to have been achieved at European as well as at national level despite the espousal of market aims and ideologies. But there is no guarantee of continuity. Research of an open and flexible kind with clear goals can help in identifying the points of most effective action. However the rapidly changing cultural face of Europe and of the media landscape makes it hard to draw lessons from even the immediate past and policy action for cultural diversity is always bound to be in some sense experimental.

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Assessing the implementation of cultural diversity policies

Research position paper 2

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Introduction, methodology and limitations

The purpose of this paper is to examine various ways of assessing the effectiveness of the implementation of cultural diversity policies, especially the translation of general policy principles into policy instruments and their application in the context of specific relations of diversity.

The primary methodology employed for this research was a computerised and hand search of the relevant literature published during the last ten years. Literature searches were conducted both in North America and in Europe. The literature searches, however, revealed few published evaluation studies of the effectiveness of the implementation of cultural diversity policies or their translation into policy instruments addressing specific relations of diversity. The likely reason is that following the rapid devolution of governments in western democracies during the last twenty years, central government ministries have moved away from rigorous evaluations of policy implementation. They are relying more on provincial and local government agencies and voluntary and non-governmental organisations to conduct their own evaluations. If done at all, these evaluations are usually designed to meet accountability requirements and guide internal resource allocation and programming decisions, rather than to be published or publicly disseminated.

Undoubtedly some implementation evaluation reports exist, but obtaining them would require directly contacting the relevant government ministries and agencies, and non-profit organisations. This type of research was beyond the time frame and resources of the current project.

Persistent challenges to the evaluation of cultural diversity policy instruments

Lack of agreement on the meanings of cultural diversity

A central concern for evaluation is the lack of a clear and agreed-upon definition of cultural diversity. In western democracies the concept initially appeared to be understood as affording all members of society respect, no matter what their culture of origin. In time, others appeared to see cultural diversity as the basic

freedom in a democratic society to identify and reconstruct the culture of origin, including its world-view and prevailing religio-moral norms. In the absence of a clear definition, evaluation is often forced to become descriptive rather than analytical – to document and reproblemise the cultural diversity process as it is being constructed and negotiated by the various actors.

Political dimension

Since policy instruments are linked directly to the use of political power, this political dimension can lead to mistrust of the true purpose of the evaluation or to misuse of the evaluation results. For those who want to abolish, challenge or change current policies, evaluation has the potential to reveal programme flaws or administrative failings. For those who want to expand or preserve programs, evaluation can provide persuasive evidence of effectiveness and justify current goals. To use the example of recent migration in Britain and Germany, Koopmans and Statham (1999) state that in the absence of clear policies and empirical data, opponents of further migration emphasise the strong cultural differences of recent, non-European migrants and the strain placed on the migrants' own adaptive abilities and the host society's integrative capacities. Advocates of multicultural citizenship, in contrast, emphasise discrimination or biases against migrants' cultural differences and the systematic denial of migrants' fundamental social and political citizenship rights.

Vague and conflicting policy goals

Given the definitional and political problems surrounding cultural diversity policies, it is not surprising that evaluators face the challenge of vague and often contradictory policy goals, and uncertainty about the logical relationship between intended outcomes and policy instruments. Evaluation of cultural diversity policy instruments is also difficult because their intended effects can be subjective and difficult to measure (for example, increased sense of security, greater social cohesion). Even so, there is general agreement that evaluation has the potential for making transparent the logic behind policy instruments, increasing the dialogue about choice of instruments, and improving understanding about policy outcomes and how they are measured.

Dissent over the effectiveness of cultural policy instruments

Some supporters and detractors of cultural diversity have raised objections about the current range of policy instruments being used to promote cultural diversity, (Chavez, 1996; Kreyche, 1995; Salins, 1997; Sowell, 1997), primarily on the grounds that there is no concrete proof that these policy instruments are effective. Further, there is the concern that the policy instruments are producing unintended effects which undermine the values and principles of a democratic society, encourage racial or ethnic preferences, and foster strife. The roots of these objections appear to be the absence of credible evaluative data about the effectiveness of the policy instruments, political and technical difficulties in collecting accurate statis-

tics about ethnic participation, and scepticism about the hidden political agenda behind the choice of policy instruments.

Inadequate existing information

On a technical level, a persistent problem for the evaluation of cultural diversity instruments is inadequate existing information and the need for extensive primary data gathering and data-set construction. This is especially true for the intersection of cultural policies and programmes supporting cultural diversity. Kaple and colleagues (1998) note that cultural policy makers, unlike those in other fields, must make decisions without the assistance of reliable information systems. Up to now, making even basic broad estimates of the parameters of the cultural sector and its relation to cultural diversity (for example, minorities employed, composition of audiences served) is precarious and requires stitching together data from numerous sources to form a picture that is usually incomplete.

Overview of the evaluation of cultural diversity policy instruments

Governments use policy instruments to ensure support for public policies and effect social change. Policy instruments are the operational forms of intervention that indicate the way policy is being interpreted in concrete action. Evaluation is a tool used to inform policy makers in the optimal choice of policy instruments. Vedung (1998) summarises the purposes and the approaches used to evaluate the three major categories of policy instruments: i. economic means: "carrots"; ii. regulations: "sticks"; and iii. information: "sermons". All three types of policy instruments have been used to further cultural diversity policies.

Economic policy instruments

Economic policy instruments ("carrots") are the interventions used most often by governments to promote cultural diversity. They involve distributing or withholding material resources, often in the form of direct support, subsidies, grants, or tax credits. The role of evaluation is to provide empirical information about the management, distribution, goals, costs, and effects of economic policy instruments mainly through ex-ante, process, and ex-post evaluations. For example, in France policy analysts have documented the percent of the overall budget devoted to i. arts and culture programmes generally and ii. arts programmes focused specifically on cultural diversity, that is, programmes related to those policies identified by the Minister of Culture to democratise culture, reintegrate excluded segments of the population, and revitalise ghetto areas (Marmer, 1996). Evaluation may be used to document the intended policies, track the specific agenda and policy instruments used to implement those policies, and assess the results of those interventions.

Regulatory policy instruments

Regulations ("sticks") are the traditional policy instruments of government, although deregulation now attempts to reduce the economic burden of complex

regulations. The role of evaluation is to assess the need and likely outcome of regulations (and deregulation) that promote cultural diversity primarily through ex-ante evaluations, stakeholder analysis and cost-benefit analysis. For example, in the United States affirmative action policies are aimed at eliminating employment barriers to certain minority groups, including those working in arts and cultural organisations. Evaluations can document whether specific cultural industries reflect the diversity of the general population in its workforce, record the responsibility and pay levels of minority employees, survey minority stakeholders to determine whether they were discriminated against on the job, and ask minority employees to rate how well their organisation and industry addresses cultural activities of interest to minority communities. Some of the most effective evaluations of the impact of regulatory instruments now are being conducted by advocacy groups (see below), rather than by policy analysts.

Information policy instruments

Information policy instruments ("sermons") are modern forms of intervention. Their purpose is to increase the tolerant behaviour of people and their appreciation of cultural diversity through the transfer of values and knowledge, reasoned argument, and direct contact with other cultures. The role of evaluation is to assess the process, effectiveness, political benefits, and impact on the democratic process of the selected policy instruments (for a review, see Weiss and Tschirhart, 1994). As an example, arts education is an important area for promoting cultural diversity through information policy instruments. Arts education is an area where cultural policy instruments clearly support cultural diversity. Evaluation may be used to assess the content and quality of multicultural literature; document the short-term and long-term effects of multicultural literacy classes on children's self-image, attitudes and behaviour; and assess the impact of children's acceptance of difference (Bainbridge, Pantaleo and Ellis, 1999). It also may be used to assess the effectiveness of specific programmes that use arts and cultural activities to promote tolerant behaviour, such as the programme at Colby College in Maine that offered classes in scriptwriting and filmmaking and funded two film projects focused on reducing racial barriers.

Current approaches for evaluating cultural diversity instruments

Measurement of intended outcomes by government

As a result of fiscal restraint and widespread acceptance of private sector administrative principles and processes as part of the new public management reforms, during the last decade governments worldwide have shifted from policy by reaction and correction ("bumper car" policy) to policy by intended impact (Stevens, 1998). The new focus is greater accountability for the achievement of clearly specified policy outcomes through the use of performance measurement and programme evaluation (especially impact analysis) by different levels of government and by government agencies. For example, the Government Performance Review

Act (GPRA) requires every American federal agency to develop five-year strategic plans with measurable policy goals and indicators that track the effects of government policies and agency programmes. Similar systems exist in the United Kingdom, Europe, Canada, Australia and elsewhere.

Likewise, over 80% of the American state governments have instituted performance measurement requirements. Responding to this type of legislation, state arts and cultural agencies have identified over one hundred measurement indicators, including indicators directed at promoting cultural diversity. They report that developing this basic evaluation capacity has enabled them to strengthen their management and attain more stable funding for arts and cultural organisations (Melkers and Willoughby, 1998).

As another example, in the United Kingdom local authorities are required to reappraise their policies towards museums regularly (every three to five years) and carry out periodic performance reviews of museums that include performance measurement. These reviews include explicit identification of cultural diversity objectives (for example, are museum services targeted toward particular groups, such as ethnic minorities? Is the museum accessible to low-income migrants?) and investment of government funds is contingent on the local authority being satisfied that performance is being measured (for example, what displays and services are being targeted at ethnic minorities? Are ethnic minorities using the museum? What difference are the museum's exhibits and services making for the lives of ethnic minorities?) and that managerial arrangements are satisfactory.

There are recognised shortcomings in using performance measures to assess the outcomes of policies and policy instruments. Formulating policy is a political process and often the resulting objectives are too vague or contradictory to be measured. Performance measures usually do not consider the implementation context nor do they identify unintended consequences of policies – both of these factors are critical for the evaluation of cultural diversity policies and instruments. Instead of measuring outcomes and impact, which can be conceptually and technically demanding, often performance measures focus on what is easy to count, such as attendance and the expenditure of resources.

Measurement of intended outcomes by voluntary and non-governmental cultural organisations

Government performance assessment efforts have also influenced the evaluation of voluntary and non-governmental cultural organisations. Since non-profit cultural organisations operate programmes with government support and follow public directives and government regulations, they are viewed as public agents in advancing public policies (Salamon, 1981). However, many of these organisations have difficulty defining clear objectives that support public policies and the public good.

Filicko (1996) states that the public has such low levels of awareness about the purposes and operation of arts and cultural organisations that these organisations become virtually invisible. Further, the public is sceptical that their efforts are

positive and effective (Lauer, 1994). Compared to many other fields, cultural organisations have relatively little experience with evaluation. Many in the arts and culture community still regard attempts to measure the impact of the arts as futile and insufficient to capture the true value of the arts and culture, both generally and in support of cultural diversity. Therefore measurement efforts are often greeted with scepticism, and attempts at impact analysis are viewed with suspicion.

The current emphasis on performance measurement and evaluation, however, is a major part of an strategy to recover public trust in voluntary and non-governmental cultural organisations (Herzlinger, 1996). So far, results have been limited. Hodgkinson (1996) observes that after two decades of research and evaluation, the voluntary and non-governmental cultural sector in the United States and Canada has established only some basic facts about its size, scope, and dimensions, but it still remains to measure the effects or impacts of the whole sector, specific sub-sectors, and individual organisations.

In some countries, foundations provide significant funding to voluntary and non-governmental cultural organisations and they are showing an increased interest in policy formulation and evaluation. Stone and Cutcher-Gershenfeld (1997) observe that foundations also are under increasing pressures to demonstrate results from their resource allocation decisions, and the public wants to know what outcomes are derived from their donations. Boards of directors want evaluation information to guide allocations, staff to improve and validate programmes, and grant recipients to determine effective project performance.

To strengthen evaluation capacity in the cultural sectors and foster cultural diversity, major foundations such as the Pew Charitable Trusts and the Lila Wallace Readers Digest Fund have established evaluation departments i. to assist in strategic planning by focusing resources on key opportunities for change and ii. to assess the effectiveness of specific grants and programmes in promoting cultural diversity and improve their quality (Godfrey, 1996). However, critics consider the use of evaluation by Pew to build a "new world of accountability" for the arts and target the "culturally underserved" as forging a bureaucratic nightmare for cultural policy and cultural organisations (see *The New Criterion,* 1999).

Some promising new directions for evaluating cultural diversity instruments

Clarifying policy outcomes

Over the last forty years, democratising culture has been an objective of western democratic governments. Stevens (1998) suggests that first we must determine what cultural outcomes we want to show and then track and measure them over time. Without explicit and widely supported policy outcomes, cultural agencies are vulnerable to waning public support for government and foundation involvement in the arts and culture. Methods are being developed to clarify policy outcomes, uncover hidden assumptions, and ground the discourses conceptually and

factually (Kreidler, 1996). As an example of this process, Wyszomirski (1998) notes that American state arts agencies have collectively identified seven outcome goals, and four of those seven goals are focused on cultural diversity – fostering the availability of the arts to diverse groups, incorporating diversity into staffing and programming, furthering public education about the arts for all groups in society, and helping address social needs of diverse groups (such as at-risk youth or handicapped access).

Collecting and disseminating accurate information about arts and cultural organisations

Even if clear policies and outcome goals are set, the problem of obtaining accurate performance measurement data about the organisational context still remains. Stevenson (1998) notes that the availability of Forms 990 data to the public on CD-Rom and through the Internet marks a revolution in access to information about arts and cultural organisations in the United States. These forms constitute an invaluable repository of standardised financial, descriptive, and performance measurement information for over 22 000 non-profit arts and cultural organisations (Stevenson et al., 1997), including indicators of cultural diversity. Comparisons may be made between the cultural sector and data collected from over 200 000 non-profit organisations. Because all Forms 990 are prepared using the same set of definitions and instructions, this database allows individual organisations and groups of organisations to be compared by policy makers and policy evaluators, while reducing the burden on voluntary and non-governmental organisations.

Stevenson (1998) describes how these types of data collection and reporting systems can be extended and strengthened further to evaluate the effects of policy instruments. Kaple and colleagues (1998) illustrate the creation of serviceable lists from existing local inventories and press filings to supplement Form 990 data and the extension of these methods to include small unincorporated cultural groups without any formal status. There is much merit in duplicating and extending the Forms 990 strategy to other countries.

Examination of the structures used to set cultural policies and administer policy instruments

The administration of cultural resources can serve as a means of recognising the distinctive cultural needs of specific groups while also promoting stronger forms of cross-cultural understanding and mutual tolerance. The evaluation of accessibility begins with an examination of the structures used to set cultural polices and administer policy instruments through an audit or programme review process. Structural analysis examines who are the policy makers and members of Boards of Directors, senior administration, and other decision-making groups. It asks if they reflect the diversity of the overall population. If the policymaking and administrative structure is devolved to regional boards, for example, do they reflect the cultural composition of the region? Have they established mechanisms to assess

the changing demographics and new cultural tastes? Structural analysis also examines the texts of minutes and reports to determine whether boards are sensitive to the need for cultural programming that supports diversity based on the post-second world war ideas of human rights and the equality of citizens. In addition to the actors themselves and their decisions, a structural analysis examines the institutional channels afforded to migrant and ethnic organisations to access the cultural resources controlled by those organisations.

Evaluations by watchdog organisations

Evaluations by "watchdog" organisations, such as the National Association for the Advancement of Colored People (NAACP) and the Council on Economic Priorities, have produced some of the most impressive improvements in expanding diversity in the culture and media industries. Even *Fortune* magazine now collaborates with the non-profit Council on Economic Priorities to rank the fifty best companies for minorities on fifteen different quantitative and qualitative measures. Watchdog organisations use a variety of evaluation strategies including:

i.   Nelson polls of visible minorities to rate how much the cable, broadcast, and newspaper industries contribute diversity coverage and respond to diversity cultural interests;

ii. monitoring the effectiveness of programmes to promote diversity in cultural industries (for example, programmes in leading multinational corporations such as Disney, New York Times, CMP Media, SBC Communications), including measuring the percentage of minorities at senior, middle and line managerial ranks who are hired and retained and customer surveys about the responsiveness and quality of services to diverse customers and audiences;

iii. analysing the percentage of ethnic minorities on boards of companies in the cultural industries;

iv. publishing lists of organisations that have done the most to make employees of all races into full participants;

v.   interviewing minority executives to determine the percentage that have been the target of racial or cultural jokes at work;

vi. assessing organisational opportunities and corporate culture for minorities in the cultural sector.

The publication of these evaluation results and advocacy efforts by minority coalitions have resulted in ground-breaking diversity initiatives in the American advertising, cable-TV, broadcast, motion picture, and newspaper industries. Many of the businesses have signed "diversity pacts" ensuring more minority representation on both the executive and talent sides, appointed senior vice-presidents to be accountable for implementation, expanded minority recruitment and retention programmes and internships at various operating divisions, increased the use of minority-owned media to promote cultural products, and set a minimum percentage of minority procurement on goods and services where qualified minority suppliers were available.

The evaluation and advocacy methods developed by watchdog groups have the potential to increase diversity if applied to mainstream cultural organisations.

Analyses of newspapers to compare discourses of multiculturalism and assess the collective claims of migrants, ethnic minorities, and indigenous peoples

Quantitative and qualitative content analyses of samples of print media have been used to compare discourses of multiculturalism and differences in official cultural diversity policy between countries (Luchtenberg and McLelland, 1998).

A variation of "protest event analysis" (Olzak, 1989; Rucht, Koopmans and Neidhardt, 1998) has been used to evaluate the collective claims of migrants, ethnic minorities, and indigenous peoples drawn from a content analysis of daily newspapers. Acts are included if they involve demands, criticisms, or proposals related to the regulation or evaluation of immigration, minority integration, multiculturalism, and access to cultural products or resources. Description bias is controlled by coding only the factual coverage of statements and events and selecting quality newspapers. For example, for Maori the agenda is not only to maintain cultural independence within the sovereign New Zealand state and resist assimilation, but also to challenge the legitimacy of that state and that majority culture. This agenda is reflected in their collective claims and may be witnessed through content analyses of newspapers and other media. This evaluation strategy also may be used to compare the claims made by migrants, ethnic minorities, and indigenous peoples from different jurisdictions or countries.

Comprehensive economic impact assessment

Economic impact is seen as an indirect measure of cultural policy effectiveness, an indicator of public engagement and participation, and as an analytic tool for evaluating policy. Comprehensive economic impact analysis of the arts and cultural instruments is useful in two ways: to help policy makers and donors determine their return on investments (ROI) and allocate resources and to create evidence that justifies funding for the arts.

The economic impact of immigrants and ethnic groups is being recognised in terms of increased demand for new cultural products and substitute products (for example, ethnic movies and TV programmes), and the influence of these groups on shifting government funding to diverse communities from mainstream cultural organisations. Conventional economic impact analysis, however, usually focuses on how arts and cultural tourism affect the local economy by attracting outside income. It does not consider how the arts influence the economy by affecting local residents, including culturally diverse groups, and their quality of life. Since comprehensive economic impact analysis is essential, evaluators are now linking contingency valuation techniques (Thompson, 1998) to traditional economic impact studies and supplementing audience surveys with participatory evaluation methods, as well as with public opinion and attitudinal surveys (Balfe and Peters, 2000) focused on specific target audiences, such as diverse groups.

Portraits of cultural participation

Over the last fifty years, policy makers described the involvement of minority and diverse groups in the arts by creating a portrait of arts participation drawn from labour market characteristics and then analysing similarities and differences of artists with other comparable members of the overall work force. This approach misses the differences between persons working in commercial and non-profit fields. It also neglects the "crossovers" or patterns of multiple jobs, as well as experiences within and across cultural fields or across lines of gender, race and ethnicity. Galligan and Alper (1998) suggest using a new conceptual paradigm that permits a better understanding of the crossovers within and across the commercial, non-profit, self-employed and unincorporated facets of the cultural sector. Of special importance to studies of cultural policy, it is crucial to include in any portrait the "unincorporated arts" which includes a range of "citizen" arts, including community, traditional and indigenous arts (Peters and Cherbo, 1998) and to document their contribution to cultural diversity.

Arts and culture indicators for community-based organisations

The Arts and Culture Indicators in Community Building Project (ACIP) is an exploratory effort to develop arts and culture indicators for community neighbourhoods conducted by the Urban Institute, a Washington DC-based non-profit public policy research organisation. This project sought to develop indicators through a better understanding of the presence and role of arts and culture, cultural institutions, artists in inner-city neighbourhoods and community-building contexts, and to assess the existing data collection practices among the community-based and mainstream arts and culture organisations. According to the project's principal researcher (Jackson, 1998):

i.   mainstream definitions of "the arts" exclude the culture and values of many groups that live in the inner city and that many expressions of artistic creativity have not been understood as art or culture;

ii. arts and culture should not be viewed only as products to be consumed but also as processes and systems that are part of the life of the community;

iii. cultural participation should be measured along a "continuum of cultural participation" and not only as audience participation;

iv. cultural activities are found in mainstream cultural venues and also in many other community locations; and

v.   "indigenous venues of validation" must be understood by using ethnographic research methods before appropriate indicator categories can be created.

Building evaluation capacity

In recent years substantial funding investments in the arts, the emergence of professional arts administrators, and growth of arts agencies have strengthened the

capacity to evaluate cultural policies and cultural organisations (Kaple et al., 1996). Policy makers, foundations, and managers of cultural organisations increasingly are using evaluation to improve policies, select policy instruments, strengthen programmes, and enable organisational learning (Love, 1991).

The evaluation paradigm is shifting away from top-down analysis (Mazmanian and Sabatier, 1981) toward the four-step learning-and-action model developed by Richard Rose (1993):

i. searching experience;

ii. abstracting a cause-and-effect model from what is observed;

iii. designing a course of action based on what has been learned from experience and modelling;

iv. developing a prospective estimation of the consequences of action.

National Arts Stabilization (NAS) provides an example of evaluation capacity building in community cultural organisations. Founded in 1983, NAS is a voluntary arts management group headquartered in the United States that co-operates with communities to strengthen the governance, management and financial skills of cultural organisations. Zinno (1998) describes a recent initiative by NAS to design and test an evaluation methodology and disseminate its finding to arts organisations and the cultural policy community. The evaluation process will employ both self-assessment and external validation of the participating arts organisations (which includes programmes throughout the United States, Canada, and England) and the measures will be compared within each local programme and among the project partners. One goal of the project is to identify a few key indicators to assess the impact of arts organisations on the local community.

Concluding remarks

Although there have been serious limitations in ability of governments and government agencies and of voluntary and non-governmental organisations and foundations to adequately define and evaluate the impact of cultural diversity policy instruments, during the last few years there have been several conceptual, methodological, and administrative advances that show significant promise for the future of research in this policy area.

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The cultural policies of the European Union and cultural diversity

Research position paper 3

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> "Culture is both an economic factor and a factor in social integration and citizenship; for that reason, it has an important role to play in meeting the new challenges facing the Community, such as globalisation, the information society, social cohesion and the creation of employment." (European Parliament, 2000: 1)

Introduction: the scope and context of European Union cultural policy

Towards the end of his life Jean Monnet, the French statesman and celebrated founding father of the European Communities, is reputed to have said, when looking back on a lifetime's work dedicated to creating a united Europe, "if we were to start all over again, we would start with culture". In fact, Monnet never said anything of the kind.[1] What is interesting about this apocryphal quote is not its historical inaccuracy but the fact that it is still frequently cited by European Union policy elites to support the argument for increased intervention in the field of culture. This is significant for two reasons. First, because it indicates the growing importance that culture has acquired among European Union policy professionals and theorists of European integration since the 1980s. Second, because it highlights a key point of this paper; namely, that European Union cultural policies cannot be understood outside of the wider context of the political project for European integration[2] and the European Union's transition from a free trade area to a fledgling, albeit still ill-defined, federal state.

To date, there has been little specialised analysis of European Union action in the field of culture. This is partly because European Union cultural policy, in the strict legal sense, is a relatively recent phenomenon: until the 1992 Maastricht Treaty, culture was not a recognised area of European Community competence. However, it also reflects the lack of status political scientists and European Union analysts have traditionally accorded to culture and, until recently, the narrow definitions of

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1. See Scott and Kirby, 1995: 40.
2. This project is typically referred to in French as *construction européenne,* a concept that does not translate easily into English.

culture they have employed.[1] This paper examines the development of European Union cultural policies from a historical and anthropological perspective by addressing two questions. First, why has "culture" – a subject that prior to the 1980s was deemed of esoteric and marginal interest – emerged as such an important concern for European Union policy makers? Second, what are the implications of the European Union's increasing intervention in the cultural domain for debates about cultural diversity, citizenship, social exclusion and democracy?

The main proposition advanced below is that European Union cultural policy is driven by problematic assumptions about "culture" as an integrative mechanism. European Union policy makers have sought to harness culture as a vehicle for promoting solidarity and social cohesion among Europeans, but the eurocentrism and class bias inherent in their conceptions of culture also promote exclusion and intolerance, particularly towards those who fall outside the boundaries of official European culture, including Africans, Asians and other categories of "non-European". The European Union's record on combating racism suggests that it clearly recognises the multicultural character of contemporary European societies. However, this is not reflected in its cultural policy, which typically expresses the interests and assumptions of European political elites, and a small but growing Brussels-based cultural lobby. While specific cultural initiatives invariably result from compromises and bargains between individual member states, European Union cultural policy in its general sense has been shaped primarily by political factors.[2] European Union policy makers have long held the belief that to forge a united Europe requires not simply economic and monetary union or a shared legal and political architecture, but also the creation of a more palpable sense of European consciousness and shared identity among the peoples of Europe.

The theoretical background to this can be briefly stated. All political systems, particularly democratic ones, seek legitimacy in the cultural field.[3] In order to have legitimacy and authority, political institutions must enjoy the consent of the citizens in whose name they govern. The cultural foundations of modern citizenship, as Kalberg (1993) has noted, are civic responsibility and social trust, both of which depend upon the sense people have of belonging to a political community. To date, however, lack of popular support for the European Union remains a key obstacle to its project for European integration. The problem is that the peoples of Europe have failed to embrace European institutions and ideals in the way that was hoped for or, indeed, predicted by traditional theories of integration. According to influential theorists of integration, including Ernst Haas and Leon Lindberg, popular loyalty to the European Community would grow as each successive step towards ever-closer union demonstrated the material benefits to be gained by further integration (Haas, 1958; Lindberg, 1963). This instrumental loyalty, so the argument

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1. For a more considered debate about the potential scope of the culture concept, see European Commission, 1996.
2. While I would stress the political rationale behind the European Union's growing interest in culture, it also reflects the European Union's increasing recognition of the commercial importance of the cultural industries, particularly in the fields of tourism and communications technologies.
3. For a good analysis of this argument see Habermas, 1992.

went, would provide sufficient "permissive consensus" to enable each subsequent step to be implemented.[1] Since the 1990s, however, that passive consent has withered and support for further integration has declined throughout the European Union, a factor some attribute to the deflationary policies adopted by those governments seeking to qualify for membership of the single currency.

The challenge for the Commission is how to transform this remote "Europe of institutional structures" into a popular "People's Europe"? Despite substantial increases in its legal authority and regulatory power, the European Union still has no self-identifying "European public" to lend legitimacy to its institutions. As the Spanish politician Herrero de Miñón points out (1996), a democratic system without a "demos" is a contradiction in terms, or worse, just "cratos" (power). This is what De Witte (1993) calls the problem of "cultural legitimation" and others term the "absent demos" thesis. The legitimacy of European Union institutions rests on their claim to represent the "European interest", but without a European society or body politic, such claims could be characterised as merely a modern spin on the old notion of *raison d'état*. The European Union's so-called "democratic deficit" is ultimately rooted in a deeper "cultural deficit".[2] It is against this background that European Union cultural policy, with its emphasis on promoting awareness of Europe's shared cultural heritage, begins to make sense.

European Union involvement in culture, 1957-1992: forging a "People's Europe"

The 1957 Treaty of Rome which laid the foundations for the European Union contains only two minor references to culture, the first relating to "non-discrimination" and the second to exceptions to the free movement of goods where a special case can be made for "the protection of national treasures possessing artistic, historical or archaeological value".[3] The absence of any specific treaty reference to culture meant that, prior to Maastricht, the European Union had no legal basis for direct involvement in cultural affairs. Technically, there was no such thing as Community cultural policy; just various *ad hoc* "cultural actions" based on European Parliament resolutions and agreements by ministers of culture. This lack of competence, however, did not prevent Community involvement in cultural matters. Within the Commission, a Directorate-General for audiovisual, information, communication and cultural matters had already been created and the European Parliament had established several specialised committees related to culture (including a Committee on Youth, Culture, Education, Media and Sport). To circumvent the legal problem, Community officials invoked economic arguments to achieve cultural and political objectives (Forrest, 1994: 12). This was not difficult as there are no obvious or impermeable boundaries between economic and cultural

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1. For critical assessments of integration theory see George, 1985; O'Neill, 1996.
2. For further analysis on this point see Leicester, 1996; Shore, 2000.
3. Treaty of Rome 1957, Articles 7 and 36. France later invoked this clause during the 1992 GATT world trade negotiations in defence of the French film industry against the threat of Hollywood.

affairs. As Delors noted in his first speech as Commission President to the European Parliament in 1985:

> "The culture industry will tomorrow be one of the biggest industries, a creator of wealth and jobs. Under the terms of the Treaty we do not have the resource to implement a cultural policy; but we are going to try to tackle it along economic lines. (…) We have to build a powerful European culture industry that will enable us to be in control of both the medium and its content, maintaining our standards of civilisation, and encouraging the creative people amongst us." (Delors, cited in Collins, 1993: 90)

The European Union was effectively operating a *de facto* cultural policy long before Maastricht gave it the legal right to do so. Like Delors, many European Union supporters have long harboured a deeper vision of European integration as a historical project that can perhaps be characterised as one of social engineering; a process similar to that of nation-building, but with the more ambitious goal of creating a new political order based on pan-national cohesion and supranational institutions. The "European idea", as it is called, epitomises the ideological underpinnings of this vision of a more integrated federal Europe.

To justify expansion of the European Union beyond its original remit, particular use has been made of the general prefatory remarks contained in the Treaty preambles, notably their flowery statements about forging "ever-closer union among the peoples of Europe" and laying "the foundations for a destiny henceforth shared".[1] Within this logic, the idea of promoting or defending "core values" and "the common European heritage" became a major plank in the strategy for advancing the European Union project. European Union cultural initiatives were guided by the belief that culture could be mobilised to galvanise people towards a new conception of themselves as "Europeans" rather than exclusive nationals – in a manner reminiscent of the model of nation-state formation.[2] As the European Commission declares (1988: 3), "the European Union which is being constructed cannot have economic and social objectives as its only aim. It also involves new kinds of solidarity based on belonging to European culture." The European Union's more recent "Culture 2000" programme was similarly justified by arguments calling for the creation of a "cultural area common to the European people" (European Parliament, 2000: 2). In their policy statements and declarations, European Union strategists thus echo the argument made long ago by Ernest Gellner (1983: 36) that "modern man is not loyal to a monarch or a land or a faith, whatever he may say, but to a culture. And he is, generally speaking, gelded." The difficulty with this, however, is that there is little consensus over what "European culture" consists of, or which peoples are to be included or excluded within its definition, although the answer becomes clearer when we look more closely at European Union cultural action, and "gelding strategies", in practice.

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1. For an interesting legal perspective on this see Howe, 1992.
2. On the creation of national cultures see especially Anderson, 1983; Foster, 1991; Gellner, 1983; Hobsbawm, 1990.

The history of European Union cultural policy provides an important case study of how European integration works and how European Union institutions have manoeuvred to gain jurisdiction over new policy areas. It also highlights the tension between the European Union's desire to promote greater freedom of trade in cultural goods and services within Europe, and those who wish to mobilise culture as a defensive shield against the perceived dangers of globalisation from without. The first budget lines specifically for culture voted by the European Parliament during the 1970s mostly concerned heritage matters and involved relatively small amounts of money. However, these budgetary inroads enabled the Commission in 1973 to create a small unit dedicated to cultural affairs, thus establishing a strategic bridgehead for advancing further claims for competence in cultural affairs. The Commission then used its initial activity to justify further activities. Through its various communications on Community cultural action, it also set about rewriting the history of its involvement in culture, portraying this as a response to a widely felt need for greater co-ordination.[1] This was done, according to Sandell (1997: 269), "by putting forward bureaucratic, quasi-Marxist definitions of culture in order to shoehorn it into the framework of the Treaty". "Culture and the arts" thus became "the Cultural Sector" and "the Cultural Sector"[2] thus became "the socio-economic whole formed by persons and enterprises dedicated to the production and distribution of cultural goods and services".

In addition to redefining culture to render it more amenable to Community intervention, the Commission exploited these new definitions to involve itself in cultural action of a more symbolic kind designed to promote "European identity" and bring Europe "closer to its citizens".[3] Prompted by the low turn-outs in the 1984 European Parliament elections, the European Council established an *ad hoc* Committee for a People's Europe, whose brief was to suggest measures "to strengthen and promote the Community's identity and its image both for its citizens and for the rest of the world" (Adonnino, 1985: 5). The Committee, chaired by Italian MEP, Pietro Adonnino, subsequently produced two reports outlining cultural strategies for promoting the "European idea" – most of which have been implemented. These included a Europe-wide "audiovisual area" with a "truly European" multilingual television channel, a European Academy of Science, and

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1. The Commission's narrative regarding the evolution of its cultural policy is best exemplified in its 1992 Communication: New prospects of Community cultural action. Other major communications include Community action in the cultural sector (1977); Stronger Community action in the cultural sector (1982); A fresh boost for culture in the European Community (1987); and European Community action in support of culture (1994).
2. As used by the European Union, this term typically includes information, communication, audiovisual, heritage, sport and the arts. Earlier definitions also included education and "youth".
3. The 1976 Tindemans' Report on European Union represents the first embryonic statement of Community cultural policy. Significantly, this developed the new catchword of "Citizen's Europe", although it was not until Maastricht, sixteen years later, that this idea was translated into the legal concept of Citizenship of the Union. A second key event was the 1983 Solemn Declaration on European Union signed by the European Council in Stuttgart. This introduced the idea that European co-operation should extend to cultural co-operation, to be pursued not for its own sake but "in order to affirm the awareness of a common cultural heritage as an element in the European identity" (cited in De Witte, 1987).

a Euro-lottery whose prize-money would be awarded in ECU, "to make Europe come alive for the Europeans" (ibid.: 21). The Committee also called for the formation of European sports teams; the transmission of more factual information about Community activities and their significance for European citizens (including "the historical events which led to the construction of the Community and which inspire its further development in freedom, peace and security"); the inauguration of school exchange programmes and voluntary work camps for young people, and the introduction of a stronger "European dimension" in education through the creation of new school books and teaching materials (ibid.: 21-25).

These populist measures were designed to enhance European consciousness and "Europeanise" the cultural sector. But the Committee went further. To create a "People's Europe", it argued, also required new symbols communicating the Community's principles and values. As the European Commission states (1988: 9):

> "Symbols play a key role in consciousness-raising but there is also a need to make the European citizen aware of the different elements that go to make up his European identity, of our cultural unity with all its diversity of expression, and of the historical ties which link the nations of Europe."

If the citizen lacked awareness of (sic) "his European identity", the Commission evidently saw its task as remedying this deficiency. Foremost among the symbolic measures proposed was the new European Commission emblem and flag: a circle of twelve yellow stars set against a blue background. That flag, adopted in June 1985, was taken from the logo of the Council of Europe. The rationale for this emblem, as the Council of Europe described it, was because:

> "Twelve was a symbol of perfection and plentitude, associated equally with the apostles, the sons of Jacob, the tables of the Roman legislator, the labours of Hercules, the hours of the day, the months of the year, or the signs of the Zodiac. Lastly, the circular layout denoted union." (cited in Löken, 1992: 9)[1]

For the Commission this represented "the symbol par excellence of European identity and European unification" (Adonnino, 1995: 9). Other symbolic vehicles for communicating the "Europe idea" included the creation of European postage stamps bearing portraits of famous European pioneers; the standardised European passport, driving licence, and car number-plates; and a European anthem – the "Ode to Joy" – taken from the fourth movement of Beethoven's Ninth Symphony.

To boost the Community's image Adonnino recommended European Commission-sponsored sporting competitions and awards, "public awareness" campaigns, and a host of high profile cultural initiatives from the conservation and restoration of the Parthenon and the formation of a European Youth Orchestra and Opera Centre, to the formation of a "European literature prize" and hundreds of "Jean Monnet Awards" for creating new university courses and posts in European

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1. Bainbridge and Teasdale (1995: 189) also point out that the circle of twelve gold stars is also a Christian symbol: the Virgin Mary's halo (Revelation 12:1).

integration studies with the aim of "Europeanising" university teaching. The Commission also attempted to reconfigure the ritual calendar by creating new festive "European Weeks", "European Cultural Months" (to accompany the "European City of Culture" initiative), and a series of "European years" dedicated to the promotion of certain European Union-chosen themes (such as the "European Year of Cinema", or the "European Year of the Environment"). It also proposed that 9 May (the date of the Schuman Declaration) be designated official "Europe Day" and a public holiday. Behind these seemingly mundane cultural initiatives lay a more profound objective: to transform the symbolic ordering of time, space, and education in order to reflect the "European dimension" and instil greater consciousness of Europe within the public imagination.

European Union cultural policies since Maastricht: "unity in diversity"?

By 1992, official European Union cultural action (those areas covered by DG X) still only amounted to a random collection of low-key projects based on Council resolutions for which the Commission could find small amounts of money under its own authority. These included audiovisual programmes, book projects, networking of cultural organisations, harmonisation of controls on the export of cultural goods, restoration projects on symbolic sites of archaeological heritage, and various small schemes to sponsor cultural exchanges, training, business sponsorship of the arts, the translation of important works of European culture, and the admission of young people to museums and cultural events. By contrast, unofficial (or indirect) cultural action now involved the activities and spending of seven other Directorates-General – and an estimated budget of ECU 2.47 billion in the period 1989-93, an average of ECU 494 million per annum.[1]

This situation changed with the 1992 Maastricht Treaty. Among its innovations, Maastricht created the European Union and introduced "European Citizenship" as a legal category – another idea advocated by Adonnino. It also brought several new areas within the Community's jurisdiction, including education, youth, consumer protection, public health and culture, thereby substantially enlarging the European Union's sphere of governance. By placing culture *de jure* as a treaty matter, it also legitimised the European Union's past and ongoing cultural activities and interests. Although culture occupies relatively few words of the Maastricht Treaty, giving culture its own section was of more than symbolic significance. The key provisions are set out in Article 128:[2]

1. The Community shall contribute to the flowering of the cultures of the Member States, while respecting their national and regional diversity and at the same time bringing the common cultural heritage to the fore.

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1. Bates and Wacker, Community support for culture: a study carried out for the Commission of the EC (DG X), 3 June 1993, cited in Sandell, 1997: 272.
2. Under the revised Treaty of Amsterdam, this became Article 151, and Title IX ("Culture") became Title XII. However, the wording of the modified article remains largely unchanged.

2. Action by the Community shall be aimed at encouraging co-operation between Member States and, if necessary, supporting and supplementing their action in the following areas:

    –   improvement of the knowledge and dissemination of the culture and history of the European peoples;

    –   conservation and safeguarding of cultural heritage of European significance;

    –   non-commercial cultural exchanges;

    –   artistic and literary creation, including in the audiovisual sector (European Commission, 1992: 13).

According to Forrest (1994), Article 128 "is a model application of 'subsidiarity' as it gives the European Union no legal mandate to lead or control policies in the cultural sector; simply a requirement to 'encourage' cultural co-operation between states and support and supplement their action 'if necessary'". Paragraph 4 of Article 128 states that "the Community shall take cultural aspects into account in its action under other provisions of the Treaty". This marks an important recognition that culture is a cross-cutting issue (like environment matters), thereby allowing cultural agencies to claim a greater share of resources from programmes whose objectives are not specifically cultural (Sandell, 1997: 271). Of course, definitions of culture are notoriously problematic and could arguably include all areas of European Union policy.[1] However, precisely to prevent any centralisation of cultural policy, paragraph 5 places three constraints on European Union cultural action. These stipulate that:

i.   any action must come after consultation with the Committee of the Regions;

ii.   any harmonisation of laws under Article 128 is ruled out;

iii. any measure proposed by the Commission must obtain unanimous support from the Council of Ministers.

One criticism of Article 128 is that its terms of reference are extraordinarily vague, and that phrases like "contributing to the flowering of cultures" are not justiceable. Another is that European Union cultural policies, like those of most member states, are often contradictory in practice. How does one celebrate national and regional cultural diversity while simultaneously "bringing the common cultural heritage to the fore"? When does celebrating cultural difference hive into chauvinism and cultural nationalism? And what exactly does this shared "cultural heritage" consist of that Europeans should be so unaware of it? These questions are particularly germane to debates about promoting cultural diversity. Since the 1990s, and largely in response to these problems, the European Union has adopted the slogan "unity in diversity" as its central policy motif. Instead of promoting the notion of a single culture shared by all Europeans, the theme of Europe as a mosaic

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1. This point is clearly recognised in the Commission's 1996 report which notes that, on the basis of the accepted Unesco definition of culture, "the entire European structure, the Treaties themselves and all the texts they have generated may be regarded as cultural expressions and works." (European Commission, 1996: 3).

of different cultures is now emphasised. European culture is thus portrayed as a "culture of cultures" which combine, in Gestalt-like fashion, to create a whole greater than the sum of its parts. The message now conveyed in European Union reports and policy statement is that "we" Europeans, with our shared historical roots and common heritage, belong to a unified "European culture area". As one mass-circulation European Union pamphlet puts it: "The city of Venice, the paintings of Rembrandt, the music of Beethoven or the plays of Shakespeare are an integral part of a common cultural heritage and are regarded as common property by the citizens of Europe." (Bochardt, 1995: 73).

The "culture area" concept originated within nineteenth-century anthropology and was developed largely for the purpose of classifying objects in museums. The result was that peoples and their artefacts were represented as belonging to fixed regions and bounded cultures set apart from others by factors of race, religion, language and habitat. Subsequently abandoned the following century as scientifically flawed and ideologically compromised, the culture-area concept seems to have staged a come-back in recent years, particularly in the discourse of European Union policy makers if not among academics. However, in an era marked by the globalisation of cultural commodities, unprecedented mobility of populations, and ever-increasing transnational flows of information, goods and services, the culture-area concept is perhaps of limited use or value.

At first blush, the goal of "unity in diversity" suggests that European Union policy makers have begun to embrace a more pluralistic and less instrumental approach to culture. Closer analysis indicates otherwise. The rationale underlying European Union cultural policies appears to be less about celebrating "difference" or embracing multiculturalism, as promoting the idea of Europe's overarching unity through that diversity. National and sub-national cultural differences are typically represented as the fragmented elements of a shared "civilisation", whose origins are located in ancient Greece, Rome and Christendom.

These ideas were further developed through various European Union-funded initiatives to design textbooks that portray history from a "European perspective", thereby challenging the hegemony of nationalist historiography. This European Union-sponsored attempt to rewrite history is epitomised by Jean-Baptiste Durosselle's *Europe: A History of Its Peoples* (1990), although other historians have also made notable contributions.[1] Durosselle's 416-page opus, part textbook, part manifesto, presents the last three thousand years of European history as the story of Europe's faltering journey toward political union and federalism: a gradual coming together in the form of the European Union, or what politicians call Europe's "vocation federal" ("federal destiny"). The chapters portray European history as the unfolding of an evolutionary chain of events, starting in the Neolithic period before moving forwards in a march of progress through Greece, Rome, Christianity, the Renaissance, the Enlightenment, industrialisation, colonialism, individualism and the rise of liberal democracy. European Union

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1. See especially Ahrweiler, 1993; Brugmans, 1987.

historiography exemplifies what Wolf (1982: 5) calls "history as a genealogy of progress": it is teleological and draws on a highly selective set of cultural references – what some critics have termed the "from Plato to Nato" conception of western civilisation. The result is a sanitised and extremely eurocentric construction of the past, which ignores the darker side of European modernity, including Europe's legacy of slavery, imperialism and racism.[1] In the words of Pieterse (1991: 4), "official European culture, reproduced in declarations, textbooks, media programmes, continues to be the culture of imperial Europe."

Philip Schlesinger (1994) makes similar observations; European Union constructions of European culture privilege an elitist, bourgeois intelligentsia vision of culture. This claim is borne out by the main European Union cultural programmes between 1996 and 1999, such as *Kaleidoscope* ("programmes supporting artistic and cultural activities with a European dimension"), *Ariane* (translation of European literature), and *Raphael* (cultural heritage project, notably restoration of the Acropolis, Mount Athos, and Burgos Cathedral). Other specifically named recipients of European Union cultural support include the European Community Chamber Orchestra, the European Youth Opera Foundation and the European Opera Centre. Clearly, "high culture" (opera, classical music and grand architecture) features prominently in European Union conceptions of cultural action.

What is striking about the way European Union documents describe Europe's cultural heritage is that they make virtually no mention of the contribution of writers, artists, scholars and cultural practitioners of non-European descent. An estimated 17 million Muslims live within the European Union, but as Yasmin Alibhai-Brown argues (1998: 38), "they do not yet see themselves as part of the [European] project in any meaningful sense." This is hardly surprising, she adds, when Europe's identity is being constructed around assumptions about shared Graeco-Roman and Judaeo-Christian roots, and Beethoven's Ninth Symphony. Edward Said's critique of "Orientalism" seems particularly germane here. Eurocentric discourses that pit the triumphs of European civilisation and humanism against the deficiencies, real or imagined, of the non-west further contribute to the invisibility or denigration of Europe's black and Asian population (Back and Nayak, 1993; Stam and Shohat, 1994). As critics argue, the flip side of eurocentrism today is "Islamophobia"[2] and a right-wing agenda that seeks to exploit fears about the threat to "fortress Europe" posed by criminals, Muslim fundamentalists, illegal immigrants and "bogus" asylum seekers.

It is not only black, Asian, Muslim or Third World peoples who are excluded from the canon of "European" culture, but also those from the New World, which is somewhat surprising given the appetite European consumers seem to have for Americana. While the Commission's own think-tank on audiovisual policy concluded that "if Europe has a common film culture, it is that of American films.",[2]

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1. Gerard Delanty (1995: 111) makes a further point: "It has conveniently been forgotten today that fascism and anti-Semitism were two of the major expressions of the idea of Europe."
2. For a well documented analysis of this see Runnymede Trust, 1997.
3. Vasconcelas, 1994: 60.

European Union politicians and officials view this with alarm. In their view, Hollywood and American TV exports represent a form of cultural imperialism that threatens to undermine the integrity of European culture. Successive French governments in particular have made the defence of European culture against globalisation (often construed idiomatically as "Americanisation") a major policy priority. This stance is exemplified in debates about imposing quotas on the "European content" of public broadcasting, which critics claim is anti free-trade and serves merely to mask a protectionist agenda. However, cultural factors may be more important here than simple commercial calculations. European Union policy elites still view Hollywood movies, hamburgers, blue jeans, jazz music and Japanese consumer goods as objects that stand outside of "European culture". By contrast, old Dutch Masters, the plays of Shakespeare and Beethoven's symphonies represent the quintessential European heritage and, moreover, are regarded as part of our treasured common patrimony. Ideas of popular culture, multiculturalism, cultural pluralism and hybridity appear to be alien or anathema to official conceptions of European culture.

Conclusions: cultural policy and the limits of Eurocentrism

The Commission's 1996 report on European Union cultural policy concludes with the words:

> "Cultural policy forms part of the European enterprise and, in this respect, is an integration factor within an 'ever-closer union' between the peoples of Europe's (…) cultural policy must make a contribution to strengthening and to expanding the influence of the 'European model of society built on a set of values common to all European societies'." (European Commission, 1996: 102)

The problem with this statement, and with European Union cultural policy more generally, is twofold. First, it assumes that culture can be harnessed unproblematically as a tool to promote the project of European construction, but this is a contentious policy and could backfire if European Union cultural action is perceived to be too overtly political and instrumental. Second, it assumes consensus for a "European model" of society that does not exist in practice. Furthermore, that European model does little to acknowledge the cultural diversity that now exists in Europe's increasingly multicultural societies. The problem for the European Union in its attempts to invent Europe at the level of popular consciousness by unifying people around a common heritage is how to do this without marginalising and excluding those "non-European" peoples and cultures that fall outside the European Union's somewhat selective and essentialist conception of Europe's cultural heritage.

European Union discourses on culture frequently advance the idea that cultural identities operate like concentric rings and that creating a "European identity" simply entails adding a new layer of authority and belonging over and above existing local/regional/national layers, like so many Russian dolls. Unfortunately, identity formation is a more complex and contested process than this model assumes,

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particularly when political differences and issues of self-government are involved. It is axiomatic in anthropological research that identity-formation is a dualistic and oppositional process, and that people define their identity by asserting who they are not.[1] Forging new boundaries of inclusion necessarily entails creating boundaries of exclusion. It is difficult for the Commission to nurture a sense of fellow-feeling and patriotism among European Union citizens without reinforcing old stereotypes and "Us" and "Them" dualisms. This problem is compounded by the fact that the category of "foreigners" (that is those non-European Union citizens resident within the Union) is often conflated with terms like "aliens", "illegal immigrants", "asylum seekers", "*estracommunitari*" and other categories of "undesirable". It is not difficult to see how promoting European culture could, inadvertently, help to fuel racism and xenophobia and the articulation of what Stolcke (1995) calls "new rhetorics of exclusion".

In a globalising world in which Europe's youth are increasingly embracing the possibilities for self-fashioning through consumption, attempts to construct European identity through the mobilisation of a set of enduring core "European values" and artefacts make little sense. The European Union's conception of European culture, with its eurocentric and high-culture bias, simply highlights the distance between European Union elites and the peoples of Europe they seek to unite. What, then, could be done to reverse this danger and promote best practice in European Union cultural policy?

Where European Union cultural action has been most successful is where it has focused on small, pragmatic interventions rather than its more ambitious plans to construct a "European culture area". Such initiatives include town-twinning and educational exchange *(Socrates)*; the promotion of minority languages; the translation of literary works; enhancing public access to museum and galleries; encouraging mobility of workers and practitioners in the fields of culture; and funding initiatives to boost Europe's film industry. While all these are important, much more needs to be done. New thinking is required with respect to cultural diversity. The eurocentric assumptions underlying European Union cultural policy need to be challenged. European culture should not be conceived simply as a canon of artistic and literary works representing, as Matthew Arnold would have it, "the best" from the cultural heritage of each member state. A policy of promoting a "Europe of the regions" is not the answer either. Europe's nations and regions are not culturally homogenous and European Union policy should give greater recognition to their diversity and cosmopolitan character. Furthermore, it should be recognised that culture is not static or confined to matters of heritage, tourism, the media and entertainment industries and the arts.[2] European cultures are engaged in a constant process of negotiation, exchange and syncretism from which new formations of culture and identity are emerging. These so-called "cultures of hybridity" include Turkish-Germans, Afro-Caribbean Britons, Dutch-Mollucans, French-Vietnamese and Italian-Moroccans. Cultural democracy is about giving

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1. For useful reflection on this point see MacDonald, 1993; Shore, 1993.
2. This point is also raised in European Commission, 1996.

voice to minorities (ethnic, religious, linguistic and territorial) as well as majority cultures: it is about promoting tolerance and celebrating difference. Europe's Hindu, Moslem, Jewish, gay and Roma/Gypsy communities and its Asian and African diasporic populations are also part of the rich mosaic of cultures in Europe. Their contribution to Europe's cultural diversity should also be acknowledged.

Forging a European culture area based on Christianity and the legacy of classical civilisation can only diminish attempts to promote cultural democracy and pluralism. The conclusion of this report is that the European Union should concern itself less with "unity", or even "unity in diversity" and focus instead on promoting cultural diversity in its own right. It should let the peoples of Europe make their own connections as far as defining what Europe's heritage entails. This is surely what the principle of subsidiarity requires anyway. Just as there is not one but several "Europes", so there is no one single "European culture" but rather a plurality of European cultures. To recognise this is the first step towards encouraging more inclusive, democratic, pluralistic and above all "bottom-up" perspectives on European culture and it means to the heterogeneous and mongrelised peoples of Europe.

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Cultural planning and cultural diversity

Research position paper 4

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Introduction

Culture, as stated by the World Conference on Cultural Policies in Mexico City in 1982, is a leading source of intellectual renewal and human growth, and can be understood as embracing all creative activity, not only the traditional, or "high", arts but popular mass culture as well. Anthropologist Ulf Hannerz (1992: 3) gives it a collective slant when he defines culture as "the meanings which people create, and which create people as members of societies". In *The Long Revolution,* Raymond Williams (1961: 57) identifies three general categories in the definition of culture, one of which is relevant to this paper: culture can be understood as "a particular way of life, which expresses certain meanings and values not only in art and learning, but also in institutions and ordinary behaviour". Thus, bearing in mind this fundamental link between culture and society, this paper will be mostly concerned with an exploration of new approaches to cultural policy, such as cultural planning, and with the applicability of these frameworks to societies where cultural diversity is increasingly challenging and replacing vertical and hierarchical policy models with a fragmented patchwork of different ethical orientations, or as French sociologist Michel Maffesoli puts it (1996: 69), "affinity-based" social groups.

This paper will first offer an overview of the issues raised in current debates about cultural diversity. It will then introduce the cultural planning framework as a tool employed in the development of a more integrated approach to cultural development in contemporary urban settings. And finally, issues of governance and ethics will be raised as areas where further research is needed.

Cultural diversity and planning: issues and current debates

In the post-war era, European discourses about cultural diversity have been focused on the liberal principle of equal respect for all where the aim of minority groups' struggles has been to get rid of difference as an ideological construction in order to rescue a more universalistic idea of justice. More recently, other ways of reading difference have gained intellectual ground. In Charles Taylor's perspective (1992), for example, differences, instead of being undervalued, are prized and cultivated as empowering forces which deserve public recognition.

Contemporary debates have developed Taylor's insights by claiming that difference needs to be considered as the constant intersection of many features where none of them can claim importance over another (Agamben, 1993: 29-38). This approach advocates the intrinsic hybridity of identities. This condition of "in-betweenness"[1] presupposes a deeper acceptance of human existence as a porous, constant flux of definitions and redefinitions where nobody belongs completely to any one identity. This way, differences proliferate, opening the way to constant cultural contamination.

This ideal of infinite cultural translation, however, poses serious policy implications as it radically challenges traditional top-down interventions, which have so far been bent on efficiently keeping difference within, for example, the narrow constraints of multiculturalism. Moreover, if it is true that culture has always been an arena of negotiation, and that globalisation has, to a certain extent, always been present in the constant and reciprocal exchange between continents, cultures and social groups, the challenge posed by the new spatial logic of the informational revolution could seriously impinge on any attempts by any single state to legislate for any single cultural identity.

As Manuel Castells argues (1994: 20):

> "The informational revolution allows for the simultaneous process of centralisation of messages and decentralisation of their reception, creating a new communications world made up at the same time of the global village and of the incommunicability of those communities that are switched off from the global network."

This highlights two main features in contemporary urban living that policy makers cannot afford to ignore: that of spatial segregation and the commodification of space.

Citizenship, says the geographer Alisdair Rogers (n.d.: 6-7), is inconceivable without some reference to its spatiality, and, if one thinks, for instance, about the mass of homeless people expelled from the business and tourist districts in twentieth-century western cities, it becomes evident that the denial of citizenship is often experienced also through physical, social and economic exclusion from such spaces.

Conversely, state multiculturalism has at times fostered an approach akin to a commodification of public space, a space where consumers and not citizens are allowed. Here the city offers itself as a stage of an empty spectacle to be viewed by a mass audience (Harvey, 1989). The result of this is the creation in some cities of a sort of "multicultural theme park" where differences are sanitised through the consumption of "exotic" cultural products. In global cities, on the other hand, as competition for scarce public resources between different stakeholders makes community politics a politics of conflict over the allocation of resources, marginalised social groups are increasingly claiming their right to ensure that their

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1. Bhabha, 1997.

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existence, and their cultural identities, are recognised by those who hold political, economic and social power (Sassen, 1991: 195-196).

Given the complexities outlined above, there is a feeling among both cultural practitioners and policy makers alike that there needs to be a re-examination of policy delivery mechanisms as national and supranational institutions often work through hierarchical departments which are too detached from local territorial dynamics. A decade ago, commenting on this issue, Castells (1994: 351-353) observed that (and this is still true today) because of their flexibility and knowledge of the resources of the local civil society, local governments or forms of democracy are now better placed than national states at managing new urban contradictions and conflicts.

The cultural planning approach has emerged out of this debate as a way of enabling policy makers to think strategically about the application of the cultural resources of localities to a wide range of public authority responsibilities. By linking culture and other aspects of economic and social life, cultural planning can be instrumental in creating development opportunities for the whole of the local community. In other words, while cultural policies tend to have a sectoral focus, cultural planning adopts a territorial remit. Moreover, as Franco Bianchini and I have argued elsewhere (1997: 84-85), it is important to clarify that cultural planning is not the "planning of culture", but a cultural (anthropological) approach to urban planning and policy.

This insight derives from a tradition of radical planning and humanistic management of cities championed in the early 1960s, chiefly, by Jane Jacobs. Cities are our own artefacts, argued Jacobs (1965: 155-156), and the trouble in dealing with them is that planners can only contemplate a city's uses one at a time, by categories. Jacobs saw the city as an ecosystem composed of physical-economic-ethical processes interacting with each other in a natural flow. While developing the idea of the city as a living system, Jacobs implicitly acknowledged her debt to the Scottish biologist and philosopher Patrick Geddes, who, at the beginning of the twentieth century, imported from French geography the idea of the "natural region". For Geddes, planning had to start with a survey of the resources of such a natural region (whose ingredients were Folk-Work-Place), of the human responses to it, and of the resulting complexities of the cultural landscape and of the human response to such a natural region (Hall, 1989).

The idea of a territory as a living ecosystem, made up of diverse resources which need to be surveyed and acknowledged by the local community at large before policy can intervene, is very much at the heart of cultural planning. McNulty's and Mercer's notion of cultural planning, widely applied in both the United States (since the 1970s) and Australia (since the mid-1980s), is, however, still uncommon among European policy makers.[1]

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1. See McNulty, 1991; Mercer, 1991a and 1991b; Grogan and Mercer, 1995.

Whereas in the United States precedents of the concept can be traced back to the civic programmes of the New Deal and to the strong tradition of neighbourhood-based community arts centres, in Australia applications of the concept can be related to the community cultural development of the 1980s, and to the local autonomy lent by the federal systems of government to local agencies, which could then run independent cultural development programmes. In Europe, where aesthetic definitions of culture tend to prevail and policies for the arts are rarely co-ordinated with other policies, cultural planning has had, so far, little application. In the United Kingdom, however, in the past five years, strategies for the development of the cultural industries sector have partly been based on a framework which, in its attempt to move away from basic cultural policy-led urban regeneration, could be said to be close to a cultural planning approach. This is due among other things, to the fact that policy makers tend to interpret the notion of local cultural resources in a rather narrow way, mostly as heritage, thus overlooking potential synergies between sub-sectors of the local cultural economies.

By reviewing some examples of good practice in the application of cultural planning in different social and economic contexts, and by analysing some recent European policy frameworks which take an integrated developmental approach, the next section of the paper assesses the capacity of cultural planning to deal with issues of social and economic development within cultural diversity.

Cultural planning – a review of current applications

The central characteristics of cultural planning, as described by Bianchini and I, 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.[1] Cultural planning, furthermore, can help urban governments 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 industrial development. More precisely, in the words of Mercer (1991a), "cultural planning is the strategic and integral planning and use of cultural resources in urban and community development".

Cultural resources are here understood in a pragmatic way and include not only the arts and heritage of a place, but also local traditions, dialects, festivals and rituals; the diversity and quality of leisure; cultural, drinking and eating and entertainment facilities; the cultures of youth, ethnic minorities and communities of interest; and the repertoire of local products and skills in the crafts, manufacturing and service sectors. Cultural planning has therefore a much wider remit than cultural policy.

In moving away from a narrow definition of culture as art, and in putting cultural resources at its centre, Mercer (1991b) argues that, compared to traditional cultural policies, cultural planning is intrinsically more democratic, more conscious

1. See Bianchini and Ghilardi Santacatterina, 1997; Bianchini and Parkinson, 1993.

of the realities of cultural diversity and more aware of the intangible features of cultural heritage and patrimony.

Key moments of implementation of the concept in the Australian context have been:

i.   the 1990 Brisbane Cultural Development Strategy (Mercer, 1991b), which first outlined the logic behind cultural planning and guaranteed a wide circulation of the model among policy makers keen to develop a framework for the strategic development of their community's culture;

ii. the Joondalup Cultural Plan, which was the first time the principles had been applied to a newly built greenfield city development;

iii. the endorsement in 1993 by three levels of government of the cultural development policy framework in south east Queensland; and

iv. the publication of the Cultural Planning Handbook by Arts Queensland and the Australia Council.

Brisbane's Cultural Development Strategy is particularly relevant as it constituted the first attempt to develop a truly culturally inclusive framework for the city. In this document, Colin Mercer stated a set of principles on which to base an effective policy. One of them is that, to assure cultural pluralism, it is essential that cultural planners understand what different segments comprise the community, conduct discussions and carry out research with each group, and include representations from each group on boards, committees and in the evaluation process. This principle calls for a community cultural assessment as an integral and necessary component of cultural planning and establishes the objective presence of the community within the planning process rather than simply as an "object" of planning (Grogan and Mercer, 1995: 14-17).

In addressing issues of access, equity, participation, employment and quality of life, cultural planning speaks also about the nature and meaning of civic culture and redefines the civic realm of a place; in the case of Brisbane, this translated into, among other things, a special focus on women's access to the city centre and its perception and external image as perceived by local ethnic and aboriginal communities and young people.

In the United States, during the past twenty years, Partners for Livable Places – a non-profit organisation working locally to promote quality of life, economic development and social equity – has provided new thinking about cultural policy which moves away from the compensatory logic of some arts programmes. It has also addressed issues of access, equity and participation within the framework of more general objectives for social and economic development at all levels: that of the city, the region, the state or the nation.

In 1992, Robert McNulty, project director of Partners for Livable Places, published a collection of case studies focusing on cities and towns representing a cross-section of life in the United States. The overall aim of the research was to place the arts and culture in the broader context of community development,

building on their economic role, and expanding that role to include other social and community concerns. Using some examples of cultural planning strategies, the report considers the way in which more and more communities in the United States are seeing the arts as a means of fostering community pride and cultural identity.

McNulty's report (1992) suggests that, in general, the arts and cultural policy need to be seen not as isolated events or institutions, but as essential to the way we understand communities. Furthermore, cultural planning needs to be integrated into other aspects of planning – such as economics, transport, education, environment, urban renewal – in order to play a truly effective role in citizens' lives. The now renamed Partners for Livable Communities continues in the development of initiatives which, essentially, seek to demonstrate the social impact of the arts by stimulating cultural-community partnerships at the neighbourhood level. In this context, the use of cultural assets is clearly seen as a resource for both community improvements and economic revitalisation.

Relevant European examples of policy frameworks

In the past decade, in Europe, as a result of an overall reduction in public expenditure on culture, cultural research and its implementation have often emphasised the economic importance of the arts and cultural activity. However, policy concerns have mostly focused on the development of cultural industries, the building of Europe-wide modern communication infrastructure and the development of cultural tourism with a particular emphasis on employment effects and on the balance of payments through the circulation of cultural goods between countries.

As one of the countries to experiment extensively with culture-led revitalisation and cultural industries strategies in the 1980s, the United Kingdom has continued to develop integrated policies designed to strengthen the framework for quality of life for local communities. In particular, the present Labour government is committed to encouraging local authorities to develop cultural strategies aimed at a greater degree of integration of all cultural services. In June 1999, the Department for Culture, Media and Sport published *Local Cultural Strategies: Draft Guidance for Local Authorities in England,* in which all local authorities were called on to develop a cultural strategy by the year 2002. Among the benefits of local cultural strategies mentioned in the document is that "strategies should help policy makers to focus on the needs, demands, and aspirations of the community." (Department for Culture, Media and Sport, 1999: 13). The document also calls for a great deal of consultation with communities but, considering that it only marginally engages in debate on the issues relating to what constitutes a local culture, and that there is no discussion of the different methodologies and theories that can inform cultural plans, it is difficult to see how inclusive local authorities can be in their strategies.

This is not to deny that the document could constitute at least a basic platform on which to build more qualitative assessments of local resources on a cultural planning model. Good examples of such assessments are the numerous initiatives

created by the various Cultural Industries Development Agencies set up in the past five years across the United Kingdom. The cultural industries support services developed within those agencies focus on issues of access, social inclusion and participation as much as on business generation. Social inclusion is here understood as an incentive to cultural production and as a way of fostering civic pride, and a sense of local identity and ownership.

The philosophy behind the above developments is that of a "productive" use of diversity to create a sustainable skills base and a culture of innovation capable of yielding economic rewards for everybody. This is an approach that sees cultural diversity not as a problem to be controlled by top-down policies, but as an asset for the development of the local community.

Some of the developmental concerns mentioned above in relation to culture-led urban revitalisation formed the premise for the Urban Pilot Programme, launched by the European Commission a decade ago and completed in 2000. The programme was designed to explore new ways in which the economic potential of cities, together with their problems arising from social exclusion, industrial decay, environmental degradation, could be tackled and lessons shared throughout Europe. Although a definition of cultural diversity was not spelled out, and there was a bias towards building-based initiatives and away from more innovative schemes focusing on empowering, networking and skills enhancement projects, some of the projects funded managed to implement interesting examples of integrated solutions.

In Randers in Denmark and in Friedrichshain in Berlin, for instance, culture was used as a motor for regeneration, especially to create more inclusive urban strategies dealing with the issues raised by the multicultural background of those cities. In Randers, in particular, the Wonder project, has devoted an area of the city to education facilities and exhibition spaces, as well as to workshops and entrepreneurs belonging to the immigrant and refugee population (32% of the total). The overall aim here is to allow minorities to achieve a stronger presence on the labour market as a base for further integration. In Turin, Italy, the Living, Not Leaving project has adopted a more cultural planning approach, with interventions aimed at the revitalisation of a run-down district of town through initiatives directly managed by immigrants, youth and women resident in the area. Issues of crime, safety, housing and community empowerment are tackled under the umbrella of quality of life and community renewal.

Strategic directions for further research

The final section of the paper attempts to explore the implications, for policy makers, of the adoption of a cultural planning framework capable of addressing cultural diversity. As Franco Bianchini and I have pointed out (1997), in a study for the Council of Europe on the impact of cultural initiatives on neighbourhoods of eleven different cities across Europe, traditional cultural policies tend to show their limits, both when dealing with the changes affecting contemporary cities, and

when tackling new cultural movements, such as lifestyle groups, which often reassert their origins and loyalties in an anti-policy, non-hierarchical way. The same study also concluded that more research was needed into the questions related to the implementation of a cultural planning approach.

Two areas of research were identified which are still relevant today. The first concerns a need for experimentation and the piloting of new, more integrated and overarching structures for policy-making capable of bringing together different local government departments. As cultural planning has to be part of a larger strategy for urban and community development, and has to make connections with physical and town planning, with economic and industrial development objectives, with housing and public work initiatives, cultural planners need to link up with other agencies responsible for planning and development.

The issue here is that there is a need for experimenting with more open and creative structures of policy-making. This can start with a retraining of policy makers and administrators so that they can acquire a broader knowledge of other disciplines involved in the understanding of how the urban and social fabric of a location functions.[1] For example, co-ordinated training schemes for local leaders, such as government officials, artists, youth workers, developers and other community representatives, have been used effectively in some cities in the United States as a tool for strategic community revitalisation, and for dealing with issues of civic participation, racial understanding and youth development. Examples of "leadership training schemes" such as these could be adapted to the European context through a Europe-wide research programme.

Another aspect linked to the development of new structures of policy-making is that of the redefinition of organisational policies and goals. A reassessment of the role of civic institutions such as libraries and museums, for instance, can both enable traditional institutions to discover new functions for themselves and help them to deal more effectively with issues of cultural diversity. Libraries, for example, can be pivotal points in assisting local communities to adapt to new challenges in society; they can become important access points to information and training for local communities. Equally, museums can serve as a resource to any community dealing with issues of multicultural understanding. Research on the diverse role these institutions can play has already been undertaken in the United States (Partners for Livable Communities) and in the United Kingdom (by the Comedia and Demos think-tanks) with encouraging results.

The novelty of this approach lies also in the challenge it poses to the traditional quasi-economic measures of output that have characterised public funding for culture over the past twenty years. Culture and cultural institutions alike are seen in this context as tools for the improvement of the quality of life of local communities and for providing the necessary resources to help them to develop skills, confidence and organisational capacity.

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1. See Bianchini and Ghilardi Santacatterina, 1997: 85-87.

On this last point, however, a word of caution concerning the evaluation of the "social impact" of arts-related initiatives needs to be introduced. In the past five years, particularly in the United Kingdom, cultural development agencies have increasingly engaged in the debate around the development of more subtle and creative ways of showing how quality of life can be improved through integrated, people-centred cultural activity. As a consequence, evaluation exercises have been carried out focusing mostly on the positive effects that participation in arts-related activities can have in dealing with cultural diversity; but the research underpinning these evaluation exercises often tends to confuse indicators with "desirable outcomes" thus creating an obvious research bias (Matarasso, 1997).

The issue here is that although there is a case to be made for advocating the importance of arts and cultural activities in generating equal participation and in fostering citizenship (as shown above in the Australian and American examples of cultural planning), there is also a need to develop effective evaluation tools. These need to be built at a conceptual level and through primary research (by, for example, comparing the outcome of a series of cultural planning projects implemented Europe-wide over a period of time).

One other area for further research is related to the need for a conceptual and ultimately sociological redefinition of what is meant by social, civic participation today. As two important aspects of cultural planning are cultural mapping and community participation (for the development of any particular locality), the question surely has to be: what is the ethical basis of social life in contemporary multicultural societies? How can we live together with our differences? These questions highlight the importance a redefinition of social subjects will increasingly have in the future. On this topic, Alain Touraine (2000) argues that, so far, we seem to be stuck between a "liberal" conception of universalism and a "communitarian" logic. The former appears to guarantee respect for difference and tolerance, but is so far removed from real social relations that it provides no principle for social integration and intercultural communication, and the latter instead tends to privilege homogeneity over diversity only by falling back on a vague idea of tolerance. Along with Anthony Giddens (1991), Touraine argues that the definition of "subject" is one of the central elements in modernity. In Touraine's view (2000: 138), the subject rests on the recognition that "every actor, collective or individual has the right to assert and defend himself as such, or in other words as an actor who is capable of being involved in the technological world and at the same time, of recognising and reinterpreting his identity."

Similar preoccupations with the definition of the subject can also be found in the work of Stuart Hall, who maintains that resistance and policies which do not suppress heterogeneity of interests and identities are possible. These, in fact, make political contestation possible without necessarily fixing political boundaries for eternity (1989: 130). In other words, social movements are increasingly shifting the core of collective action from politics to ethics.

A renewed interest in ethical discourse clearly shows the need to conceptualise a different intellectual and pragmatic space in which to envisage social interaction,

and that is precisely where more research is needed. This calls for not only a renewed interest in sociology – since it is through the work of sociologists such as Ulrich Beck, Michel Maffesoli, Gilles Lipovetsky, or Manuel Castells that we have been able in the recent past to unravel how the new social subjects are shaped in contemporary urban society – but also a need to think more pragmatically about how new, more "tolerant" urban spaces[1] can be created through policies. It is here that, perhaps, cultural planning needs to be more closely scrutinised as a viable model of small-scale, locally rooted policy frameworks. The risk is that this kind of approach could, if not handled with a good degree of political tolerance for failure, end up by paradoxically promoting more closed social spaces, inward looking and trapped in the logic of rediscovery of local distinctiveness as a weapon for surviving economic global competition.

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1. See Sennett, 1994: 358.

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The implications of international copyright law for cultural diversity policies

Research position paper 5

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Introduction

The preservation of cultural diversity is a pressing international concern. The factors threatening cultural diversity have their origins in the pace of technological and social change in the international community. While contemporary social change has major ramifications for culture throughout the world, certain groups are particularly vulnerable. The societies of developing and "transitional" countries are subject to unique pressures generated by poverty and the processes of modernisation. Similarly, different kinds of minority groups within countries may be especially affected. These include both immigrant minorities and minority cultures of long standing, such as aboriginal peoples, the Roma/Gypsy peoples of western and eastern Europe, and regional minorities.[1]

Among these groups, international developments have generated new kinds of social pressures, presenting them with unfamiliar challenges as well as unprecedented opportunities for the preservation of their cultural identities. The pursuit of diversity in a number of key areas, such as the maintenance of languages, cultural traditions, and social customs, increasingly depends on the capacity of affected groups to adapt to a powerful and pervasive international culture. At the same time, the explosive growth of modern technologies is generating new possibilities for the promotion of culture. New technology favours the development of cultural industries, the dissemination of cultural knowledge, and the encouragement of cultural exchange, at both the national and international levels. Policies which seek to promote cultural diversity must allow vulnerable groups to meet the challenges of globalisation in the cultural domain, while enabling the fullest exploitation of new technologies which can contribute to their cultural vitality. In this process, cultural diversity policies must also succeed in establishing the concept of cultural diversity as an internationally accepted norm in its own right.

The legal environment is an important factor influencing the effectiveness of cultural diversity policies. Law affects cultural policy in two distinct ways. First, the legal system fulfils an important role in the implementation of cultural policies,

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1. Some relevant examples of culturally distinct, regional minorities are the Basques and Bretons of Spain and France, and the Kurds of Turkey.

allowing their goals to be defined in concrete, precise, and immediate terms, and providing measures for the enforcement of policy objectives through an administrative framework. Secondly, the law provides a conceptual framework for the expression of the values underlying cultural policy. Legislative action has a direct impact on cultural policy; the consequences of legal concepts for the development of cultural diversity policies are subtler, but equally powerful.

A number of different areas of law impinge upon cultural diversity issues. For example, human rights and constitutional law provide a legal framework for the protection of basic rights and civil liberties, essential for cultural diversity to flourish. Freedom of speech, thought, association, and creativity are all potentially implicated in cultural activities.[1] Cultural diversity is also closely connected to issues of minority rights, such as social attitudes towards immigrants and refugees, or the status of established minority groups. Human rights statutes and constitutional laws are fundamentally concerned with the protection of these types of interests. Without these basic protections, the maintenance of cultural identity and the promotion of creative activity among vulnerable groups would confront serious difficulties, as individuals and communities become potential victims of discrimination.

The areas of law which are most directly implicated in cultural diversity policies are the systems of law which are explicitly concerned with the regulation of culture itself. These are intellectual property law and cultural property law. Given the current legal climate, the law of intellectual property is by far the more significant of the two domains for cultural diversity policies. At a conceptual level, the broad scope of intellectual property law presents a contrast to cultural property law, as it is concerned with a wide spectrum of cultural activity and is not limited to the material manifestations of culture. In pragmatic terms, intellectual property law enjoys widespread international recognition and acceptance, and it is strengthened by powerful administrative and enforcement mechanisms at the national and international levels. On the other hand, for both technical and political reasons, the law of cultural property remains a contentious area, and is far from enjoying the power and prestige of intellectual property law.[2]

Within the specialised domain of intellectual property rights, patents, trademarks, and copyright all have different kinds of implications for cultural diversity. For example, pharmaceutical companies have become increasingly interested in seeking patents for drugs which exploit the traditional knowledge of indigenous peoples about the medicinal properties of plants. Many indigenous peoples are concerned about the implications of patenting traditional knowledge for the

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1. The interesting concept of "freedom of creativity" is raised, not surprisingly, in the context of post-Communist Russia, by Rakhmilovich (1996: 129, 133).
2. Scholarship on cultural property is centrally preoccupied with the international movement of art and artefacts, which occurs primarily in the context of a highly lucrative, illicit trade. A full consideration of the issues involved in the repatriation of stolen or illegally-exported cultural property is beyond the scope of this paper. For a detailed analysis of the dangers to cultural heritage caused by the illicit movement of cultural objects, see Prott and O'Keefe, 1984: 11-12. Attempts to curb this trade through the adoption of international conventions have been largely unsuccessful, with many scholars generally attributing their failure to a lack of co operation between wealthy, art-market countries, and poor, art-source countries. For example, see Caruthers, 1988: 143; Sayre, 1986: 857, 886-889.

preservation of their cultures, since knowledge of the natural environment is an integral part of their values and way of life.[1] In an interesting response to the legal force of trademarks, some North American First Nations peoples have attempted to use trademark principles to further their cultural interests, by claiming trademark status for certain traditional artistic designs.[2]

Notwithstanding these examples, it is the law of copyright which continues to dominate the legal treatment of culture. Copyright remains the primary focus of groups who wish to make use of intellectual property principles for the promotion of their cultural interests. Accordingly, this analysis of the cultural diversity implications of intellectual property law will concentrate on copyright law.

Copyright accomplishes three basic functions in the cultural domain. First, it makes the commercialisation of cultural activities possible.[3] Secondly, it attempts to create a system of economic and non-economic incentives to encourage artistic and intellectual work.[4] Thirdly and finally, it may be argued that copyright provides a legal framework for the expression of the role of art and artists in society.

It is widely recognised that copyright, through the variety of regulatory functions which it fulfils, has the potential to serve as a valuable instrument of cultural policy. Indeed, copyright law is commonly used to promote culture in a variety of different cultural settings, including not only industrialised countries, but also, diverse developing countries and ex-socialist, "transitional" countries.[5] It is interesting to note that copyright is often implemented in the most expansive and original ways by the legislators and judges of developing countries.[6] The special concerns of these countries about the preservation of cultural heritage may account for their determined exploration of copyright's cultural potential.[7]

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1. For an interesting consideration of the issues involved, with particular attention to the relationship between intellectual property rights and the Convention on Biological Diversity of 1992, see Coombe, 1998. Tunney (1998: 336) also draws attention to this issue.
2. See Tunney, 1998: 336-337. He emphasises the traditional importance of names in indigenous cultures, and the peculiar negative consequences which accordingly flow from their appropriation and misappropriation. For a concise consideration of these issues in relation to Canada's First Nations peoples, see Vaver, 1997: 280-284.
3. See Ploman and Hamilton, 1980: 1. They aptly observe that "copyright is used as a legal mechanism for the ordering of social and cultural life, or, put another way, copyright is one method for linking the world of ideas to the world of commerce."
4. Vaver (1997: 1-13) discusses the justifications which are most commonly put forward for intellectual property law, including the idea of incentives for creative activity. He points out that many of these arguments in favour of intellectual property rights tend to be dubious from an empirical point of view. See also Reichman, 1996: 642-645; he argues that copyright is properly understood as one element of a more comprehensive system of cultural policy, and that, "the limits of cultural policy must be taken into account in any effort to expand the rewards and benefits flowing from the exclusive rights that copyright law bestows on authors and artists." (ibid.: 644).
5. For example, Ploman and Hamilton (1980: 29-30) draw attention to the cultural policies which developing countries have attempted to pursue through copyright. They also discuss approaches to copyright in eastern European countries prior to the fall of Communism (ibid.: 24-29). Ex-socialist countries now confront the peculiar difficulty of moving from a socialist to a democratic conception of authors' rights in their copyright legislation.
6. India provides an interesting example. For a discussion of some current copyright cases in India, with a detailed study of those involving moral rights, see Dine, 1995.
7. Ploman and Hamilton (1980: 207-208) draw attention to the wide acceptance of international copyright by developing countries, and point out that, in view of the fact that intellectual property systems originate in western culture, this is a "curious" feature of international copyright law.

Nevertheless, the relationship between copyright and culture is inherently complex. It is difficult to arrive at a precise and comprehensive assessment of the implications of copyright for cultural policy. The historical and cultural concepts embedded in copyright law may affect cultural diversity policies negatively, by limiting their responsiveness to the range of international cultural interests which seek protection. In excluding certain forms of cultural activity, copyright may also implicitly encourage specific forms of cultural development over others.

At present, the legal understanding of culture is in flux, while policy makers in the field attempt to bring about greater clarity and refinement. As this process develops, copyright may have the potential to exercise a decisive influence on the evolution of social concepts of the creative function and the role of creators in society. An important question remains whether copyright inevitably shares the rigidity that is typically associated with legal clarity. The "reifying" function of law, which seeks to make large ideas manageable by defining and limiting their scope, is the very antithesis of culture. The vastness and complexity of the phenomenon called culture means that it is associated with diverse values, social systems, histories, ways of life, and beliefs. Culture does not lend itself either to precise definition, or to the development of abstract principles. Attempts to generate cultural policy based on a legally specific definition of culture may not only be destined for practical failure, but the ambiguities surrounding the legal concept of culture also suggest that this approach may present additional dangers for cultural development.[1]

Current trends in international copyright law lend a degree of urgency to these issues. The adoption of an Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs)[2] as one of the legal instruments constituting the World Trade Organization (WTO) has brought about a fundamental shift in the character of international copyright law. While a degree of international harmonisation in copyright is generally believed to promote cultural exchange, the TRIPs Agreement moves towards an essentially coercive regime for copyright protection. A country's failure to observe the copyright standards in TRIPs can lead to the application of trade-based, economic penalties. This strong movement towards homogeneity in international copyright principles and standards presents a stark contrast to the diversity of cultural interests which are increasingly self-aware and eager to assert themselves in the international arena.[3]

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1. See McGuigan, 1996: 5-29. McGuigan points out that the notion of cultural policy is itself not immune to controversy. He emphasises the fundamental difficulty of attempting policy intervention in a sphere which essentially defies regulation, and is potentially hostile to the very concept. McGuigan (ibid.: 6) observes that "the problem is related to the etymological connection between 'policy' and 'policing'. 'Cultural policy' has deeply entrenched connotations of 'policing culture', of treating culture as though it were a dangerous lawbreaker or, perhaps, a lost child."
2. *Agreement on Trade-Related Aspects of Intellectual Property Rights,* Annex 1C to the WTO Agreement, 15 April 1994, 33 I.L.M. 1197 (entered into force 1 January 1995) [hereinafter TRIPs Agreement].
3. Drahos (1999: 358-365) points to the expansive rhetoric of human rights as one indicator of this phenomenon. He is also careful to draw attention to the potentially counterproductive elements of an overdeveloped language of human rights: he observes, "The human rights regime continues to expand, so much so that some scholars have called for quality control on the origination of such rights." (ibid.: 361).

This paper will examine the implications of current international developments in intellectual property law for cultural diversity policies. It will focus on copyright, which is the most powerful and widely accepted legal mechanism for the regulation of culture, providing a summary of research to date on the implications of copyright law for cultural diversity. It will go on to identify the key copyright concerns which policy makers in the area of cultural diversity may ultimately wish to address. Addressing these issues may help them to craft cultural diversity policies that are effective in the highest possible degree.

Existing state of knowledge

Current developments in international copyright law have led to intense research activity. The relationship between copyright and culture appears to be of particular interest to legal experts. The preoccupation of copyright scholars with cultural issues has its origins in the rising prominence of cultural industries, and reflects their influential role in driving international copyright developments.[1] Scholarly interest also reflects a new sensitivity to the cultural potential of current technologies, which have generated new possibilities for culture by contributing novel means of creation and original concepts of the creative work to the cultural domain.[2] At a deeper level, scholars of intellectual property are gradually becoming aware that the international trend towards greater cultural consciousness has major implications for the law of copyright.[3]

Scholarship on intellectual property law and culture is concentrated in three main areas of research. First, scholars of law and culture are concerned with the potential impact of copyright on culture, leading them to investigate the possible responses of cultural policy to these influences. Secondly, the process of examining the cultural implications of international copyright law has led to an exploration of the specific effects of copyright concepts on culture, including the ways in which the conceptual framework of copyright law shapes cultural policy. Thirdly, intellectual property scholars are interested in the impact of technological progress on copyright law itself. They point out that technology not only affects copyright by changing the nature of cultural industries, but that technological

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1. One of the driving forces behind the adoption of the TRIPs Agreement was the economic importance assumed by cultural industries in the world's most industrialised economy, the United States. See Nimmer, 1992, whose discussion particularly emphasises the economic importance of the United States film industry. Fraser (1996: 311-314) specifically draws attention to the conflict which ultimately arose between France and the United States over film, in the course of negotiations for the WTO, and points out that this controversy was symptomatic of European ambiguities about the status of culture in international trade. Ambivalence about the incorporation of culture into the WTO arguably reflects two competing trends which are prominent in the international arena, where a growing awareness of the value of cultural traditions must be reconciled with the unprecedented economic importance of cultural industries.
2. For example, Christie (1995: 525-526) discusses some of the implications of new kinds of works, including "multimedia" and "virtual reality" works, for concepts of authorship in copyright law. He concludes that "multimedia" works and user participation in creation suggest that, "a new concept of authorship may be required for copyright law in the digital era."
3. For example, see Barron, 1998; Coombe, 1998; and Tunney, 1998; who are in the forefront of this trend. Fraser (1996) and Drahos (1999) are also interested in this connection, but their perspective is slightly more representative of a traditional intellectual property approach.

growth also exerts intense pressure on the very foundations of copyright law. Technological evolution raises the basic problem of whether copyright concepts will continue to be viable in the "digital age".[1]

Impact of international copyright developments on cultural policy

It is widely accepted in current scholarship that the influence of the TRIPs Agreement on cultural policy will be profound. The TRIPs Agreement supersedes the Berne Convention for the Protection of Literary and Artistic Works,[2] dating from 1886, as the pre-eminent instrument of international copyright law. The movement from the Berne Convention to TRIPs has signified a fundamental shift in the character of international copyright law. Although the subdued threat of controversy was undeniably a feature of copyright relations in the Berne Union, international copyright under Berne included various institutional features which maintained a degree of flexibility in the system, promoting a relatively durable international consensus on copyright issues.[3]

In contrast, the TRIPs Agreement aims to integrate intellectual property fully into the general regime governing international trade in goods and services. The creation of an international forum for resolving disputes over intellectual property rights has served as a basic means to this end. Disputes related to intellectual property are subject to adjudication by the general dispute settlement mechanisms of the WTO.[4] The Dispute Settlement Body of the WTO can ultimately compel the enforcement of its rulings by allowing general trade remedies to be enacted against countries which are in violation of their international obligations in intellectual property matters.

These features of the TRIPs intellectual property regime have led commentators to argue that TRIPs introduces an unprecedented degree of coercion into international copyright law.[5] Membership in the WTO is virtually universal, so that the TRIPs Agreement entails the substantial standardisation of intellectual property

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1. Tunney (1998: 335) employs this term, and suggests that it is an apt way of referring to the era, rather than to the technology. The expression seems to imply that our age is characterised, not only by the physical manifestations of technological development, but by their reflection in our collective psyche. Christie (1995: 526) is also careful to draw a distinction between the experience of information technology to date, and the projected evolution of these technologies in the future. In view of the rapidity of technological development, he argues that it is especially important to be aware of the distinction between present and future experiences. Christie observes: "The danger is that the consideration of this issue is taking place in the context of the immediate past information age, not the new digital era which is just commencing."
2. *Berne Convention for the Protection of Literary and Artistic Works,* 9 September 1886, 828 UNTS 221 [hereinafter Berne Convention]. Available from World Wide Web: <http://www.wipo.org> (30.07.00).
3. The Berne Convention is administered by the World Intellectual Property Organisation (WIPO), a specialist organisation of the United Nations affiliated with Unesco. When it was the main intellectual property instrument, developing countries were relatively well-represented in this forum. Moreover, the convention has gone through numerous revision processes, including the addition of the Stockholm Protocol, adopted in 1967 to accommodate certain special interests of developing countries. See Ricketson, 1987: 590-664, for a detailed discussion of the participation of developing countries in the Berne Convention.
4. There is also a specialised Council for TRIPs which is potentially involved in dispute settlement. Its role, however, is definitely secondary. See Blakeney, 1996: 142-143.
5. Dreyfuss and Lowenfeld (1997: 301-302) also point out that the negotiation process of the TRIPs Agreement, dominated by the United States and other highly industrialised countries, and the comprehensive membership of the WTO are also coercive elements.

norms throughout the world. However, TRIPs generally reflects the intellectual property standards of the world's most industrialised countries. In the industrialised world, the agreement is expected to set the stage for still more sophisticated and comprehensive measures for the protection of intellectual property, particularly in response to the rapid developments in high technology.[1] In contrast, the TRIPs Agreement is expected to necessitate profound legislative and administrative changes in developing countries and in the "transitional" countries of eastern Europe, regions of the world which have traditionally espoused unconventional views of intellectual property law and policy in order to promote their unique social values and needs.[2]

Legal scholars have been careful to point out that TRIPs may prove to have major repercussions for national sovereignty over intellectual property policy in both industrialised and developing countries. The structural rigour and rigidity of the TRIPs framework suggest that the manipulation of intellectual property law by states to meet independent objectives of cultural policy will become increasingly difficult within the WTO. The comprehensiveness of TRIPs intellectual property standards, and the narrowness with which WTO administrators are likely to construe them, act as strong restraints on the independent development of national intellectual property norms. In particular, dispute settlement at the WTO suggests that the Dispute Settlement Body is intent on pursuing a legalistic, technically minded, and politically cautious approach to implementing the agreement. The first decision on TRIPs – a major ruling on an intensely controversial dispute between the United States and India regarding the pharmaceutical patent provisions – was decided against India. The terms of the decision suggest that the scope for adapting TRIPs to varying national needs and policies, even if they potentially raise humanitarian concerns, may be quite limited.[3]

Implications of copyright concepts for cultural policy

The TRIPs Agreement is generally perceived to bring a new degree of uniformity to copyright laws around the world. A number of scholars who are interested in investigating the interaction of law and culture point out that the TRIPs Agreement not only operates to create legal homogeneity, but that it may ultimately entail the imposition of a monolithic vision of culture on member states. By defining copyright in terms which are both comprehensive and stringent, TRIPs effectively determines which forms of cultural expression will be eligible for copyright protection, as well as the nature and standard of protection provided.

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1. See Caviedes, 1998: 227-229.
2. Caviedes, ibid. For a summary of the current status of the modernisation of intellectual property law in eastern Europe, see Lewinski, 1997. See also Dietz, 1996, who links contemporary changes to the previous intellectual property regimes, and Ficsor, 1983, who describes the situation of copyright under socialism.
3. Adelman and Baldia (1996) provide a summary of the case. For a more detailed analysis of the social implications of liberalisation in India's pharmaceutical industry, see Henderson, 1997.

At a deeper level, the concepts underlying the copyright standards in the TRIPs Agreement reflect the cultural and commercial concerns of western European countries and the United States. Scholarship in this area has attempted to develop a historically and culturally informed vision of copyright, which transcends the technical aspects of this field and provides greater insight into its cultural implications.[1] Inquiries into the broader cultural effects of copyright have yielded a theoretically rigorous scholarship surrounding a number of the central tenets of copyright law.[2] Current research suggests that the international copyright regime, to a great extent, is based on culturally specific and historically precise ideas about creativity, creative works, and the economic role of culture. The most powerful cultural norms underlying international copyright law include a model of creativity based on the identity of the creative author as an individual, independent genius, and a conception of the creative work as an original manifestation of the personality of its author.

Many scholars who have attempted to clarify the conceptual foundations of copyright law point out that this established vision of culture and creativity continues to inform international developments in the field. However, they argue that this framework for copyright protection may not be conceptually sound when it is applied to cultural contexts which diverge significantly from the western European model. A strongly individualistic conception of creativity may not be relevant to cultures which place a higher value on group or communal creation, or locate the work of individual authors within a strong, community tradition of educated understanding and appreciation.[3] They may also be difficult to reconcile with traditions which do not accord primary importance to the identity of the author, or include a particular wealth of anonymous works of "folklore".[4] Moreover, the professional and commercial orientation of copyright may not be compatible with a vision of culture that emphasises its independence from commercial concerns.[5] These kinds of considerations often arise in relation to aboriginal cultures, and they may also be at issue in developing countries.[6] Clearly, cultural policies which seek to promote the interests of diverse minority cultures – whether they are subnational groups functioning within the existing ambit of copyright law, or national

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1. These two extreme positions are pointed out by Barron (1998: 43-45); she argues in favour of a perspective based on "overlap" and "intersection," rather than "a single dynamic driving legal and aesthetic development alike."

2. For example, see Foucault, 1984: 101, a seminal and widely-influential work by the noted philosopher; Woodmansee, 1984, a pioneering historical study of authorship in the context of the development of German Romanticism; and Jaszi, 1992: 294-299, who draws together studies of Romantic authorship in various European contexts to inform his discussion of current American copyright law.

3. Ploman and Hamilton (1980: 4-5) cite the well-known example of Bali. The individualistic orientation of copyright law may also be inadequate to accommodate the current role of corporate authorship in highly industrialised countries. See Jaszi, 1992: 301-302, who discusses copyright in terms of the "realities of contemporary polyvocal writing practice – which increasingly is collective, corporate, and collaborative".

4. For example, see Pandit, 1977, who points out that, in Indian tradition, art ultimately aims to liberate the individual from the limitations of the ego, with the implication that anonymity is the highest form of creative identity. It should be noted that the term "folklore" is somewhat controversial, but remains widely used in copyright literature: see Masouyé, 1983; Berryman, 1994: 309-333.

5. See Alford, 1993, who makes these observations about Chinese tradition.

6. Sayre (1986: 875) and Prott and O'Keefe (1984: 14) point out the contribution of deteriorating traditional values in developing countries to the impoverishment of culture in the developing world.

administrations attempting to implement appropriate copyright principles – must come to grips with these concerns.

It is interesting to note that a pioneering examination of some of these issues has occurred in the court systems of some industrialised countries, where aboriginal peoples have attempted to vindicate their cultural values through intellectual property principles. Notably, Australia's Aborigines have brought a number of landmark cultural claims before the Australian courts. To date, the most sophisticated of these judgements demonstrate an encouraging appreciation of the complex cultural perspectives presented by these non-western cultures. At the same time, they have been largely unable to provide an indication of how western courts may ultimately be able to reconcile the disparate cultural interests at stake.[1]

A small group of scholars has attempted to overcome the potential limitations of copyright theory by choosing to deal with the implications of copyright for cultural policy in more direct and pragmatic terms. For example, a variety of suggestions has been made for extending copyright protection to works of group authorship, and anonymous works of "folklore". Research in this area centres on the cultural implications of moral rights, a special branch of copyright law which is unique in protecting the non-commercial interests of authors in their work.[2]

Moral rights are a product of continental European theories of creative authorship as a phenomenon based on the original genius of individuals, and as such, they suffer from the same theoretical limitations which generally affect western copyright law. However, moral rights also create a privileged legal relationship between an author and his work, allowing the author to insist on appropriate attribution of his work, and to sue for the protection of the integrity of his work. Often, these rights persist even after the author has given up his commercial copyright, and, in some jurisdictions, they may continue to be exercised indefinitely after his death by his descendants.[3] The scope and potential power of these rights has led to much scholarly interest in their practical benefits for culture. Although it remains in its early stages, this scholarship raises the possibility that the protection of moral rights may make a valuable contribution to cultural diversity policies which transcends the theoretically individualistic origins of these rights.

Cultural diversity policies and the regulation of technology

Copyright concepts are not only challenged by the diversity of cultural interests in the international arena, but, to an increasing extent, they are also brought into question by technological developments.[4] To date, intellectual property scholarship has identified two kinds of problems which technology presents for

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1. See the summary of cases in Blakeney, 1995, and Barron's detailed analysis of the *Yumbulul* case (1998: 45-87).
2. For example, Berryman (1994: 310-321) undertakes a detailed examination of the potential contribution of moral rights to folklore.
3. France, and countries with French-influenced intellectual property systems, provides perpetual protection for moral rights: see Ricketson, 1987: paragraph. 8.105, note 510.
4. Tunney (1998: 335) notes the parallels between the "oldest," from aboriginal traditions, and "newest," based on technological development, visions of culture.

conventional copyright. It is apparent that both of these issues will profoundly influence the role of copyright in cultural diversity policies, as well.

First, modern technologies have created unprecedented opportunities for the dissemination of knowledge and information. The growth of communications technology and the increasing availability and sophistication of technologies for reproducing creative works have brought new dimensions of access to knowledge. Indeed, the explosive growth of technological capacities in these areas threatens to overwhelm the capacity of regulators to control the flow of information. In lieu of regulation, technology itself may be increasingly compelled to respond directly to this situation. Since the function of controlling the spread of information in society is a basic function of copyright law, the power of technological growth to outpace regulatory development ultimately threatens to render certain aspects of copyright protection obsolete.[1]

The difficulties of regulators in keeping pace with technological change have serious implications for cultural diversity, and for the development of policies to promote culture. To an important degree, the success of groups in preserving and promoting their cultural identities will be influenced by their ability to adapt to the new technological environment. However, regulation which lags significantly behind technological developments may impede this process. Cultural policy should assist groups in their efforts to modernise – or, at a minimum, it should aim to create a neutral legal environment as far as possible. Moreover, policies which are designed to promote cultural diversity must also be flexible enough to accommodate the evolving relationship between culture and technology.

Apart from the involvement of technology in disseminating cultural knowledge, technological development is also implicated directly in the creative process. Technological growth provides new means of creating traditional kinds of creative works, and it also creates an opportunity for technology to manifest itself directly in creative works, as a product of the creative process. A number of historical examples demonstrate the ways in which technology and culture develop together. For example, the development of photography and film have led to the motion picture, which has been famously hailed as the one art form uniquely created by the twentieth-century mind. Copyright scholars observe that, in situations of technological transformation, both the identity of the author and the nature of the relationship between the author and the work are suffused with ambiguity. The capacity of conventional copyright concepts to accommodate these new forms of cultural diversity has yet to be established.

Future directions for research

The community of intellectual property scholars has been quick to recognise the importance of current copyright developments for culture. Scholars have shown

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1. Christie (1995: 522, 527-530) considers the various positions on the viability of copyright in the new technological environment, emphasising that, in spite of some scholarly scepticism, the existing framework of the law is inevitably brought into issue by technological change.

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great eagerness to respond to the challenges which cultural diversity presents for copyright law and policy. However, with respect to a number of key elements in the relationship between copyright and cultural diversity policies, legal scholarship remains somewhat ambivalent.

The climate of uncertainty in research on copyright and culture is a product of ambiguities in the international legal environment itself. In the area of intellectual property law, especially copyright, the current international situation is one of constant flux and instability. The fluidity of the international copyright regime is matched by the growth of cultural awareness in the international community, and the prioritisation of cultural interests in diverse international quarters – among highly industrialised countries, cultural minorities, and developing countries – for different reasons.[1]

In these circumstances, it is critically important to identify directions for future research which will maintain their relevance for cultural diversity issues in a legal and cultural climate characterised by constant change. These kinds of issues can be located within existing streams of scholarship, where changes in the theoretical orientation of research can bring about substantial progress in cultural diversity policies. They also arise in relatively underdeveloped areas of research, where scholarship has yet to confront issues which are gradually becoming prominent in the current legal environment.

Impact of the internationalisation of intellectual property law on culture

Scholarship on the legal implications of the TRIPs Agreement is substantial. Much of this research has been developed by legal scholars and experts, and focuses on the legislative and administrative implications of the TRIPs Agreement for member states. The impact of TRIPs on cultural diversity has also been a subject of interest for legal scholars. However, scholarship in this area has yet to provide comprehensive and objective studies of the impact of TRIPs on cultural diversity. The issue is primarily of concern to developing countries, "transitional" countries, and minority cultural groups, whose cultures often diverge substantially from western European and American norms. It is perhaps this feature of cultural diversity issues which has led to some neglect by experts who, in their professional capacities, may identify more closely with the interests supporting the creation of TRIPs than with these other groups.

Research into the internationalisation of intellectual property rights and cultural diversity stands to benefit greatly from empirical work, which is generally quite underdeveloped in relation to intellectual property rights.[2] This is particularly true in the copyright field, where problems concerning incentives to undertake creative work, the nature of the relationship between the creation and dissemination of

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1. See Drahos, 1999: 358-365.
2. Drahos (1999: 363) points out the paucity of empirical research on the effects of intellectual property regulation, with patents being a slight exception. Empirical research on the impact of patent law on developing economies is presented by Oddi (1987), and by Rapp and Rozek (1990).

works, and the impact of authors' moral rights on creativity and culture remain highly controversial. While these issues are too complex to lend themselves directly to empirical analyses, a more sophisticated examination of what they involve, including their empirical aspects, may help policy makers to frame cultural diversity policies far more effectively.

Relationship between international copyright and regional copyright

The study of international developments in intellectual property has also largely neglected the relationship between international copyright law and regional approaches to copyright. Notably, the European Union has been a major site of development in copyright standards, where efforts to harmonise the laws of member states are embodied in five copyright harmonisation directives, to date.[1] European copyright has developed in tandem with the TRIPs/WTO system.[2] Its influence on international intellectual property law may be significant, particularly in view of the importance of trade in culture and technology between European Union countries and the United States.[3] Moreover, the question of how European Union copyright law interacts with the TRIPs Agreement remains largely unresolved (Caviedes, 1998: 228).

European intellectual property developments have also been driven by the need to integrate the formerly socialist countries of eastern Europe into the ambit of the European Union. These countries may either be admitted directly to full European Union membership,[4] or they may participate in agreements which facilitate trade and cultural exchange with the EU.[5] The new legal perspectives and different cultural realities which these countries may introduce into the international copyright regime remain poorly explored. In particular, the highly publicised, potential membership of the Russian Federation in the WTO, and the recent admission of China to the WTO club, may bring unexpected pressures to bear on the international framework for copyright protection. These countries bring to the international arena a historical legacy of oppression, a complex and distinguished cultural past, and notoriously low levels of compliance with current copyright standards. These factors may generate a need to re-examine conventional wisdom about the desirability and effectiveness of the international copyright standards established in the TRIPs Agreement.

European integration, culture, and copyright

With the collapse of socialist regimes in eastern Europe and the former Soviet Union, intellectual property specialists have become interested in the problems

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1. The directives are summarised by Caviedes (1998: 207-221).
2. Caviedes (1998: 166-168) emphasises this point.
3. This point is made by Crews (1998: 117).
4. But see Karel, 1997: 221-222. He points out that the expansion of the EU depends on the economic situation of the Union, and, therefore, may not become a reality for some time: he observes that the accession process has so far been characterised by "vague words" and "ill-defined assurances" from the EU, in lieu of specific commitments.
5. The Russian Agreement on Partnership and Co-operation with the European Union of 1994 is one example: see Elst, 1996: 276-285.

confronting these countries in modernising their societies.[1] In particular, the opportunities offered by potential membership in an enlarged European Union and economic participation in the WTO, have provided strong incentives for these countries to revise their legal regimes, with a view to meeting the regulatory requirements of these organisations. Both the European Union and the WTO require the adoption of intellectual property standards and practices which comply with their basic standards as a prerequisite to greater participation and economic exchange between West and East. As a result, many of the ex-socialist countries of eastern Europe have sought the assistance of western experts to bring their intellectual property regimes into compliance with EU and WTO standards.[2]

The process of legal reform in eastern Europe has seen the modernisation of socialist intellectual property regimes which were often antiquated. However, the reform effort has arguably been dominated by commercial concerns at the expense of cultural interests. A particular focus of reform has been on the problem of bringing eastern European societies, which appear to be quite resistant to intellectual property enforcement, into compliance with international standards.[3] In this process, cultural concerns appear to be largely neglected. Most strikingly, reformers do not appear to consider the special difficulties confronting culture in the post-socialist period, with its unprecedented economic and social adjustments, or the potential impact of westernised intellectual property standards on the diverse cultures of eastern Europe, whether majority or minority. Legal reform has also failed to confront the fundamental problem of establishing an appropriate regulatory environment for cultural development – a pressing issue for eastern European countries – which copyright law may be instrumental in achieving.

While extensive, intellectual property scholarship in eastern European countries suffers from the narrowness of focus which is characteristic of the reform effort at large, an important concern of scholarship should be to redress this imbalance in eastern European law reform affecting intellectual property. Scholars should address the special cultural concerns of eastern European countries and their cultural minorities, and examine the potential impact of the ongoing process of intellectual property reforms on these interests. They should also attempt to determine whether the tools of copyright law can assist these countries with their cultural challenges, and offer specific suggestions as to how the framework of western copyright law may be integrated into these diverse cultures. Finally, scholars should examine the developing opportunities for cultural exchange between eastern Europe and other parts of the world, from which it has been politically isolated for decades, with a view to determining how intellectual property regulation may facilitate cultural exchange.

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1. See Lewinski, 1997; Dietz, 1996.
2. For example, Lisle (1999: 226-237) examines American involvement in post-Communist law reform in Russia.
3. See Broadbent and McMillian, 1998: 533-550, who discuss these problems particularly in relation to Russia.

National sovereignty

The potential negative effects of the TRIPs system for national sovereignty are widely addressed in legal scholarship. However, this issue has not been considered specifically from the perspective of cultural diversity. In particular, will the internationalisation of intellectual property law and the mechanisms for its implementation make it possible for groups other than states to assert their interests in intellectual property? Research into the possibilities for public participation in the international intellectual property systems of TRIPs and the European Union may prove to be fruitful areas of investigation from the perspective of cultural diversity policies.[1]

A reconsideration of existing copyright controversies

A research focus on the resolution of longstanding controversies in international copyright may be of substantial benefit to cultural diversity. The inclusion of certain types of cultural industries in the TRIPs/WTO framework for intellectual property protection has been controversial even among highly industrialised countries, particularly in relation to film.[2] The investigation of these cultural exemptions, and how they may be reconciled with overall trends in international trade relations, may provide insights into the process of international cultural exchange.

A related area of unresolved controversy concerns the moral rights of authors. Moral rights are controversial at both the international and European levels. They have neither been fully integrated into the TRIPs system nor smoothly harmonised within the European system. A long tradition of scholarship links moral rights to cultural interests. Research into the impact of moral rights on cultural diversity, as well as the broader implications of moral rights from a commercial and pragmatic perspective, will have important implications for policy development.

Limitations of intellectual property concepts

Intellectual property scholars have undertaken detailed studies of the theoretical foundations of copyright law. Based on these analyses, a number of them have concluded that conventional copyright concepts may be incompatible with cultural change. In particular, scholars have concentrated on the implications of technological change for culture in the industrialised world. There is a general awareness that individualistic assumptions about creative authorship and the relationship of privilege between an author and his work, do not adequately accommodate current social realities in industrialised countries. Joint and corporate authorship, and the intervention of technology in the creative process, are increasingly dominant aspects of culture and copyright in these parts of the world.[3]

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1. For a discussion of related issues, see Housman, 1994.
2. See Fraser, 1996, for a detailed discussion of moral rights and film.
3. Jaszi (1992: 301-302), a leading exponent of this view, points out that "the realities of contemporary polyvocal writing practice – which increasingly is collective, corporate, and collaborative," is incompatible with conventional copyright.

However, the range and rigour of research on cultural developments in industrialised countries is not matched by a corresponding depth of research on cultural diversity issues. While developing countries and aboriginal peoples have received some scholarly attention, "transitional" states, immigrant minorities, and Roma/Gypsy peoples are not well-represented in the literature. Moreover, research concerning the similarities between these groups remains quite rudimentary, in spite of the historical, cultural, and political resemblances which are immediately apparent among them.

Research into copyright concepts also tends to be diagnostic in nature. In contrast, few scholars attempt to address the pragmatic and precise issue of how copyright concepts may help or hinder cultural diversity policies. Sustained scholarly investigation of the practical effects of copyright theory on cultural diversity appear to be largely neglected. Systematic analyses of how copyright concepts can be moulded to serve non-traditional cultural contexts – if at all – will be of great value to the development of cultural policy. In particular, the problem of whether copyright concepts can be used to promote objectives of cultural diversity policies calls for closer examination.

Distinguishing between technologies of creation and dissemination

In the same vein, the possibilities of technology for promoting cultural objectives have not been extensively explored by intellectual property scholars. Here, too, research concentrates on the innovative possibilities of technology for creative activities, without considering the potential contribution of communications and media technologies to cultural diversity. Future research should focus on the ways in which intellectual property law can shape the use of technology for cultural diversity purposes.

Breakdown of traditional distinctions within intellectual property law

The unprecedented progress of technology has also created a need to re-evaluate the validity of accepted legal structures in the new cultural environment. The extension of established principles of intellectual property law to new technologies appears to be bringing traditional distinctions within intellectual property law into question. No doubt, this lack of clarity in the law reflects the profound social effects of technological developments, which often render such traditional dichotomies in western culture as those of art and science, artist and audience, and private rights and public interest somewhat ambiguous.[1]

For example, current scholarship on intellectual property has found that attempts to create a framework for the legal regulation of programs for computer software have caused a blurring of the boundary dividing copyright from patents.[2]

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1. Christie (1995: 525) points out that, "there is a trend towards subject-matters in which the user plays a role in determining the ultimate nature of the work." The participatory possibilities of technology for the art of classical music were also envisioned by Canadian pianist, Glenn Gould, who labelled the technologically-implicated and empowered listener the "New Listener" (see G. Payzant, *Glenn Gould: Music and Mind,* Van Nostrand Reinhold, Toronto, 1978, pp. 29-32, 42, 70).
2. For example, see Franzosi and De Sanctis, 1995.

Similarly, at least one established scholar points out that the moral rights of authors have much in common with the legal protections inherent in a trademark, and can be understood as a kind of guarantee of quality or origin.[1] The pace of technological change has even led some scholars to call for a general rationalisation of intellectual property law. At least one author proposes a complete reassessment of the concept of copyright, leading to a new design for copyright law that emphasises structural clarity and simplicity.[2]

These developments in scholarship on intellectual property have profound implications for cultural diversity policies. They suggest that the nature of copyright protection may be expected to change radically in the coming decades. The possibility of fundamental change in copyright law, and the breakdown of traditional legal distinctions among intellectual property rights, calls for greater study.

Intellectual property and other law

The tendency for intellectual property concepts to merge into one another is matched by a growing realisation that intellectual property law has far-reaching consequences which may not be immediately apparent to technical experts on intellectual property law. Indeed, many intellectual property matters impinge upon other areas of law and regulation. For example, intellectual property affects matters of environmental regulation, constitutional law, and human rights. These connections remain poorly investigated in intellectual property scholarship.

Research on the relationship between intellectual property and other areas of law will not only enrich the field of ideas available to policy makers on cultural diversity, but it will also bring about a better understanding of the social effects of intellectual property laws. From this perspective, the relationship between intellectual property and human rights may require the most urgent research treatment, since the human rights implications of both copyright and patent laws appear to be extensive. Ultimately, an examination of the relationship between human rights and copyright may also help to establish cultural diversity as an important objective of international law and policy. A recognition that intellectual property has an impact on human rights suggests that culture, itself, occupies a more central place in human civilisations than it is traditionally assigned in the industrialised system of values.

Conclusion

Current developments in the international legal arena have profound implications for cultural diversity policies. Intellectual property law plays an essential role in defining the administrative framework within which these policies must function.

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1. These considerations lead Vaver to argue in favour of an alternative model of moral rights, based on the public interest importance of these rights, and perhaps analogous to trademark protection: see Vaver, 1999.
2. Christie (1995: 527-530) presents "a tentative framework for a new, simplified law of copyright." He identifies the simplification of the subject-matter of copyright and the content of the right, itself, as being two potential areas of basic reform and re-conceptualisation.

The concepts embodied in intellectual property law also exercise an important influence on the international development of cultural policy. Copyright law offers an analytically rigorous framework for protecting the place of culture and its creators in modern, industrial life.

Scholarship on the relationship between intellectual property and cultural concerns suggests that intellectual property law can contribute greatly to the power and effectiveness of policies for the promotion of cultural diversity. Many countries and cultures are confronted by the crucial challenge of preserving their cultural identities while embracing participation in the globaliszation of culture – reflected, to a great extent, in the internationalisation of intellectual property norms. An examination of how copyright concepts and regulation can serve cultural diversity policies will assist them substantially in the attainment of this delicate balance.

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The role of the media in the cultural practices of diasporic communities

Research position paper 6

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Introduction

The brief for this report proposed a "focus on the ways in which the members of diasporic communities make use of the media in the maintenance and development of distinctive cultures, paying particular attention to the role of video, new media, cable and multichannelling in these regards" in the seven countries included in this project, namely Austria, Belgium, Bulgaria, Canada, Luxembourg, Switzerland and the United Kingdom.

It is important to note certain aspects of and conceptual assumptions in the brief before moving to substantive matters. First, within the new paradigm of globalisation, a rewording of older sociological categories seems to be taking place, such that old "ethnic minorities" and "immigrants" are increasingly reconstructed as "diasporic communities". The implications of the former centred around issues of acculturation, broadly speaking, and of identity re-formation within the new national cultural space; the implications of the latter are to privilege binational cultural spaces, the old "homeland" and the new home/host culture, if not an even broader global space in which the dispersed group finds itself entered into numerous non-native locations. An "ethnic minority" was also a more abstract, statistically relevant social category, while the noun in "diasporic community" seems to suggest a coherence that actually needs to be problematizsed rather than taken for granted. In the European audiovisual space, it also suggests more of a focus on groups of people from outside Europe: India, Pakistan, the Maghreb, China, etc. The minority focus allows a stronger focus on intra-European movements and the existence of European non-national groups, such as Greeks and Greek Cypriots in Britain, Slovenians and Croats in Austria, Italians in Belgium, and Italians, migrants from former Yugoslavia, Spanish and Portuguese in Switzerland.[1] And it supports a focus on Roma/Gypsies in Bulgaria and other parts of Europe.[2]

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1. Main minority groups in various European countries as defined in Frachon and Vargaftig, 1995. On the Slovenian minority in Austria, see Busch, 1998.

2. See the Bulgarian country report by Genka Markova, in Education and Media in Southeast Europe: Country Reports, available on the website of the University of Graz/Center for the Study of Balkan Societies and Cultures: <http://www-gewi.kfunigraz.ac.at/csbsc/> (30.07.00).

Indeed, which construction of Europe is the current coinage? The old continental/geographic boundary of Europe which perhaps includes (some of) Turkey is not the same as the political boundary of the European Union, with Turkey and some of the fragments of the former Yugoslavia as expectant would-be members of the new club.

Second, the invited focus is toward electronic image-based media, not toward print, probably the longest-standing media practice for many migrant communities; nor toward radio, a cheap and effective and potentially community-based medium. Most of the available research focuses on television, but it is important to make some brief comments about the Internet.

The Internet is, of course, the diasporic medium par excellence, obeying few boundaries – least of all territorial ones – in its production and reach. As a publishing medium, information can be shared by all members of a particular diasporic group no matter where in the world they are. It thus has the potential to construct and maintain transnational diasporic consciousness like no previous technology. As a medium of connectivity, through chatrooms and list serves, diasporic individuals can be connected in more or less real time, articulating the different segments at home and "abroad" to each other in virtual community and deterritorialising politics. Websites can also be instantiations of the not-yet-existent but certainly imagined national community, as is the function of *eelam.com* and *tamilnation.com* (Jeganathan, 1998). They can also function to bind other kinds of communities, like a "British Muslim" or an Islamic diaspora (Bunt, 1999; Mandaville, 2001). The web also allows personal home pages in which the personal sense of loneliness, foreignness and disconnection of diasporic individuals may be manifest but also (re)solved.[1] Others can of course find and make contact with the individual, so breaking the psychological isolation and creating very "local" sites in cyberspace. Other issues that are likely to be of increasing importance, especially for exile politics, are the relationship between the Internet and other kinds of media: the Internet seems likely to emerge as the 24-hour broadcasting medium (viz., the television programme *Big Brother* in the United Kingdom during summer 2000); also, the Internet remains a space somewhat beyond complete state political censorship so that as political censors shut down newspapers in Iran, Tunisia and Egypt, for example, the content appears almost immediately on the Internet. Both of these elements are ripe for exploitation by diasporic groups.

Third, the stress is upon media use, toward minority audience-based studies of media consumption habits and cultural tastes. The brief thus assumes the availability of, and brackets the nature of, minority media channels themselves. There is an implied distinction between channels for minorities versus programmes for minorities within mainstream media, such as Belgium's magazine programme *Sinbad* for immigrants, or BBC2's magazine programme *East*. Often what media are available to a community only becomes clear from audience-based studies,

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1. On personal webpages of the Bosnian diaspora, see Hozic, 2000.

while a few studies focus mainly on the production side of minority media. There appears to be no central information point within Europe where up-to-date data on minority media is maintained. This report tries to stay close to audience practices, although the lack of attention to minority media production is raised in the conclusion of this paper.

A fourth, but methodological, point, is that this paper is a review of available literature collected within a rather short space of time. As a highly generalised assessment, there is a burgeoning interest in diasporic media and transnational communities[1] but a comparative dearth of empirically based studies.

What exists is very fragmented. Across the seven countries included in the project, there is unequal attention to these issues, with a considerable amount of policy-oriented debate about multiculturalism in Canada and the United Kingdom, in comparison, say, to the historically strong assimilationist orientation of the French state. Some of the key issues are not so new, and in many countries, such as the United Kingdom, there exists a considerable historical trajectory of research on ethnic minority media and ethnic minority audiences[2] on which current work can build. There is a particularly strong contemporary research focus on Turks and North Africans, then on Asians, as key migrant groups in Europe. Other academic work has a similar set of concerns but examines countries beyond the purview of this report (Husband, 1994; Jakubowicz, 1995). Other work focuses mainly on training issues for ethnic minorities, again somewhat beyond the scope of this work (Ouaj, 1999; Aitchison, 1999).

This report makes no claim to have scoped all the work on the subject. I did try to locate known researchers in this field to solicit their work as well as further names of colleagues elsewhere conducting relevant research, and would like to thank all those academics that responded to my request. Academic and media-related sites on the Internet were not particularly fruitful resources.

The current context

It goes without saying, but needs to be said, that the media environment of Europe has changed radically over the past decade. This is due primarily to the rapidly-changing technologies of media diffusion, shifting from solely terrestrially-based infrastructures to satellite delivery; from comparative channel scarcity to the multiplicity offered by fibre optics and broad-band; and from analogue to digital signals. The processes of digitalisation, policy liberalisation and convergence of broadcasting and telecommunications are still being worked out in different ways in different European countries, as well as institutionalised within European Union policy. Beyond Europe, these processes have also helped to transform the media landscapes of Asia and the Middle East where significant media production is taking place.

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1. See, for example, Dayan, 1998; Karim, 1998; Sinclair and Cunningham, 2000; Silverstone, 2000.
2. For example, Cottle, 1997, and Gillespie, 1994.

The second major impact on the European media environment is the new incoming migrant communities and the various attempts to satisfy their information and cultural needs with new media channels and products. The earliest televisual responses to immigrants was for public service channels to produce programmes for immigrants, which sometimes meant migrants producing a programme that aired on a public channel; this evolved into multicultural programming on terrestrial channels. In the 1990s with the advent of cable and satellite broadcasting, new channels were specifically targeted at different population sectors, including minorities, sometimes produced from within the space of the national migrant group as well as those satellite channels that broadcast from an originary "homeland" or are an offshoot of a non-European broadcaster for a particular diasporic community across the territorial boundaries of Europe. To take the British Asian communities as an example, the variety of channels to choose from partly depends on residential location; for example, it might include programming aimed at very specific locales, such as that provided for the Asian communities in Leicester by MATV, which operates on a Restricted Service Licence. Other channels are oriented toward the different Asian communities in Britain, producing programmes in a number of different Asian languages: Sunrise 24-hour Asian radio is available mainly in London and the south-east of England, with affiliates in Bradford and Leicester; Asianet television is only available on cable through fourteen cable franchises in the United Kingdom. Then there are the nationally based, trans-European channels such as the Indian-based ZEETV and the recently established (spring 2000) PakistaniTV as well as the global broadcasters such as Sony Entertainment Television Asia.[1] There is also the multicultural programming offered by the public service providers, mainly BBC2 and Channel 4, by which "minority-oriented" programmes like the current affairs series, *East*, or a cookery programme like *Madhur Jaffrey's Flavours of India* are watched by the wider community. The most successful recent programme that began as a minority radio programme and became an immensely popular general comedy programme on television was the British/Asian-written, -directed and -performed *Goodness Gracious Me*.

This is a very rapidly changing media environment, which is difficult to map for a single country, or for a single minority group. In a recent paper Robins and Aksoy (2000) usefully map the range of twelve available analogue channels from Turkey and for Turkish Cypriots in Europe, including state broadcasting channels, religious channels and privately owned entertainment channels which are now available through satellite and/or cable in many European countries, particularly – of relevance for this report – in Belgium, Austria, Switzerland and the United Kingdom.

The data often focuses on a single form of media, like television, and forgets the radio, video, Internet and other cultural provision within which most minority groups now live. What would be useful is the kind of data provided by the excellent Romani media map,[2] which shows the presence of a whole range of media forms across Europe: Romani radio stations, Romani programmes on mainstream

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1. See Tsagarousianou, 1999.
2. *Roma Rights,* 1999, No. 4 entitled "Romani media/Mainstream media".

radio, a Romani television station, Romani programmes on mainstream television, Romani periodicals, Romani columns in mainstream publications, NGOs dealing with Romani media issues, Romani Internet websites, Romani wire service, Romani list serves.

The national policy environment not only frames the processes of gaining licenses to operate a station but can also have implications for actual content, what may or may not be broadcast. One controversial decision was the British Independent Television Commission's closure of the Kurdish television channel MED-TV for its supposedly "political" content; it has subsequently reopened as Medya TV (Hassanpour, 1998).

Theoretical approaches

While the contemporary theoretical literature is full of evocative tropes and metaphors of dispersion and its psycho-cultural effects which include notions of home and homelands; place and displacement, re-placement; feelings of longing/belonging; tensions between roots/routes, there exists little in the way of clear models or categories to think through this material.

Appadurai's well-known "ethnoscape" acknowledges the sense of a diaspora as spread across numerous national territorial boundaries, yet connected together through sophisticated media, producing "diasporic public spheres (…) in which migration and mass mediation co-constitute a new sense of the global as modern and the modern as global" (Appadurai 1996: 10). A diaspora is not static, and crucially may be scattered across a number of different national territorial boundaries. Sreberny (2000) has suggested the diasporic gaze may thus be differentiated from the exilic gaze, looking back toward the old homeland in nostalgia, or the ethnic gaze, looking inward to the new host environment with longing: the diasporic gaze "scopes the global", looking all around for its sense of fragmented community. Dayan also stresses the dynamic nature of the diasporic imagination: "diasporas are incarnations of existing discourses, interpretants of such discourses, echoes or anticipations of historical projects. (…) Their maintenance (…) involves a constant activity of reinvention." (Dayan, 1998: 110). One issue that is repeatedly alluded to is a putative tension for migrants between competing loyalties to old homes and to new ones, to different "national imaginaries". Yet that is increasingly seen as a stale and unfruitful mode of analysis. As Hargreaves (forthcoming) has suggested, migrants are "not engaged in a zero sum game. It is quite possible to feel a heightened sense of interest in one society without this necessarily implying loss of involvement in another."

Robins and Aksoy (2000) are rightly critical of media analysis that is built on stale repetition of ideas of a single national culture, including that entering the European cultural space, for example as a single "Turkish" culture. Rather they propose a view that embraces change and the sense of a more porous dynamic cultural environment that embraces a cosmopolitan project instead of the national project. This echoes a much wider and growing interest in cosmopolitanism, for

example by Hollinger (1995) who looks at different forms of multiculturalism and makes a useful distinction between cosmopolitanism, which emphasises the multiple affiliations of individuals, and pluralism, which emphasises the given boundaries of ethnic groups and preservation of ethnic identities.

Audience choice and use

There are comparatively few studies that have taken the minority ethnic audience as their central focus, still fewer that examine diasporic communities. Those that exist have focused on a variety of different minority ethnic groups, have been conducted in different years, and with different constellations of satellite and cable channels available to migrant viewers. Thus generalisations about findings are extremely difficult to make, and the following extrapolations should be used with caution.

The available research suggests the following:

i. "non-native" groups tend to be heavy media users, with almost universal access to radio and television, almost complete saturation of video in Britain (Sreberny, 1999: 16), high rates of access to cable, although comparable to the "native" pattern, but higher ownership of parabolic antenna in Belgium (D'Haenens and Saeys, 1996: 171-172);

ii. "non-natives" tend to watch television more regularly than "natives", and to watch more of it (ibid.);

iii. reasons for choosing to access "home-country" channels include a desire to keep in touch with events in the homeland, as well as poor command of the new host language, especially by first-generation women; the second generation were often pleased that parents could keep in touch, although they themselves were fairly indifferent to this access, at least at first (Hargreaves and Mahdjoub, 1997; Sreberny, 1999: 63);

iv. when available and accessible, own-language channels are the most popular: the Turkish state-owned station TRT-International for Turkish respondents in Belgium (D'Haenens and Saeys, 1996: 174), TRT and TDI, a German-based Turkish-language station for respondents in Germany (Hargreaves, forthcoming), "home" country satellite channels, and other Arabic-language channels like the Egyptian-based ESC and the news-led MBC from Britain amongst Maghrebi respondents in France (ibid.: 175). ZEETV was popular among older viewers in Britain, mainly for the Indian soaps it showed;

v. the linguistic link between language knowledge and channel preference is even more marked for radio (D'Haenens and Saeys, 1996: 171);

vi. Maghrebi viewers also make considerable use of French-language programming, rather than Dutch, in Belgium (ibid.: 175);

vii. second-generation and third-generation viewers with their own sets tended to watch more "local" domestic channels (although sometimes it was simply because of lack of connection to satellite/cable); they were also very keen on

watching American-style channels such as MTV, TNT and CNN and American imports (Hargreaves and Mahdjoub, 1997: 474; Sreberny, 1999: 21);

viii. across these studies, a gendered pattern of viewing is discernible with women seeking out soaps, serials and gameshows, and men more attuned to news and sport. The biggest generational difference involves young people's strong orientation toward music and film;

ix. availability and viewing of television from "home" countries does seem to increase viewer's interest in the home country, but not at the expense of alienation from the new host environment. Evidence about religiosity, for example, suggests that among Maghrebi families in France, the first generation actively practised their Muslim faith, while the children describe themselves as Muslim but few actively practise and a few said they felt no religious affiliation (ibid.: 463);

x. in almost all families there was a mixture of viewing, including new host country channels, American channels and other transnational channels. "Few, if any, participants were completely monocultural in their programme choices" (Hargeaves, forthcoming);

xi. what might be termed "multicultural programming" is welcomed when available. *Babel* and *Couleur Locale* on Belgian BRTN (both discontinued), and *Passport*, on a Dutch channel, were popular, Moroccan women watching *Passport* for its use of spoken Berber (D'Haenens and Saeys, 1996: 176-177). *Café 21,* a youth-oriented discussion programme on BBC2 was very popular in the United Kingdom (Sreberny, 1999: 34);

xii. Belgian immigrants felt that such multicultural programming did help to build more positive images about them, enhanced dialogue with native populations, and that increased numbers of non-natives appearing on the screen would encourage non-native viewing. Young respondents from Britain's ethnic minorities favoured more mixed programming across all channels, not separate channels for different ethnicities.

Language

Across all these studies, language knowledge plays a major role in determining channel preferences. But language is a bigger and longer standing cultural issue also, with the presupposition that media channels in specific languages help the maintenance of that linguistically based identity.

Yet an interesting study by Cormack (1993), which focused on Gaelic media in Britain, suggests a more complicated story. Less than 2% of the Scottish population speak Gaelic, yet it is making a comeback with educational projects, and the Western Isles recognised as a bilingual area. But in the early 1990s there were very limited amounts of Gaelic television, mainly music and children's programming, and despite the increased political autonomy of Scotland and growing awareness of Scottish cultural heritage, Cormack notes that Gaelic has survived as a living language despite a meagre diet of native language broadcasting, and that the

increased broadcasting followed, rather than preceded, the language revival. He also notes that radio, often more-community-based, might be a better vehicle for Gaelic.

Also, even within a specific national territory, the discourses about language use can change over time. Bulck and Poecke (1996) show the historical and ongoing debates about language policy in relation to Flemish in Belgium and in relation to Swiss-German in Switzerland. Yet another argument is that across Europe, even well-established national languages such as Swedish are being bombarded by English-language programming (Findahl, 1989) and some would say that Standard English is being taken over by American forms.

Conclusions

There is a marked lack of empirical research in this increasingly important area of media production and consumption within Europe. What work exists is spotty, pertinent to particular moments within a rapidly changing social and media environment, and focusing both on different countries within Europe and on different minority groups. It is thus both difficult to make comparisons and dangerous to try to draw too many conclusions from these limited findings. It is absolutely clear that more co-ordinated, comparative research in this area is badly needed.

Ethnic media channels change the entire media "field", to use Bourdieu's term. The effects may be contradictory, in that what appears to be an opening out of the public sphere in terms of diversity only functions to socialise ethnic members further into their own identity and not out toward others, the reproduction of cultural ghettos. But all of this needs to be examined over time: it seems clear that ethnic members do not only feast on a diet of their "own" minority programming – in most cases, there isn't sufficient to do that – but rather dip in and out of own-language programming and host country channels. The minority channels also operate within different spatial realms, determined by a complex mix of the actual operating conditions and physical strength of the broadcast signal as well as imagined boundaries of the "community" that they try to address: face-to-face local communities; ethnic minorities within national spaces and across national boundaries; truly diasporic orientations, all jostle for space and voice.

Some are more clearly locally-oriented and community-based channels, including minority-oriented programming on terrestrial channels. Here issues of training and access become pertinent, as ways of including minority members in the various creative processes of production. Novel programmes have been developed in many parts of Europe. For example, the Adolf Grimme Institut in Germany is working with migrant women with journalistic experience, providing training and then placements with broadcasting and production companies. In the United Kingdom, the London borough of Hammersmith and Fulham set up Intermedia to target refugees with some media experience to train and provide short-term work placements. The New Voices project of the London Film and Video Development Agency also aimed to develop the creative, entrepreneurial and technical skills of people from minority groups (Aitchison, 1999: 53; Sreberny, 1999: 110).

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Once the problems of minority media centred around concerns about social fragmentation and the collapse of a national public sphere. Increasingly, the new danger that analysts foresee is that the growth in more particularistic minority channels appears to let the public service broadcasters in Europe off the hook of providing minority-oriented and multicultural programming. Public channels feel released from their duty to serve the whole population, leaving the foreign channels to provide for minority tastes (Frachon and Vargaftig, 1995: 7). And so "difference" becomes simply a commodity, prey to global commercial pressures. Tsagarousianou's conclusion about the rise of ethnic media in the United Kingdom during the 1990s is that "dialogue within and between ethnic communities and other social groups remains at best a distant goal as issues of recognition (as far as ethnic communities are concerned) and competitiveness, consolidation and survival (as far as the ethnic media themselves are concerned) seem to occupy centre stage at the moment." (Tsagarousianou, 1999: 67)

The overwhelming desire of young members of Britain's minority ethnic communities was to see much more mixed programming, with more non-white faces on television, and more attempts to articulate the different parts of British society to each other, more representation of a culturally mixed Britain. As one respondent put it, "unless they try and represent us as a society (…) that's made up of lots and lots of different parts, and we might all be interested in each other, then it's not going to happen." (Sreberny, 1999: 73). Channel 4 in Britain has embraced this new orientation enthusiastically, with Michael Jackson, its new head, arguing that:

> "This is a time of extraordinary social and cultural transformation. (…) We live in a less homogeneous, more pick-and-mix culture, and we're better off for it. (…) Traditional minorities have achieved greater assimilation. They don't want only specialist programmes that reinforce their separateness within society, but also programmes that bring their attitudes and interests into the centre ground of the schedule."[1]

Yet the evidence suggests that while multicultural programming produced by public service channels does find non-native audiences, their information and cultural needs are rarely met by this. There is a sense in which such programming works better for the native population, teaching them about and so reconciling them to the foreigners within their midst, yet does not fully satisfy the needs of the non-native populations.[2] And the generational factor probably operates here: newcomers wanting to keep in touch with old "homes" more than the second and third generations whose homes are where they live.

Our analytic language hypostasises social divisions. The language of "native/non-native" reproduces a binary divide that doesn't allow for new and multiple affiliations, new homes, bi- and multilingualism. In recent research in the United Kingdom, the language of affiliation of the participants themselves frequently suggested more than one point of connection: "Bangladeshi Muslim", "Indian Sikh",

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1. Michael Jackson, Four the record, *The Guardian,* 5 July 1999, quoted in Sreberny, 1999: 90.
2. Ibid.

"Black Caribbean/Black British" (Sreberny, 1999: 65). The "national imaginary" is a continual space of contestation and reinvention, not a fixed, unitary cultural given, and broadcasting is a significant site for participation in its liveliness.

Thus, policy concerns need to continue to focus in many directions at once. There is still a role for national terrestrial channels to make programming provision for ethnic minority audiences. There still needs to be a focus on improving representation in front of and behind the cameras of mainstream media, as well as a more permeable interface between minority and mainstream media (Husband, 1994: 16). The tensions between being represented and representing oneself remain powerful ones, and terrestrial media still need monitoring.

But so too do the new channels. The concern about the construction of ethnic media ghettos does not preclude support and training in entrepreneurial, technical and creative skills to help the expanding independent minority ethnic production sector. It is also very hard to study audience preferences without a fuller understanding of the media environments in which minorities live. It would be excellent to have a pan-European research project that simply monitors the range of channels and nature of minority media productivity.

Research understanding would be improved through comparative projects that examine the same minority group across a number of different national spaces, trying to disentangle the various forms of capital that an incoming group brings with it from the constraints and opportunities that the new host location offers. Longitudinal research, or research that takes the time factor seriously, is also needed. In a limited research environment, snapshots at specific moments in time become metonymic for the entire experience of the group; projects that actively examine changes over time, not anticipating a linear acculturation but rather expecting increasing hybridisation and variance, are badly needed. It remains important to locate groups within and to map the rich and complex media and cultural environments of minorities, instead of taking a single medium as the focus of attention, and that includes use and availability of net-based materials. Comparative policy analysis would also locate media use within a set of political discourses about multiculturalism, and help our understanding of the successes and failures of different kinds of state interventions, licensing, training, etc. An academic site that collected research output would be splendid.

Further research work needs to hone in more clearly on the assumed functions of diasporic media in maintaining and/or reconstructing cultural and social identities. Do they help to maintain linguistic connectivity, or would that happen through other means? Do they help develop a real diasporic consciousness, an awareness of being linked to people like oneself around the world? And what about internal differentiation, possibly along lines of gender and generation, within the diasporic group: how does the trope of "community" function here? And is the older focus of production toward an "ethnic minority community" giving way to a more commercial medium for "transnations",[1] with the same "ethnic" film, soap opera or CD

1. See Tsagarousianou, 2000.

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available in Bombay, Leicester, and Toronto; do diasporic media become a euphemism for non-western media moguls? And do these media help perpetuate that sense of diasporic "similarity" across boundaries against a process of slow acculturation toward each different host culture? There are many implied dynamics and attitudes that are often not fully articulated in research: making them explicit and the driving force of research would be appropriate.

Diasporic media are an expansion of the televisual field, and to be welcomed and supported and developed further. Rather than thinking defensively about the "protection" of cultural identities, both those of the new minorities now living in Europe and that of the "national cultural space" into which they are entering, the notions of dynamic cosmopolitanism can give the entire process a more fluid and positive valence. "Multikulti" might be seen as a real strategy, not reproducing a fragmented reinforcement of single ethnic identity but actually trying to construct a "cultural living together" (the slogan of Radio Multiculti in Berlin, as described by Vertovec, 2000). Difference could be seen as an interesting invitation; Robins and Aksoy (2000: 4) provocatively ask what could the possibilities of (Turkish) transnational media open up in Europe? Given that the latest count is of 3 243 satellite channels around the world, delight rather than defence against difference seems to be the order of the day.[1] This, of course, suggests looking at the changing force-field of the "host culture", not just at the diasporic media, to see whether, what and how the "new" and "different" is taken up within the European cultural space. Population trends suggest an ageing European population that barely replenishes itself; many immigrants are young. Media are manifestations of much deeper global shifts, and can be useful ways toward asking questions that are even more significant than the media themselves!

We live in an epoch of changing spatial imaginaries, or new definitions of communities as succeeding "generations" create new cultural mixtures and find new ways of living. We need a vocabulary that allows for multiple affiliations, "both/and" not "either/or", and that can cope with heterogeneous cultural environments. I have a sense that this area of research and theorising is only just beginning.

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Preserving cultural diversity through the preservation of biological diversity: indigenous peoples, local communities, and the role of digital technologies

Research position paper 7

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Introduction

In international policy circles it is increasingly recognised that the conservation of biological diversity (or biodiversity) is integrally related to the preservation of cultural diversity and that indigenous peoples and local communities hold traditional ecological knowledge of great potential value and importance in global efforts to achieve sustainable development objectives. Such peoples and their knowledges are endangered. This paper will consider global efforts to value and preserve traditional ecological knowledges, the use and significance of digital technologies in facilitating the preservation of this cultural diversity, and point to issues that require further research.

After introducing the policy issues, the paper will consider the obligations of Austria, Belgium, Bulgaria, Canada, Luxembourg, Switzerland, and the United Kingdom (hereinafter the Council Parties) under the Convention on Biological Diversity (hereinafter the CBD), and initiatives taken by the Council Parties to protect traditional ecological knowledge both domestically and internationally; it also addresses some important regional initiatives and provides examples of academic and non-governmental organisation (NGO) activities. Given the importance that the CBD attaches to intellectual property rights (IPRs) and the enormous body of literature that addresses the propriety of IPRs as a means of protecting traditional environmental knowledge, the paper then considers the role of IPRs with respect to the preservation of cultural diversity[1] and proposals to amend IPRs to make them less conducive to the misappropriation of cultural knowledge. The paper next addresses indigenous uses of the Internet, with particular attention to cultural revitalisation efforts. More general usages of digital technology to assist in the protection of biodiversity and indigenous knowledge are then surveyed with emphasis upon the potential cultural impacts of these activities on indigenous peoples and local communities. Areas of recommended research are identified at the end of each section.

The relationship between cultural diversity and biodiversity

Human cultural diversity, it is believed, is threatened on an unprecedented scale (Posey, 2000: 3). Languages are generally seen as major indicators of cultural diversity – the codifications, heritages, and frameworks which constitute a society's unique understanding of the natural and social world. An estimated half of these will disappear within the next century (Unesco, 1993). Since 4000 to 5000 of the 6000 languages in the world are spoken by indigenous peoples, and these are the most endangered of languages, the loss of cultural diversity will affect these peoples disproportionately. The countries which contain peoples speaking the largest numbers of languages are also those that house the greatest biological diversity in terms of species and variations in interspecies, and include the greatest numbers of indigenous peoples and communities with traditional, near-subsistence livelihoods. Although no universally accepted definition of indigenous peoples or of traditional communities exists, the majority of the world's rural populations live in direct dependence upon their knowledge of and use of local ecosystem resources. These resources are also disappearing at an alarming rate with dire consequences for those peoples whose livelihoods depend upon them.[2]

The world's poor rely upon biological products from local sources for 85% of their needs (for example, for food, fuel, shelter, medicine, etc.), over 1.4 billion rural people rely upon farm-saved seeds and local plant breeding for their subsistence, more than three quarters of the world's population relies on the knowledge of local health practitioners and traditional medicines for their primary medical needs, and over half of the world's drugs are derived from plants (Crucible II Group, 2000: 1). New plant genetic resources are needed in the pharmaceutical, agricultural, and biotechnological industries on a regular basis, yet the social and cultural conditions that nurture their ongoing development and ensure their continuing variation are threatened.

Plant genetic diversity is considered a human legacy but it is one that is sustained largely by the uncompensated work of culturally diverse, politically vulnerable, and impoverished peoples.[3]

Only to the extent that such practices are supported, encouraged, and maintained by *in situ* conservation measures will biodiversity be maintained.[4] Hence, the CBD preamble recognises the "close and traditional dependence of many indigenous and local communities embodying traditional lifestyles on biological resources, and the desirability of sharing equitably benefits arising from the use of traditional knowledge, innovations and practices relevant to the conservation of biological diversity and the sustainable use of its components". This is indicative of a global recognition that biodiversity preservation is an inherently multicultural process.

Indigenous knowledges may be understood as the cultural knowledges of local peoples concerning the everyday realities of living that are the product of a direct experience with nature and a particular, local ecosystem.[5] Indigenous knowledge, "the

unique, traditional, local knowledge existing within and developed around the specific conditions of women and men indigenous to a particular geographic area" (Grenier, 1998), is collectively held and, until recently, was also predominantly communicated orally and from generation to generation. Such knowledge is dynamic and adaptive, socially shared and communicated, and usually recognises an equilibrium among natural forms understood to form elements of a cosmos. It embraces knowledge of location, movements, spatial relationships and temporal cycles, and is not restricted to knowledge of entities and their parts. "Nature" is less likely to be understood as something to be conserved and more likely to be understood as an extension of society and an integral part of human interdependence.

Just as indigenous peoples and local communities are increasingly under siege by forces of urbanisation, proletarianisation, linguistic assimilation, logging, mining, and large-scale development projects, they find that the genetic resources they manage and develop using their knowledges and technologies are of increasing value to others. "Biopiracy" of genetic resources and traditional knowledge is believed to be on the rise.[6] For example, a survey conducted by the Indian Drug Manufacturers' Association found that of the 668 pharmaceutical patents filed in 1997, the vast majority included the use of *ayurvedic* knowledge (traditional Indian medicinal systems) with minor modifications in methods of extraction and processing.[7] Research to ascertain the use of indigenous and traditional knowledge innovations and practices (hereinafter ITKIP) in the intellectual properties granted to others is both difficult and expensive to accomplish given the limited information that most states provide to the public and the limited forms of disclosure required of most patent applicants. States concerned with the preservation of cultural diversity should consider amending their intellectual property regimes to enable such research.

Although claims concerning the biopiracy of traditional knowledge abound, it is not always clear precisely how traditional knowledge practitioners are or will be precluded from continuing to engage in applying and developing such knowledge as a consequence of these appropriations. Moreover, it is not at all evident that patents based upon ITKIP are, in fact, valid given that they generally involve an "obvious" technology applied to ITKIP that lacks the quality of novelty. None the less, it is manifestly inappropriate for state regimes to put the onerous and expensive burden of challenging the validity of such IPRs upon the impoverished and vulnerable holders of such knowledge (or even upon the non-profit NGOs that support them).

It is recommended that Council Parties undertake further research to consider:

– means to amend intellectual property regimes to enable interested parties to ascertain when and if intellectual property rights are being granted for works and innovations that appropriate indigenous and traditional knowledge, innovations, and practices and are thereby invalid to the extent that such knowledge, innovations and practices are not novel and the uses made of them are obvious amongst those peoples or in those communities.

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The Convention on Biological Diversity and the recognition of traditional knowledge

States who are party to the CBD are obliged:

i.   to respect, preserve and maintain knowledge, innovations and practices (KIP) of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity;

ii. to develop and use traditional and indigenous technologies;

iii. to promote the wider application of such knowledge with the approval and involvement of the holders of such KIP;

iv. to encourage the equitable sharing of benefits arising from the use thereof;

v.   to ensure that their intellectual property regimes support rather than undermine these objectives. Technology transfer to less developed countries is encouraged in exchange for the provision of such knowledge.[8]

For some advocates, "the cumulative effect of these provisions is to make it mandatory for governments to enact a law recognising indigenous and local community knowledge systems. In any event they are entitled to enact such a law to fulfil their obligations under the CBD." (Nijar, 1999a). With very few exceptions,[9] states that are party to the CBD have yet to introduce legislation explicitly protecting ITKIP, or to consider what the interaction between a system of collective rights and a traditional IPR regime would involve.

Existing international trade and intellectual property agreements do not pose any obstacles to undertaking such an initiative. Indeed, to the extent that Article 8 of the Trade Related Aspects of Intellectual Properties Agreement (hereinafter TRIPs) under the World Trade Organization (WTO) allows states to take measures to protect public health and nutrition and to promote the public interest in sectors of vital importance to their socio-economic and technological development, it can be argued that measures taken for the protection of ITKIP fulfills these objectives. After all, more than 80% of the world's peoples depend upon such knowledge for their health care, ongoing pharmaceutical development depends upon it, and the continued viability of local agricultures ensures global food security.[10]

The Council Parties have all signed and ratified the CBD. Most of the Council Parties are funding research into ITKIP relevant to the maintenance of biological diversity. Other Council Parties (for example, Belgium, Luxembourg, and Bulgaria) have not linked their commitments to preserve biodiversity with considerations of cultural diversity and have approached biodiversity largely as if it pertained entirely to natural environments untouched by human interaction.[11] This, however, is rarely the case.

Traditional knowledge held within the European Council Parties includes KIP in relation to hedgerow maintenance, animal husbandry, forestry, fish-pond and bog management, orchard fruit growing, herbal medicines and traditional knowledge of phytonutrients. To a limited degree, the cultural dimensions of these practices are recognised in domestic legislation and regional regulation. Austria has passed

legislation to document, protect and conserve natural and cultural landscapes. Switzerland defines the preservation of biological diversity so as to imply the "protection and maintenance of rare habitats of great value, including traditional and cultural landscapes" (Switzerland, 1998: 25). The European Council Parties are also subject to European Union (EU) regulations with respect to the conservation, description, collection and use of genetic resources in the agricultural sector (Council of the European Union, 1994) and European Community (EC) objectives to maintain agricultural and forestry sectors that manage resources so as to preserve cultural landscapes. Cultural landscapes can only be preserved to the extent that the traditional KIP which developed them is simultaneously safeguarded.

Surveys of domestic biodiversity in Council Parties are ongoing and, in some cases, the cataloguing activity has been accompanied by a corresponding digital database network with international linkups (for example, Austria, 1997: 21). Inventories of the biogenetic reserves of the Council of Europe are currently in preparation and most of the Council Parties are still in the process of documenting autochthonous animal and plant species. Council Parties understand that the homogenisation of modes of cultivation threatens the existence of certain species and that species will likely decline to the extent that heterogenous cultivation activities are abandoned.[12] Therefore, although few specific measures to protect domestic traditional KIP have been taken, the importance of the relationship between the presence of particular species and particular forms of cultivation – many of which are likely to vanish unless recognised, recorded, and supported – is widely acknowledged. Council Parties have implemented a number of measures as incentives to preserve the *in situ* preservation of biodiversity.[13]

Ex situ collections of genetic resources – including genebanks, seedbanks, herbariums and microbial culture collections – exist in most of the Council Parties.[14] As the United Kingdom's *National Report on Biological Diversity* acknowledged, however, much "biodiversity information remains scattered across the country in many different and incompatible forms" (United Kingdom, 1998: 26). Only to the extent that information networks are created that are accessible, regardless of where the information is held, will the potential of information technology to promote biodiversity begin to be realised.

Most Council Parties house or are party to the network of international genebanks established under the Food and Agriculture Organisation (FAO) and the FAO promotes widespread access to these resources. Currently the network includes twelve genebanks but thirty-one additional countries have declared an intention to join their genebanks to this network. If accomplished, this amalgamation would incorporate into one network 46% of all of the planet's plant genetic resources (Austria, 1997: 46). The vast majority of crop germplasm held in these banks was collected from farming communities in the developing world (Crucible II Group 2000: 20-22). However, the rights of providers of this material to have a stake in any profits made in the successful commercial application of it is still under dispute. A related area of controversy requiring further research is the propriety of

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IPRs in genetic resources held in trust by the Consultative Group on International Agricultural Research (CGIAR) in the sixteen international agricultural research centres it supports. In 1996, the CGIAR endorsed the principle that its centres would not claim legal ownership or apply IPRs to the germplasm held in trust and would require recipients to abide by the same principles. What remains disputed is the propriety of claiming IPRs in varieties and technologies developed from CGIAR germplasm to the extent that this germplasm was developed by indigenous peoples and local communities. Mechanisms to provide compensation to the farmers' communities from which such germplasm was taken may need to be developed.

Many of the European Council Parties have participated in and contribute to the ministerial process, "Environment for Europe", which is intended to implement the "Pan-European Biological and Landscape Diversity Strategy" that, in turn, provides the European framework of the CBD. Within Europe, the location of biological diversity in economically underdeveloped regions has been recognised and more developed Council Parties have devoted resources to the preservation of biodiversity in these less developed regions.[15] The degree to which development initiatives in eastern Europe could be linked to efforts to document and preserve traditional KIP needs to be further investigated.

Amongst the Council Parties, the United Kingdom is unique in having Dependent Territories with both biological and cultural diversity that are considered endangered. The British Virgin Islands, the Cayman Islands, Gibraltar, Jersey and St. Helena are included in the United Kingdom's ratification of the CBD. However, at least seven other territories are not included. In all of these territories, older members of the local populations are likely to have significant traditional knowledge about local biospheres that is undocumented and, without recognition or support, is not likely to be passed onto successive generations. A biodiversity database is being developed in the British Virgin Islands, but no recognition of ITKIP appears to accompany this initiative.

Development priorities in many Council Parties have focused upon environmental issues in less developed countries, but such commitments to sustainable development are not always coupled with any evident concern for the relationship between natural resource management and cultural diversity.[16] This is an area that requires considerable research if "sustainable development" initiatives are to support the preservation of cultural diversity.[17]

In Canada, indigenous and traditional knowledge has been the subject of several commissioned research reports and traditional knowledge is now considered a source for consultation in environmental impact assessments. However, the Northwest Territories is the only provincial government to have developed a policy pertaining to traditional knowledge. Acknowledging that aboriginal knowledge is a valid and essential source of information about the natural environment and its resources, this policy recognises that traditional knowledge is best preserved through continued use and practical application, expresses a commitment to incorporate traditional knowledge into government decisions and actions where

appropriate, and also commits to provide in kind support to aboriginal cultural organisations studying traditional knowledge.[18] Indigenous peoples have been on the Canadian delegations to the CBD and Canada has funded off-delegation indigenous NGOs to participate in CBD discussions of traditional and indigenous knowledge protection. A World Intellectual Property Organisation (WIPO) fact-finding mission in November 1998 involved consultations with indigenous groups across Canada to consider the viability of IPRs for protecting ITKIP.[19]

NGOs based in the Council Parties have been active participants in international fora focusing upon these issues and in specific projects in developing countries that are documenting and preserving ITKIP.[20] European NGOs, however, have been critical of the European Commission's draft Biodiversity Action Plan, noting that the discussion paper circulated in January 2000 made no reference to issues of food security, TRIPs, bioprospecting, or biopiracy.[21] One reason for this was the failure of the European Commission to involve NGOs in the early stages of the discussion process.[22] NGOs with global links to indigenous peoples are often the most significant source for information about ITKIP and the threats posed to indigenous peoples' cultural survival.

Finally university research institutes and independent researchers in most Council Parties are engaged in biodiversity research related to ITKIP in both domestic and foreign arenas.[23] Overseas projects are often undertaken in conjunction with developing countries' governments and researchers with the aim of improving international co-operation on biodiversity and cultural landscapes. In many of the regions that these researchers visit, local peoples are engaged in the task of recording traditional knowledge.[24] Such researchers do not always share their information with people within the country, however, and local peoples are often unaware of even published information pertaining to their own cultural ancestry and ITKIP. Research into the feasibility and consequences of making government research funding and publication subventions contingent upon the repatriation of research information to local informants and host governments is needed. This might be one means by which Council Parties could contribute to developing countries' efforts to preserve cultural diversity.

It is recommended that Council Parties undertake further research to consider:

– how states can link their commitments to preserve biodiversity with considerations of cultural diversity and the cultural dimensions of ITKIP in both domestic legislation and regional regulation;

– how the relationship between natural resource management and cultural diversity can be recognised in all environmental protection measures such that the preservation of cultural landscapes serves to preserve the ongoing development of cultural diversity;

– how a system of collective rights that recognises ITKIP, encourages its use, and facilitates the equitable sharing of benefits derived therefrom would be integrated with or recognised by domestic intellectual property regimes;

– how surveys of domestic biodiversity which aim to protect domestic traditional knowledge could involve the participation of older members of the local populations in order to obtain and incorporate undocumented traditional knowledge about local biospheres and involve younger generations so as to increase their appreciation for such knowledge;

– what type of support is needed for organic plant breeding, the development of organically produced seed, and *in situ* management of a plant diversity amongst different farmers and in different landscapes;

– the propriety of claiming IPRs in varieties and technologies developed from CGIAR germplasm developed by indigenous peoples and local communities as well as compensatory mechanisms for farmers' communities of origination;

– the degree to which development initiatives in eastern Europe could be linked to efforts to document and preserve ITKIP;

– how the relationship between natural resource management and ITKIP can be recognised to develop sustainable development initiatives that support the preservation of cultural diversity;

– the desirability of making government research funding and publication subventions contingent upon the repatriation of research information to local informants and host governments and how this could be funded by Council Parties as one way of assisting developing countries in joint efforts to preserve cultural diversity.

The contested role of intellectual property protections

Obligations under the CBD that serve to protect cultural diversity by preserving ITKIP relevant to biological diversity are congruent with the Council Parties' obligations pursuant to international environmental commitments and human rights covenants as well as domestic foreign aid policies oriented towards sustainable development. They are also in accord with the current agenda of the WIPO which has made the protection of traditional knowledge a priority. WIPO's 1998 fact-finding missions on traditional knowledge, innovations, and culture involved holders of ITKIP in consultations regarding the dimensions of regional ITKIP, the development of research protocols to govern scholarly and research access to ITKIP, the need to distinguish between sacred and secular dimensions of ITKIP when considering dissemination and reproduction, and the need for recognition of traditional knowledge in policy-making processes for sustainable resource management.[25] The lack of any such fact-finding mission to European countries was unfortunate as these missions have raised consciousness about the significance of ITKIP around the world and have helped to mobilise traditional communities and indigenous peoples to document and protect such knowledge and to consider the appropriate means for its valuation and exchange.

The active role of WIPO in raising public awareness of the significance of ITKIP does not, however, indicate any broad consensus that the intellectual property framework is appropriate for recognising, valuing, and compensating ITKIP.

Indeed, many indigenous peoples and NGOs representing traditional farmers and those practising subsistence agriculture have denounced attempts to impose intellectual property protections on third world countries.[26] These are not isolated opinions. The resistance to patents in the area of food and agriculture has provoked street riots involving over a half million farmers in India, various indigenous refusals to permit researchers to enter ancestral areas, and dozens of declarations by indigenous peoples, including The Seattle Declaration of Indigenous Peoples at the WTO meetings in 1999 (which continues to make the rounds on the Internet and to attract the signatures of more and more indigenous peoples and NGOs).[27] The Seattle Declaration opposes the patenting of lifeforms, micro-organisms, plants, animals and all of their parts and natural processes and insists upon the principle of prior informed consent and the right of veto by indigenous peoples with respect to the appropriation of indigenous seeds, medicinal plants, and related knowledge about these lifeforms. It is increasingly unlikely that existing IPR regimes will be used as the primary means for protecting ITKIP.[28] However, there is still further research to be done to determine how IPR regimes can be improved so as not to undermine forms of cultural diversity.

Despite a fairly overwhelming consensus that IPRs will not serve the range of relevant indigenous needs, it is widely recognised that membership in the WTO creates state obligations which will require the introduction of some new legal rights and the need to legally justify the refusal to introduce other forms of intellectual property protection. Current legal regimes, it is argued, sanction the usurpation of farmers' traditional knowledge.[29] Only if states are prepared to independently protect ITKIP and to limit plant breeders' rights will ITKIP, and the cultural diversity it manifests, survive.

Given the TRIPs obligation to protect plant varieties, it is asserted that any new breeders' right introduced should be subject to a public interest proviso that precludes the granting of such a right when the public interest so requires. This, it is suggested, will be the case "where biodiversity is adversely effected, where the variety poses a possible hazard to the agricultural system and to human, animal and plant life, based on the precautionary principle, where the introduction of the variety might affect the innovative capacity and indigenous technologies of farmers, healers, indigenous peoples, and local communities" (Nijar, 1999a). Moreover, it is suggested that states pass laws to protect and respect the knowledge of indigenous peoples and farming communities with respect to plant varieties that would provide for a proprietary right of such peoples to any variety developed by, or essentially derived from, the knowledge of indigenous peoples or traditional farming communities, recognising co-ownership among communities if necessary (Nijar, 1999b).

All of the Council Parties (with the exception of Luxembourg) currently adhere to the International Union for the Protection of New Varieties of Plants (UPOV). Research is needed to determine if the introduction of a public interest provision would be congruent with UPOV obligations and whether recognition of communally-developed varieties could co-exist with a plant breeders' rights regime based

upon UPOV principles. If Council Parties were to refuse to grant patents upon plant varieties and to incorporate this definition of the public interest in their national plant breeders' rights legislation (putting the onus of proof upon the applicant for the exclusive right, perhaps supplemented with a right of standing for indigenous peoples or NGOs with a history of activism in this area), then the perceived tendency of the intellectual property system to sanction biopiracy and to promote biotechnology of dubious safety and harmful cultural consequences would be greatly alleviated. Considerable research needs to be done, however, to ascertain how and when the introduction of genetically modified varieties affects local plant life and in what ways the introduction of new varieties affects innovation activities in indigenous and local communities. Such assertions are often made, but are seldom adequately documented.

A strong case can be made that more information about intellectual properties being applied for and granted should be made available digitally and in a form accessible to more of the world's peoples. Indigenous peoples and holders of traditional knowledge should be able to use digital technologies to ascertain if patents, for example, are being granted on technologies which are based on traditional knowledge, involve an "obvious" step in technological development, and/or for subject matter that lacks the necessary quality of novelty given publication activities known to them. Unfortunately, very few patent regimes enable patents to be challenged on these legitimate legal grounds before a patent is issued. More and more information about patents has been recently made available on the Internet and some of these services are free.[30] However, the availability of this information may be of only limited value to indigenous peoples and the NGOs that support them. Patent information is opaque (even to lawyers) and patent claims are often written to obscure rather than reveal the scope of the subject matter claimed to deter competitors or to encourage them to license the technology rather than risk infringing it. Even assuming that patent and plant breeders' rights documentation was so clear, adequate, and accessible that indigenous peoples, third world farming communities, and interested NGOs could assess their validity, the cost of challenging these rights is enormous. Further research needs to be done into the benefits and savings of a patent prosecution process that would enable indigenous peoples (and market competitors who might be inclined to support indigenous challenges to monopolies in their fields) to challenge pending patent applications on conventional legal grounds and for public interest purposes.

It is recommended that Council Parties undertake further research to consider:

– how IPR systems can be improved so as not to undermine forms of cultural diversity;

– the possibility of introducing a public interest proviso that precludes the granting of plant breeders' rights when the public interest so requires;

– whether the introduction of a public interest provision would be congruent with UPOV obligations and whether recognition of communally authored varieties could co-exist with a plant breeders' rights regime based upon UPOV principles;

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– means to provide for a proprietary right of indigenous peoples and farming communities to any variety developed by or essentially derived from the knowledge of indigenous peoples or traditional farming communities, recognising co-ownership among communities if necessary;

– how and when the introduction of genetically modified varieties affects local species and ecosystems;

– how the introduction of new varieties is likely to affect innovation activities in indigenous and local communities;

– how information about intellectual properties being applied for (or granted) may be made digitally available in a form accessible to more of the world's peoples;

– the benefits and savings of a patent prosecution process that would enable indigenous peoples (and market competitors who might be inclined to support indigenous challenges to monopolies in their fields) to challenge pending patent applications on conventional legal grounds and for public interest purposes, and/or before a patent is issued.

Indigenous peoples, cultural diversity, and the Internet

Indigenous peoples have been active users of the Internet, using it to communicate amongst themselves and to others, to gain access to resources, to publish and access databases, and to provide alternative perspectives on issues that are not covered in mainstream media (Cisler, 1998). Apple Computer's Library of Tomorrow project, for example, funded several library, networking, and language preservation projects with American Indian tribes and similar initiatives are now underway around the globe.[31]

In some indigenous communities, elders have rejected new information technologies, but others see the Internet as a tool for cultural survival. Unfortunately, in many areas of the world, electronic communications systems tend to reinforce traditional hierarchical social structures which isolate and marginalise many indigenous peoples (Donaghy, 1998). Whereas in the United States and Canada, indigenous networks have received extensive technical support from universities, in areas like Latin America such collaboration is rare (Donaghy, 1998). European states and regional governments can assist in these efforts.[32] Although many sites on the World Wide Web are effective in advocating on behalf of international reforms and mobilising support amongst northern activists unless these sites broadcast simultaneously in indigenous languages they can not serve as organising tools for indigenous peoples in the south. For many indigenous languages, however, new fonts must be developed for use in digital environments.[33] This is a first and fundamental step in the drive to realise the potential of new information technologies for preserving cultural diversity. The maintenance, use, sharing, and recognition of ITKIP is also dependent upon the revitalisation and revaluation of indigenous languages.

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Media experts in Canada's Northwest Territories are optimistic that the Internet will help to preserve Dene, Inuit, and Métis identities and prevent the further erosion of aboriginal languages. Contemporary research indicates that language maintenance and revival tend to be accompanied by a reaffirmation of cultural traditions, a revitalisation of ITKIP, and a renewal of traditional relationships with the environment (Maffi and Skutnabb-Kangas, 2000). The isolation of many indigenous communities may be overcome by the Internet because it arguably provides an ideal medium for aboriginal communications.[34]

Indigenous peoples who no longer reside on ancestral lands have used the Internet to revitalise their indigenous identities while those who did not formally belong to indigenous groups have rediscovered their ethnic heritage through Usenet group. The Internet has afforded them opportunities to trace their own histories.[35] The Hawaiian indigenous language, long outlawed and facing extinction, has been reintroduced in the school system through the use of computer technology, the development of fonts, the Internet linkage of peoples learning the language, and the authorisation of Microsoft to create a Hawaiian language version of the Internet Explorer programme (Donaghy, 1998). This example suggests some inherent limitations on the potential of new information technologies to aid in the preservation of cultural diversity. To the extent that most Internet browsers, e-mail programmes, web page designs, existing fonts, html authoring programmes, and Internet multimedia applications are proprietary technologies, indigenous peoples are put at a profound disadvantage when attempting to adapt them for indigenous language use. Intellectual property holders are under no obligation to license these technologies, or even to license them at less than market rates, regardless of whether these new language versions are being put exclusively to non-profit usages that further international legal norms and human rights commitments. The possibility and feasibility of introducing new exemptions into domestic copyright, trademark, and patent regimes to further indigenous use of such technologies is a topic that requires further research.

The lack of women's involvement in indigenous digital culture is a serious shortcoming and, given that indigenous women are often custodians of language and tradition as well as major holders of ITKIP (particularly with respect to traditional medicine and agricultural techniques), this remains a significant obstacle to realising the full potential of Internet technology for preserving cultural diversity. Further research needs to be done exploring effective means for involving more indigenous and rural community women in indigenous use of digital technology for biodiversity and cultural preservation purposes.

When asked whether he had any advice for "those who would follow in your footsteps and try to preserve their culture using a web page", the Oneida Indian Nation's Internet co-ordinator, Dan Umstead, advocated caution in sharing cultural knowledge: "Remember, if you put it up, people will use it. So carefully plan it all out beforehand." (Polly, 1998). To the extent that there are cultural precautions and prohibitions concerning the use and reproduction of particular knowledge, imagery, stories, or texts, these are unlikely to be known or respected in

cyberspace. The Internet could become a means of educating others about such indigenous systems of intellectual property and online license agreements based upon indigenous cultural principles could also be devised. Further research on the prospects for recognising and enforcing indigenous customary law in cyberspace is needed.

It is recommended that Council Parties undertake further research to consider:

– supporting the development of fonts for indigenous languages to maximise use of new information technologies for preserving cultural diversity and the maintenance, use, and compensation for ITKIP upon which global biological diversity depends;

– the feasibility of devising online licensing agreements based on indigenous cultural principles;

– the possibility and feasibility of introducing new exemptions into domestic copyright, trademark, and patent regimes to further indigenous use of digital technologies for cultural preservation and revitalisation purposes;

– new and effective means for involving more indigenous and rural community women in the use of digital technology for biodiversity and cultural preservation purposes;

– prospects and opportunities for recognising and enforcing indigenous customary law in cyberspace.

Digital technology, biodiversity preservation, and the protection of indigenous knowledge

Digital technology is widely used for biodiversity preservation purposes and many state and NGO initiatives are underway to develop electronic storage and communications media to meet CBD objectives. National contacts exist in each of the Council Parties for the "clearing house" mechanism being established under the CBD to promote and facilitate technical and scientific co-operation (Article 18.3) with respect to the sustainable use of biodiversity (Article 10), the sharing of benefits derived from the use of biodiversity (Article 19.2), and the involvement and equitable sharing of benefits with indigenous and local communities (Article 8.j.). Many of these clearing houses are in their infancy and currently operate more as catalogues or inventories. Most have been launched on the Internet.[36]

Work is underway to create a single international facility for information on biodiversity – the Global Biodiversity Information Facility or GBIF – that will link the clearing house mechanisms with other "databases on the distribution of plants, animals, and microbes around the globe, detailed genome maps, compilations of the physiological functions of organisms, and information about the behaviour and function of species within ecosystems" (Environment News Service, 1999). Such international maps, however, are not necessarily conducive to the goal of preserving cultural diversity to the extent they presuppose a singular knowledge of the properties of biodiversity that might be universally shared. For instance, a key fea-

ture of the GBIF will be a database containing the names of all known organisms which, it is envisioned, will "ensure a single global nomenclature for all named living organisms" (Environment News Service, 1999). It is, however, precisely the continued existence of multiple systems of knowledge about natural organisms and their culturally specific classification systems, nomenclatures, and linguistic relations to ecosystems that is key to maintaining the cultural diversity upon which biodiversity depends.[37]

Other government departments may also use the World Wide Web for public education purposes with respect to ITKIP. The federal environmental ministry in Canada, for instance, posts commissioned reports on indigenous and traditional knowledge to its website (Lambrou, 1997; Mann, 1997; Brockman, 1997) as well as more general examples of the Canadian government's acknowledgement of the value of ITKIP in environmental policies (Blanchet-Cohen, 1996). The government of India is producing CD-Roms of its traditional medicinal plant knowledge which will be distributed to patent offices world-wide to provide a database of prior art. This database may serve to prevent the issuing of patents such as United States Patent 5 401 504 which claimed the use of turmeric for promoting wound healing when the practice had been known for centuries and published in India for over thirty years. Few developing countries have the resources to document and digitally disseminate ITKIP in this fashion. For many indigenous peoples facing pressures of assimilation and territorial encroachment, the governments of the states in which they are resident are not bodies that can or will be entrusted with such knowledge. There is a need then, to support indigenous peoples' own efforts and those of supportive NGOs to develop and provide such databases as well as protocols for access to data and benefit sharing. Research is necessary, however, to ascertain the extent to which some forms of knowledge should be kept confidential and for what purposes. Indeed, a concern with confidentiality has resulted in the deployment of a trade secret model in one Ecuadorian project (Bodeker, 2000: 12). In this project, local and indigenous communities are invited to participate in depositing and cataloguing traditional knowledge in a restricted access database, a determination of the public domain status of the knowledge will be made by the database administrators and, to the extent that more than one community shares potentially proprietary knowledge, a cartel of communities will be established to negotiate Material Transfer Agreements with the CBD state government and those interested in exploiting the knowledge for commercial use. Further research needs to be done to ascertain the viability of similar trade secret models in other regions, the degree to which violations of database confidentiality give rise to legal recourse, the extent to which such agreements should be respected and recognised in national and regional patent regimes, and the desirability of amending patent law to do so.

The Sociedad Peruana de Derecho Ambiental has proposed that all patent applications in the future should include a sworn statement as to the genetic resources, as well as the associated knowledge, innovations and practices of indigenous peoples and local communities utilised directly or indirectly in the research and development of the subject matter of the patent application. This proposal could also be

extended to plant breeders' rights applications (Bodeker, 2000: 12) and would entail the submission of evidence of prior informed consent from the country of origin and the local community.[38] Further research needs to be done to determine if such a requirement is compatible with the TRIPs Agreement (and preliminary research indicates that it is, if characterised as an aspect of the novelty requirement) but such an amendment is widely urged. In 1997 the Indian government submitted a paper to the WTO's Committee on Trade and Environment that criticised TRIPs on the basis that patent applicants were not asked to make such disclosure. Facilitators of both the People's Biodiversity Registers[39] and the Local Innovations Database[40] initiatives in India argue that the documentation of community knowledge will only be successful if intellectual property regimes are so modified.

Other electronic databases and digital networks are being established in developing countries with support by Council Parties and Council Party NGOs.[41] Such databases may have consequences for the future potential of peoples to benefit from this cultivation activity. To the extent that such publication does create a record in the public domain, it may operate so as to prevent the appropriation of such knowledge and resources in patent claims and plant breeders' rights asserted by others. Again, this will depend upon the willingness of patent offices to recognise this as "prior art". However, the option of local peoples profiting from such knowledge as a trade secret may also be foreclosed by such publications. Further research needs to be done on the likely legal and cultural consequences of such publications before knowledge of a sensitive, sacred, or potentially proprietary character is posted on the Internet. Protocols for local peoples' prior informed consent to govern such postings need to be established.

Traditional systems of medicine and local knowledge of plant genetic resources are especially diverse in India. In order to counter the general public devaluation of the traditional knowledge of those in marginalised communities and to ensure compensation to communities and individuals for the commercialisation of such knowledge, community knowledge databases are being created. Such decentralised databases may serve a number of local cultural and ecological purposes and are networked to a national database that promotes the use of such knowledge for the benefit of local communities. Access to the contents of such registers is therefore restricted to communities of origin who, it is anticipated, will be able to charge fees to others, create tariffs, and negotiate contractual arrangements. Further research on the implications of various forms of confidentiality for local peoples needs to be carried out. On the one hand, access restrictions no doubt lessen misappropriations. On the other hand, to the extent that such knowledge is acquired and used, the fact that such information was not in the public domain could make any patent based upon it difficult to challenge because prior art in many jurisdictions does not encompass private databases (Dutfield, 1999: 122). Ultimately, a global linkage of such databases might enable individual and collective innovators to receive both acknowledgement and compensation for commercial applications of their KIP while enabling small investors, entrepreneurs, and local innovators and communities to locate each other for the purposes of business

development. Such a system could maintain linkages with regional and national patent offices which would universalise prior art so that traditional knowledge is respected and acknowledged.

In terms of their capacity to preserve cultural diversity, however, it is important to remember that ITKIP thrives to the extent that it is used in ongoing human practices to meet new challenges, not to the extent that it is archived. As Agrawal argues, "divorced in archives from their cultural context, no knowledge can maintain its vitality or vigour" (Agrawal, 1995: 429). The danger of the archival approach is that it "may deflect attention from the far more important priority of protecting traditional knowledge *in situ* which of course requires that attention be given to the cultural, spiritual, and physical well-being of the knowledge holders and their communities" (Dutfield, 1999: 109). Some indigenous peoples are concerned that the effort to document traditional knowledge indicates that outsiders value traditional knowledge much more than they respect those who generate it. Many indigenous peoples have made it clear that concern for the protection of KIP should be subsidiary to the recognition of indigenous peoples' rights to self-determination and territorial rights.

Linked database initiatives – like the Honeybee Network which documents and puts onto the Internet actual video demonstrations of sustainable agricultural technologies in several languages – provide a means for local and indigenous communities around the world to share traditional knowledge; they may be considered a form of technology transfer. Again, such postings pose particular problems to the extent that they may be legally deemed to be anticipations that will preclude the issuance of patents for such technologies in the future.[42] To the extent that the sharing of ITKIP helps to meet the health and food needs of other local communities, it seems inequitable that such disclosures should preclude innovating communities from later benefiting from its commercial exploitation. Further research needs to be done on the potential for distinguishing between kinds and forums of publication as modes of "anticipation" and the viability of introducing exemptions for indigenous knowledge registers and database linkages in current patent regimes.

It is imperative that local cultural norms with respect to distinctions between sacred, secular and sensitive knowledge are respected in any and all digital use of traditional knowledges. The Indigenous Peoples' Biodiversity Information Network (IPBIN),[43] which was developed as a mechanism to help indigenous peoples to communicate and build capacity in implementing the indigenous and traditional knowledge provisions of the CBD, advises against the posting of any ITKIP on the Internet, keeps several of its online discussion forums closed to the general public, monitors links to ensure ethical relationships to posted material, and is developing protocols to govern clearing house mechanisms to ensure that these do not operate to the detriment of indigenous peoples' cultures. Further research into the protocols developed by indigenous peoples and respect for such protocols in all Internet activities supported by Council Parties would assist efforts to preserve cultural diversity.

It is recommended that Council Parties undertake further research to consider:

– the viability of trade secret models for protecting ITKIP in digital environments, the degree to which violations of database confidentiality give rise to legal recourse, the extent to which such agreements will be respected and recognised in national and regional patent regimes, and the desirability of amending patent law to respect the norms and agreements of confidentiality developed by indigenous peoples and traditional communities;

– the compatibility of the TRIPs Agreement with the suggested requirements that, for the purposes of establishing novelty, all patent and plant breeders' rights applications include:

  i. a sworn statement as to the origins of genetic resources, as well as any associated knowledge, innovations and practices of indigenous peoples and local communities utilised directly or indirectly in the research and development of the subject matter of the patent application;

  ii. evidence of prior informed consent from the country of origin and the local community in all applications that involve genetic resources and ITKIP;

– the legal and cultural consequences of digital dissemination before ITKIP of a sensitive, sacred, or potentially proprietary character is posted to the Internet;

– the emergence and development of protocols for indigenous peoples' and local communities' prior informed consent for Internet postings of ITKIP and means of respecting such protocols in all Internet activities directly or indirectly supported by Council Parties;

– implications of various forms of confidentiality for local communities and indigenous peoples' biodiversity and cultural diversity preservation needs;

– the potential for distinguishing between kinds and fora of publication in ascertaining whether patentable subject matter has been "anticipated" and the viability of introducing exemptions for restricted access indigenous knowledge registers and database linkages between local communities as permissible forms of technology transfer in current patent regimes.

Conclusion

In conclusion, Council Parties' international legal obligations under environmental and human rights regimes provide opportunities to ensure that digital technologies are utilised in a way that serves to preserve biological diversity in a fashion that simultaneously preserves and revitalises the world's cultural diversity. The recommendations for future research contained herein are designed to ensure that these efforts are undertaken with full awareness of the complexities posed by the need to balance intellectual property, trade, and environmental considerations with cultural diversity objectives.

List of acronyms and abbreviations

CBD	Convention on Biological Diversity
CGIAR	Consultative Group on International Agricultural Research
Council Parties	Austria, Belgium, Bulgaria, Canada, Luxembourg, Switzerland, United Kingdom
EC	European Community
EU	European Union
FAO	Food and Agriculture Organisation
GBIF	Global Biodiversity Information Facility
IPBIN	Indigenous Peoples' Biodiversity Information Network
IPRs	Intellectual property rights
ITKIP	Indigenous and traditional knowledge, innovations and practices
KIP	Knowledge, innovations and practices
NGOs	Non-governmental organisations
TRIPs	Trade Related Aspects of Intellectual Properties Agreement
UPOV	International Union for the Protection of New Varieties of Plants
WIPO	World Intellectual Property Organisation
WTO	World Trade Organization

Notes

1. A recent survey of important works may be found in King and Eyzaguirre, 1999. An enormous bibliography is maintained by Graham Dutfield and is operated from Oxford University at the website for the Working Group on Traditional Resource Rights: <http://users.ox.ac.uk/~wgtrr/bib1.htm> (30.07.00).

2. According to an Australian report on biodiversity, "[t]he loss of rich, biologically diverse environments (such as the Amazonian forests) through activities such as logging, land clearance and mining and development has profound consequences in its impact on the culturally diverse groups of indigenous peoples whose livelihoods depend on these environments. There is in this sense a direct relationship between biological diversity and cultural diversity; maintenance of the former can help preserve the latter. The reverse is also true, since indigenous peoples are often the custodians and stewards of biological diversity, the maintenance of cultural diversity is an important factor in the conservation of biological diversity." (Davis, 1998). See Mühlhäusler, 1995, for further discussion of the relationship between language, culture, and biodiversity.

3. As Swaminathan and Castillo (2000: xii) write: "Tribal and rural farming communities have a long tradition of serving as custodians of genetic wealth, particularly landraces often carrying rare and valuable genes for traits like resistance to biotic and abiotic stresses, adaptability, and nutritional quality. Several land types that carry valuable genes are preserved by farmers for religious functions and they constitute valuable material for conservation and sustainable use. Women in particular have been the principal seed selectors and savers."

4. According to the Crucible II Group (2000: 9-10, citing R. Bernard):

"Local and indigenous peoples who speak ancestral languages are severely threatened by loss of sovereignty over land, resources, and cultural traditions, and the promotion of linguistic assimilation. As they become increasingly marginalised, local people

lose local scientific knowledge, innovative capacity, and wisdom about species and ecosystem management. As one scholar concludes: 'Any reduction of language diversity diminishes the adaptational strength of our species because it lowers the pool of knowledge from which we can draw.' The loss of traditional farm communities, languages, and indigenous cultures all represent the erosion of human intellectual capital on a massive scale. It is tantamount to losing a road map for survival, the key to food security, environmental stability and improving the human condition. Thus, it is increasingly difficult to talk about the conservation and sustainable use of genes, species and ecosystems separate from human cultures."

5. For a discussion of the various definitions of indigenous knowledge and how these are situated in relation to conventional, formal, or scientific knowledges, see Dei, Hall and Goldin-Rosenberg, 2000.

6. As Graham Dutfield (2000a: 505) explains, "[a]lthough outsiders have collected knowledge and biological resources from traditional peoples for centuries, 'bioprospecting' (the search for and collection of biological material and traditional knowledge for commercial ends, with particular reference to the pharmaceutical, biotechnological and agricultural industries) has intensified in recent years."

7. Cecilia Oh (1999) citing Vandana Shiva.

8. Based principally on Articles 8.j., 16.5 and 18.4 of the Convention on Biological Diversity.

9. Exceptions include laws in the Philippines and Peru. In the Philippines, the Indigenous Peoples' Rights Act of 1997 recognises that indigenous cultural communities and indigenous peoples have, as part of their rights to cultural integrity, rights to control biogenetic resources, indigenous knowledge systems, in addition to rights to control, develop, and protect vital resources, health practices, resource management systems, and agricultural technologies. For a critical discussion of the legislation see Rovillos, 1999a. The *Ley de Biodiversidad* or Biodiversity Law passed in Costa Rica in 1998 initiated the process of developing a *sui generis* regime for protecting the KIP of indigenous and local communities but also explicitly established the juridical recognition of these rights without any requirement of registration or prior declaration. The parameters of these community intellectual rights will be determined in consultation with indigenous peoples and peasants. See discussion in Dutfield, 2000b: 110-113. In Thailand, a draft bill recognising the collective rights of traditional healers and benefit sharing for the commercial use of traditional knowledge provoked an almost immediate challenge by the United States in 1997. See Correa, 2000.

10. Indeed, according to Gurdial Singh Nijar (1999a), "[a] law to protect and further the knowledge systems of indigenous peoples and local communities would clearly contribute to the promotion of technological innovation in furtherance of the social and economic welfare of large segments of the Third World's populace."

11. Bulgaria, for example, ranks amongst the most biologically diverse countries in Europe with huge numbers of endemic species and is home to many traditional and rare cultivars. Not surprisingly, given its accessibility to western researchers, it has also been subject to exploitation including the illegal gathering (and export) of edible fungi, medicinal plants, snails, and reptiles (Bulgaria, 1998: 6). Bulgaria is a rich source for botanical drug species within Europe and is eighth in the leading export countries in the botanical drugs trade. Wild botanical drugs continue to be collected by villagers who have traditional knowledge of their usages (Lange and Mladenova, 1997: 135-146). Although, restrictions on collecting, trading, and exporting species have been established, legislative initiatives have been oriented towards the preservation of biological resources rather than the continued cultivation of the cultural knowledge that sustains this biodiversity.

12. For this reason, Austria has committed itself to the objective of sustainable agriculture which "couples an ecological, site-specific adaptation of production methods to a highly structured and diverse cultural landscape" (Austria, 1997: 14). Agricultural policy in Switzerland aims "to sustain forms of traditional exploitation, particularly those which have contributed to the formation of landscapes and to increase the diversity of ecosystems" (Switzerland, 1998: 33), whereas the United Kingdom recognises "the importance of those traditional skills and practices upon which many valued habitats depend" (United Kingdom, 1998: 28). Switzerland has long had legislation – the Federal Law on the Protection of Nature and Landscape (1966) – designed "to preserve indigenous animal and plant species, biotopes and landscapes" (Switzerland, 1998: 15), a land planning law – the Federal Law on Land-Use Planning (1979) – that allows for the protection of areas "of great ecological or cultural importance" (Switzerland, 1998: 16) and, most recently, a fund of 50 million Swiss francs was established "to contribute to the conservation of traditional rural landscapes, and to safeguard ancient methods of exploitation, cultural heritage, and natural landscapes" (Switzerland, 1998: 17).

13. Commitments to traditional cultivation methods may be matched by "compensation payments for disadvantaged areas" (Austria, 1997: 26) that serve to encourage farmers in marginal areas, such as montane farming zones, from abandoning agriculture and thereby help to ensure the continuing cultivation of local biodiversity. More generally, agro-environmental grants and "ecological compensation" programmes have been established by Council Parties to remunerate farmers for conservation activities, cultivation of traditional varieties, sowing indigenous wild plants in fallow lands and gardens, engaging in organic and integrated agriculture, safeguarding biotopes, and as compensation for lost income caused by the abandoning of the practice of more intensive resource use. More still could be done. It is estimated that Europe has lost 75% of its plant genetic diversity within the last century and that the revitalisation of genetic and cultural diversity will depend upon support for organic plant breeding, the development of organically produced seeds and *in situ* management of a "diversity of cultural plants [which have] evolved from generation to generation, in hands of many farmers and in many different landscapes" (Wyss and Wiethaler, 2000: 37). On these points, see Wyss and Wiethaler, 2000. The report provides information on the organic breeding sector in all of the European Council Parties except Bulgaria. A database of available organic seeds and a bulletin board for exchange of information on organic breeding and propagation will be created at <http://www.biogene.org>. For a series of studies on the importance of preserving agricultural genetic diversity *in situ*, see Brush, 2000.

14. The Swiss Federal Office of Agriculture, following upon the FAO's World Plan of Action, emphasised preserving the adaptive potential of cultivated plants. To this end, the Swiss Commission for the Conservation of Cultivated Plants has attempted to inventory all concerned institutions and the genetic material that they safeguard. The Millennium Seedbank Project at the Royal Botanic Gardens in the United Kingdom both banks and supports the reintroduction of plant species and the Commonwealth Potato Collection is also an important repository.

15. Switzerland, for instance, has supported projects to conserve biological and cultural diversity in the region of Lake Onrid, between Albania and Macedonia, in addition to other ecosystem management projects in Estonia, Hungary, Bulgaria and Russia. The UK Darwin Initiative has supported the development of local expertise in peatland management in eastern Europe.

16. The Belgian government, for example, has invested in regional environmental management and database projects in west and central Africa (as well as in China and eastern Europe) but the cultural dimensions of these initiatives are underdeveloped. The Swiss Agency for Development and Co-operation, on the other hand, has a portfolio of thirty-

six projects devoted to biodiversity in Latin America, Asia, and Africa, several of which have the conservation of indigenous knowledge of cultivation as a priority (Switzerland, 1998: 50). The Darwin Initiative funds UK biodiversity experts in projects that will help developing countries meet their obligations under the CBD. The EU funds the Central Cordillera Agricultural Programme in the Philippines, a project which has attempted to integrate indigenous peoples' resource management knowledge and practices as well as traditional health methods into its community development programmes. Tragically, a lack of understanding on the part of development authorities and government environmental officials about the effect of introducing new species alongside indigenous varieties led to the extinction of traditional varieties of great significance to local cultural practices (Rovillos, 1999b).

17. In recognition of this, the Canadian International Development Agency supports the work of Cultural Survival in compiling an international directory of indigenous conservation projects in the Americas.

18. See <http://www.gov.nt.ca/Publications/Policies/52-06_6.htm> (30.07.00).The Dene Cultural Institute, for example, is providing guidelines for use and access to traditional knowledge for government and industry planning projects and environmental impact assessments. See <http://www.deneculture.org/tradknow.htm> (30.07.00).

19. The Union of British Columbia Indian Chiefs hosted an international conference on the protection of indigenous knowledge in February 2000 entitled Protecting Knowledge: Traditional Resource Rights in the New Millennium (Vancouver, Canada, 24-26 February 2000). For more information on this conference, see:
<http://www.ubcic.bc.ca/protect.htm> (30.07.00).

20. In Austria, the Austrian Rainforest Programme is involved in projects in co-operation with indigenous peoples in Brazil and Costa Rica, while the Vienna Institute for Development and Co-operation has been working with the Embera peoples in Panama to reactivate their traditional knowledge about tree species so as to conserve and revitalise these varieties. The International Development Research Centre (with offices in Canada and Switzerland) has funded the Crucible II Group project, and funds projects for preserving indigenous knowledge and digital networking in India, Peru, the Philippines, Vietnam, Nepal and Papua New Guinea (PNG). Rural Advancement Foundation International (RAFI) in Canada, has been instrumental in bringing the issue of biopiracy to international attention and in researching and challenging intellectual properties that are based upon indigenous knowledge of plant genetic resources. See the following materials from RAFI: *Captain Hook, the Cattle Rustlers, and the Plant Privateers: Biopiracy of Marine, Plant, and Livestock Continues,* 11 May 2000; and *Plant Breeders' Wrongs: An Inquiry into Potential for Plant Piracy through International Intellectual Property Conventions,* 26 August 1998. Available from World Wide Web: <http://www.rafi.org/web/publications.shtml> (30.07.00).

21. These European NGOs include: Fern, Greenpeace European Policy Unit, Birdlife International, Royal Society for the Protection of Birds, Swedish Society for Nature Preservation, Arbeitsgemeinschaft für Regenwald und Artenschutz, Friends of the Earth England, Wales and Northern Ireland, World Wide Fund for Nature. See Joint NGO Comments on the draft EC's Biodiversity Action Plan, available from World Wide Web: <http://www.fern.org/Library/pubs.html> (30.07.00).

22. These European NGOs point EU member states to Articles 5 and 6 of the Council Resolution on Indigenous Peoples which notes "the key role played by indigenous peoples in the conservation and sustainable use of natural resources, the positive contribution of indigenous peoples in the development process, the vulnerability of indigenous peoples" and the need for development projects that contribute to enhancing indigenous

self-development. Articles 5 and 6 of the Council Resolution on Indigenous Peoples are annexed to the Joint NGO Comments. See preceeding note.

23. For instance, the Swiss Biodiversity Forum – a project of the Swiss Academy of Sciences – is supporting a research project on Local Ecological Knowledge of Swiss Farmers and its Influence on Actual Landuse Behaviour. More information on this research project available from World Wide Web:
    <http://www.unibas.ch/mco/research_mueller.htm> (30.07.00).

24. For example, local researchers are attempting to archive the over 814 distinct cultures in PNG in order to ensure the survival of forms of indigenous knowledge. This knowledge will be put on the Internet to make it more widely available. With one of the largest concentrations of biodiversity in the world, coupled with its cultural diversity, PNG attracts researchers from around the world. For more information on this archival project, see Webbing New and Traditional Knowledge at:
    <http://www.panasia.org.sg/news/pg/index.htm> (30.07.00).

25. For example, see the WIPO interim mission reports on the nine fact-finding missions on Traditional Knowledge, Innovations and Culture: results of the mission conducted in North America from 16 to 30 November 1998 (Annex 4 of the *WIPO Final Report on Fact-finding Missions on Intellectual Property and Traditional Knowledge,* 1998-1999. Available from World Wide Web:
    <http://www.wipo.int/globalissues/tk/report/final/index.html> (30.07.00).

26. In its Programme for the Protection and Promotion of Biodiversity and Community Rights, for example, the Third World Network (TWN) has commissioned a series of papers on the ways developing country governments should implement their Trade-Related Aspects of Intellectual Properties Agreement (TRIPs) obligations while taking into account the need to protect and preserve biodiversity and community knowledge, innovation and practices and the means to ensure that traditional and indigenous knowledge is given a vital role in scientific and technological policies relating to the sustainable use of biodiversity. In nearly all of the papers commissioned for the second year of the programme, the patenting of life forms is rejected and the intellectual property system itself is denounced for undermining indigenous peoples' rights, knowledge, and livelihoods. See, for example, Egziabher, 1999a and 1999b; Ho and Traavik, 1999; Tauli-Corpuz, 1999.

27. One of the many websites where this document can be found is <http://www.wtowatch.org/library/admin/uploadedFiles/Indigenous_Peoples_Seattle_Declaration.htm> (30.07.00). Ultimately, it suggests that the cultures of indigenous peoples, their knowledges, cosmologies and values provide the most viable alternatives to dominant models of economic growth and export-oriented development and that the imposition of IPRs forecloses the capacity of indigenous or traditional knowledges to serve this vital role.

28. For various legal and administrative reform proposals see Dutfield, 2000a; Australian Institute, 1997 and 1998; Simpson, 1997. Although Volume One of The Crucible II Group provides an excellent coverage of the policy framework and the opportunities and constraints that it provides, Volume Two (forthcoming) promises to provide more precise options for legal reform. As Victoria Tauli-Corpuz (Director of Tebtebba Foundation, Inc., the Indigenous Peoples' International Center for Policy Research and Education) writes:

"Intellectual property rights are monopoly rights given to individuals or legal persons (such as transnational corporations) who can prove that the inventions of innovations they made are novel, involved an innovative step, and are capable of industrial application. Indigenous knowledge and cultural heritage are usually collectively evolved and owned. If indigenous peoples have to use western IPRs to protect their own knowledge

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and innovations, they will have to identify individual inventors. This will push unscrupulous indigenous individuals to claim ownership over potentially profitable indigenous knowledge which will cause the further disintegration of communal values and practices. It can also cause infighting between indigenous communities over who has ownership over particular knowledge or innovation.

The concept of exclusive ownership and alienability which is inherent in TRIPs will have to be internalised and imbibed by indigenous peoples even if it goes against their usual practice of making available such knowledge for the common good. The identity and survival of indigenous peoples as distinct peoples depends to a large extent on the age-old practice of common sharing of some resources, knowledge and skills which are not alienable. With TRIPs, indigenous peoples will now have to think of how their knowledge will be protected against so-called 'biopirates'. Sharing of knowledge becomes a dangerous proposition because it might be appropriated by those who have the capacity to use the system to claim exclusive ownership over such knowledge and commercialise it. Although typical, the assertion that corporations may claim exclusive ownership over knowledge appropriated from indigenous peoples is inaccurate. Only the particular application of such knowledge, providing that it is itself novel and involves an innovative step (or in patent parlance, is not obvious to a person of ordinary skill in the art) will be protected. The patent holder does not gain thereby an exclusive rights to the common knowledge that underlies the particular technology, nor does the commercial application preclude the continuance of prior non-commercial usages of such knowledge. None the less, patents are being granted that should not be granted based upon a proper application of these legal principles, and threats to enjoin alternative usages are often made by intellectual property holders even when they do not legally have rights of the scope that they assert. The assumption by indigenous peoples that the legal claims made by intellectual property holders are valid ones that the western legal system supports is, however, part of the problem that needs to be addressed." (Tauli-Corpuz, 1999)

29. This form of creativity, it is argued, is likely to continue to be usurped, marginalised and eventually extinguished by plant breeders' rights which do not respect indigenous creativity:

"The Union for the Protection of Plant Varieties (UPOV) allows for breeders' rights in respect of plant varieties that are 'improved' modifications of farmers' germplasms. UPOV 1991 extends the gap between source materials and improved varieties in terms of value and ownership rights attached to them. This revised instrument allows for both breeders' rights and patents for plant varieties. Finally, the TRIPs Agreement under the WTO allows for patents over life forms and requires that plant varieties be protected by patents or a *sui generis* system. In all of these instruments, the definitional constructs preclude recognition of innovations that are inter-generational, collective and for the social good – hallmarks of the way indigenous people create and innovate." (Nijar, 1999a)

30. For a list of patent sites, see Newton, 2000. The British Library also offers access to this information at <http://www.bl.uk/services/bsds/pxp/overview.html> (30.07.00).

31. As Delgado and Becker (1998) write: "Computer technology has been taught in a manner which makes indigenous peoples recall the way their languages work. Most of these languages work on an 'agglutinative' principle; a root word provides the base and an infinite number of suffixes are added according to the situation. Computer technology, listservs, newsgroups, and websites work in this way as well."

32. The "Inkarri" information centre on indigenous issues, sponsored by the Basque county of Vitoria-Gasteiz, illustrates this possibility. See <http://www.inkarri.net/> (30.07.00). Similarly, a website functioning from Geneva has enabled a team of indigenous peoples to concentrate on Andean issues. See <http://www.puebloindio.org/> (30.07.00).

Within Europe, European Union funds created for cultural and economic development in sparsely populated areas have been used by the Sami to adopt digital technology to further the marketing of traditional crafts. However, the failure of the Swedish government to recognise Sami other than those engaged in reindeer husbandry as having indigenous identity, has limited the extent of computer and Internet education. Only one Sami language has digital type fonts, moreover, and without support for font development, the potential of the Internet to assist in the survival of these endangered languages will not be realised (Forsgren, 1998).

33. For instance, even though most people in Burma are not permitted to use the Internet, Burmese in exile have taken advantage of it to spread information about repression in Burma and to organise resistance activities. Members of an indigenous human rights and environmental organisation have travelled through border areas to teach computer skills to Mon and Karen peoples who have now developed digital fonts for use in communications that document military abuses (Fink, 1998).

34. Northern News Services copy editor, James Hrynyshyn, believes that "the Internet is an ideal match for Aboriginal tribes, providing the necessary economy of scale to support electronic publishing for such small constituencies (…) because the Internet can support an admixture of audio, video, and text, transcending the print medium, it is ideally suited to the oral story-telling traditions of the Aboriginal Community." (Zellen, 1998). Indeed, the small town of Inuvik has one of the fastest public Internet connections and the Gwich'in and Inuvialit globally market traditional art from their home pages. The Oneida Nation had a web page before the White House did and through it has educated an entire Chinese high school on Oneida culture, attracted visitors from Europe to its cultural centre, and created interest in the Middle East in the dissemination of Oneida design (Polly, 1998). In the south, interactive electronic conferencing has enabled indigenous peoples living in remote areas to share common concerns and exchange information about their shared problems in relation to nation-states. The Zapatista uprising against the Mexican government upon the ratification of NAFTA marked the beginning of the political use of Internet technology by indigenous groups. The Maya in Guatemala are attempting to electronically retrieve any and all information pertaining to their cultures to revive their traditional languages and to legitimate their claims to their ancient territories. The Kuna in Panama have become international advocates of indigenous peoples' stewardship over biodiversity and its relationship to indigenous rights of self-determination. Digital video camcorders will enable indigenous peoples to share cultural performances and practices, making ITKIP globally available, or at least available to other indigenous peoples if that is the more desirable end. Stories told by elders and traditional practices can both be filmed and recorded so that they can "speak" to their descendants for eternity. This is only valuable, however, in so far as their descendants can speak their languages and have viable opportunities to use these practices in a context where they are respected and supported.

35. Indigenous Assyrians, forbidden to teach their own language, develop their cultural identity, or refer to themselves as a people in many Middle Eastern countries, have used the Internet to reconnect with Assyrians in exile all over the world and to educate the global community about their culture, persecution, and aspirations (Gabrial, 1998). Continued and renewed usage of the Syriac or Aramaic language through the World Wide Web, however, will only be possible if compatible fonts are developed.

36. The Belgian Institute of Natural Sciences, for example, launched the website of the Belgian Clearing House on 7 October 1996. It was the second to be added to the official list of National Focal Point Clearing-Houses on the Internet and provides several options for searching for information on biological diversity in Belgium and elsewhere. Like other such sites, it provides hyperlinks to other national, regional, and thematic clearing houses as well as linking to the CBD, and the United Nations Environmental

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Programme. The site also houses the CBD clearing houses for Niger, the Congo, Chad, Mauritania, and Burkina Faso. Within the framework of the Belgian Research Network (Belnet), the Workgroup on Biodiversity has launched a two-part initiative. The first part is an inventory of biodiversity resources in Belgium – not limited to biodiversity in Belgian territory – that refers to universities, research institutes, botanical gardens, zoos and aquaria, museums, nature education centres, associations, libraries and nature reserves. The second part of the initiative will create an inventory of the content of the databases on biodiversity kept in Belgium. The linkage between biodiversity and cultural diversity could be made more explicit in such projects.
See <http://www.naturalsciences.net/bch-cbd/homepage.htm> (30.07.00).

37. Most of the world's linguistic diversity is carried by small communities of indigenous and minority peoples. Indigenous and minority languages encode distinct forms of knowledge and cognitive maps of local ecosystems that cannot simply be translated into dominant languages. Nor can such diversity be reduced to nomenclature. Ethnobiologists now recognise that traditional ecological knowledge is not about entities *per se,* such as natural kinds, but about natural processes and relations among entities, such as the relationships among plant and animal species or between humans and the ecosystem. Moreover, this knowledge is not carried simply in linguistic terms but in grammar and speech formulas and culturally conventionalised ways of expressing spatial, temporal and causal relations. The relationship between landscapes and languages is in many cases mutually constitutive. See the extensive discussion in Maffi and Skutnabb-Kangas, 2000.

38. For a longer discussion of making prior informed consent a condition precedent for receiving a patent, see Coombe, 1998.

39. This project is sponsored by the World Wildlife Federation India and is co-ordinated with the Centre for Ecological Sciences of the Indian Institute of Science and the Foundation for Revitalisation of Local Health Traditions in Bangalore. For more information on People's Biodiversity Registers, see Gadgil et al., 2000.

40. This project has been developed by the Society for Research and Initiatives for Sustainable Technologies and Institutions in Ahmedabad and is managed by Professor Anil Gupta of the Indian Institute of Management.

41. For example, the Swiss Agency for Development and Co-operation supports the Farmers' Rights Information Service (FRIS) developed by the M.S. Swaminathan Research Foundation India to educate the public about India's heritage of biodiversity and current issues of significance in the preservation of agro-biodiversity, including the need for incentives to support ongoing activities of genetic stewardship. As the founder's introduction explains, "exchange of information, technical and scientific co-operation, research and training, public education and identification of suitable financial resources are all important for arresting the loss of agro-biodiversity". The website operates as part of an emerging network that links local and indigenous communities in conservation efforts: "With the emergence of democratic systems of governance worldwide and with the onset of the information superhighway, the widespread involvement of grassroots level peoples' organisations in the conservation movement is becoming feasible. In addition to information dissemination through printed and electronic media, 'awareness through action' programmes will have to be fostered in schools and colleges." Available from World Wide Web:
<http://www.mssrf.org/fris9809/introductory.html> (30.07.00).

The website's founder believes that "the information age has provided tools such as the Internet and GIS mapping to promote a learning revolution in agriculture" and uses the site to participate in this revolution. The site operates as a tutorial and teaches that: entitlements, asset reform and technological empowerment of the poor will be essential in

ensuring economic access; and, that gender perspectives must be integrated into the development of appropriate technology transfers and the information dissemination process if agriculture is to serve as an instrument of income and livelihood opportunity. The site is linked to videos of "experts" espousing the importance of traditional and tribal peoples and their knowledge in preserving biodiversity and to a set of "field videos" that take web visitors to sacred groves whose genetic diversity is maintained by tribal peoples as places of worship, to an interview with a local farmer, and to local peoples engaged in traditional methods of seed storage. From the site, web surfers may "visit" tribal communities in the Indian states of Tamil Nadu, Kerala, and Andhra Pradesh, where they will gain information on the social customs, agricultural practices, and knowledge of medicinal and other useful plants held by tribal peoples. Such information, however, is described in general rather than disclosed in specificity.

More specific information is provided for Orissa, a centre of origin for traditionally cultivated varieties (landraces) of rice assumed to contain many valuable genes particularly for resistance/ tolerance to various biotic and abiotic stresses and thus to hold promise for utilisation in future plant-breeding programmes. The multimedia database contains details on the morphological and agronomical characters of the rice variety, the donor farmers' name and the community, and location and date of collection for landraces from five areas inhabited by tribal peoples who continue to grow these varieties. Visitors will find pictures of the individual who cultivated the variety, his or her tribal affiliation, and the location of the gene bank in which the landrace has been deposited. More problematic, from the perspective of preserving cultural diversity, are the Orissa site's detailed descriptions of the sacred groves located in tribal areas. Not only does the site name and locate these, it describes the species found there, and the particular taboos that local peoples observe. To what extent does such a practice operate as an invitation to those who would appropriate local knowledge about species which, by virtue, of local cultural prohibitions, are likely to have unique genetic properties? What protection has been afforded to these peoples against biopiracy? Is cultural diversity maintained by practices that expose local belief systems to such international and indiscriminate scrutiny?

42. As I have argued previously: "because the law [of patents] encourages secrecy and the privatisation of knowledge until its potential commercial application becomes clear, Third World innovators cannot share knowledge with others who may desperately need it, nor can they seek to attract investors who may be able to transform it into a better source of revenue for local communities. A group like the Honeybee Network is therefore in a difficult position. Prior to the publication of knowledge in the newsletter, the network must attempt to aid either the community or the individual in establishing a legal right. In most cases, however, the innovation will not have reached the point of patentability because the capacity for industrial application remains to be ascertained, and there is little investment capital available to explore the possibility. In the meantime, the knowledge may be valuable in alleviating poverty amongst other indigenous and local peoples and enriching their livelihoods. Third World networks and networks of indigenous peoples face an untenable choice between not publishing in order to maintain the potential for future patent benefits, in which case they withhold useful information from those in dire need of it, or publishing it with the knowledge that in assisting others, one risks forfeiting the fruit of one's labours. Such a choice violates human rights norms that encourage the sharing of benefits, the flow of information, the right to share in progress in the arts and sciences, cross cultural exchange, and the right to sustainable development and a healthy environment." (Coombe, 1998: 113)

43. See <http://www.ibin.org> (30.07.00).

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