
IFACCA ANALYTICAL REPORT

Cultural Policies and the 2005 UNESCO Convention in Asia

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INTRODUCTION

On 4-6 March 2014 UNESCO Bangkok and the International Federation of Arts Councils and Culture Agencies (IFACCA) hosted the Regional Seminar **Diversity of cultural expressions in Asia: challenges and perspectives on the implementation of the 2005 Convention** in Bangkok, Thailand. The objective of the meeting was to exchange experiences on the implementation of the 2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions.

In preparation for the seminar, IFACCA¹ drafted an analytical report based on existing quadrennial periodic reports submitted by the Parties in Asia-Pacific to the Secretariat of the 2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions (hereinafter the 'Convention') as well as its own cultural policy resources². The report aimed at providing an overview of national policies and measures implemented by Parties in Asia in regard to the Convention.

The seminar participants discussed the draft analytical report, provided updates and introduced examples from their countries some of which are included in this final version of the report.

The focus countries of this report are the 13 Asia-Pacific Parties to the Convention and specifically the six countries that have submitted a quadrennial periodic report. Examples of policies and measures from other countries in the Asia-Pacific are also included.

The report is in two parts. The first part presents examples of the legal and policy framework on cultural diversity³ of the focus countries and the second part focuses on the analysis of the six periodic reports complemented by examples of policies from other Parties to the Convention in the region. The examples in both parts are not representative of the region but are included as illustrative cases of practice.

In June 2015 the Convention will celebrate its 10th anniversary. To coincide with the anniversary, UNESCO will publish a Global Monitoring Report that will provide extensive analysis of all periodic reports. For further information on the Convention see <http://www.unesco.org/new/en/culture/themes/cultural-diversity/2005-convention>.

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² IFACCA website www.ifacca.org, www.ifacca.org/topic/convention-cultural-diversity/, WorldCP www.worldcp.org, and the draft IFACCA Cultural Policy Quick Facts, since published, and available at <http://www.ifacca.org/topic/cultural-policy/>

³ The term 'cultural diversity' in this report: '*Refers to the manifold ways in which the cultures of groups and societies find expression. These expressions are passed on within and among groups and societies. Cultural diversity is made manifest not only through the varied ways in which the cultural heritage of humanity is expressed, augmented and transmitted through the variety of cultural expressions, but also through diverse modes of artistic creation, production, dissemination, distribution and enjoyment, whatever the means and technologies used.*' (Article 4.1 of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions.)

FRAMEWORK OF THE REPORT

1. The UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions (hereinafter 'the Convention') entered into force on 18 March 2007. The Convention has 35 articles.
2. The Convention affirms the right of Parties to protect and promote a diversity of cultural expressions. It recognises the value of cultural goods, services and activities as carriers of meaning and identity and their integral role in sustainable cultural and economic development.
3. The Convention also promotes international dialogue and cooperation in protecting cultural expressions, particularly those in immediate danger or at risk of extinction.
4. As of 1 February 2014, there are 134 Parties to the Convention. In Asia-Pacific, the first country to ratify the convention was India (15/12/2006). This has been followed by China (ratification, 30/01/2007), Bangladesh (ratification 31/05/2007), Viet Nam (ratification, 07/08/2007), Cambodia (accession, 19/09/2007), New Zealand (accession, 05/10/2007), Mongolia (accession, 15/10/2007), Tajikistan (ratification, 24/10/2007), Lao People's Democratic Republic (accession, 05/11/2007), Afghanistan (acceptance, 30/03/2009), Australia (accession, 18/09/2009), Republic of Korea (ratification, 01/04/2010) and Indonesia (accession 12/01/2012). The Asia-Pacific has the lowest rate of ratification with only 29% of the Member States being Parties. This also means that only 10% of the Parties to the Convention are from the Asia-Pacific region.
5. Under Article 9 of the Convention, Parties are required to report every four years to the Intergovernmental Committee on measures taken to protect and promote the diversity of cultural expressions in its territory and at the international level. These reports are meant to facilitate information-sharing and learning opportunities.
6. According to the Guidelines, the Parties are asked to report on five major themes rather than on the implementation of each of the articles of the Convention.
7. The central elements of the reports are:
 - *National policies and measures implemented to support the creation, production, distribution, dissemination and enjoyment of cultural goods and services.*
 - *International cooperation and preferential treatment measures that support the mobility of artists, provide greater market access and strengthen cultural industries in developing countries*
 - *Integration of culture in sustainable development policies*
 - *Protection of cultural expressions under threat*

- *Actions taken to involve civil society in cultural policy processes*
8. The quadrennial periodic reports on Measures to Protect and Promote the Diversity of Cultural Expressions are expected to describe the policies and measures adopted by the Parties to foster diversity of cultural expression. The information should be focused (not to exceed 20 pages), fact-based, multi-sourced and focused on the subject matter. The Intergovernmental Committee that revises the reports underline that the role and contribution of the civil society in preparing the reports is essential.
 9. To date, the UNESCO Secretariat has received 65 reports. The reports can be viewed online. The Secretariat prepared for the Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions two analytical reports of the quadrennial reports received in August 2011 – August 2012⁴ (hereinafter 'UNESCO Analytical report 1') and August 2012 – August 2013 (hereinafter 'UNESCO Analytical report 2')⁵.
 10. Six of the focus-countries in the Asia-Pacific (region IV) have submitted a quadrennial periodic report: Bangladesh, Cambodia, China, Mongolia, New Zealand and Viet Nam. China's report contains two Annexes pertaining respectively to the Hong Kong and Macao Special Administrative Regions. The reports of Mongolia and New Zealand are included in the UNESCO Analytical Report 1 and the remaining four in the Analytical Report 2. This report includes some of the findings of the UNESCO reports.

⁴ Strategic and action-oriented analytical summary of the quadrennial periodic reports. Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions, Sixth Ordinary Session, 10 – 14 December 2012 <http://unesdoc.unesco.org/images/0022/002210/221062e.pdf>

⁵ Quadrennial periodic reporting: new reports and analytical summary, Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions, Seventh Ordinary Session, 10 – 13 December 2013

PART 1 – LEGAL AND POLICY FRAMEWORKS RELATING TO CULTURAL DIVERSITY IN THE 13 FOCUS-COUNTRIES

Legal frameworks

11. This section looks at the Constitutional and legal provisions in the 13 Parties related to cultural diversity and the elements related to the Convention.
12. Constitutional provisions in eleven of the thirteen focus countries include cultural elements (with the exception of Australia and New Zealand).
13. Article 47 of the Constitution of **Afghanistan**⁶ (2004) recognises the promotion of science, culture, literature and the arts. The same article guarantees the rights of authors, inventors, discoverers and encourages scientific research. Freedom of Expression is mentioned in Article 34. The preamble of the Constitution recognises Afghanistan as a single and united country belonging to all ethnicities that reside in the country. Article 6 refers to equality among all ethnic groups and Article 16 to linguistic diversity including radio and TV broadcasting.
14. In **Australia** the 1967 Referendum acknowledged aboriginal people as citizens entitled to same rights and duties than the rest of the citizen.⁷ The Commonwealth of Australia Constitution Act (1900)⁸ has no reference to culture.
15. The Constitution of **Bangladesh**⁹ (1971) acknowledges national culture in Article 23 and the cultural traditions and heritage in the country. The article recognises the right to participate in and contribute to cultural life and the safeguard of national language, literature and the arts. Article 24 recognises the protection of national monuments and Article 15 mentions the right to recreation and leisure. Freedom of speech is mentioned in Article 39.
16. The Constitution of **Cambodia**¹⁰ (2010) recognises the right to participate in cultural life (Article 35). The duty of the state to preserve and develop national culture is covered in Article 69. Cultural heritage is covered in Articles 69, 70 and 71. Freedom of expression is included in Article 41.

⁶ http://www.afghan-web.com/politics/current_constitution.html

⁷ The WorldCP profile of Australia states: 'The British territorial claim of Australia was made on the legal basis that the land was uninhabited, despite involving the displacement of Indigenous people from land. Neither the Commonwealth of Australia Constitution Act 1900 (Constitution Act) nor the Commonwealth Franchise Act 1902 included Indigenous people as citizens of Australia. It was not until 1967 that a national referendum was held to decide on a proposal to amend the Constitution Act to remove the words 'other than the aboriginal race in any State' in order to overcome the problem that, up until that date, Aboriginal people were subject to individual laws governing Aboriginals in each state. The Constitutional change meant that Aboriginal people would now be counted in the national census and that they would be entitled to the same rights, including the right to vote in federal elections, as all other citizens. The referendum came about as a result of a range of pressures, both national and international'⁷

⁸ <http://www.comlaw.gov.au/Series/C2004Q00685>

⁹ <http://www1.umn.edu/humanrts/research/bangladesh-constitution.pdf>

¹⁰ <http://www.ccc.gov.kh/english/CONSTITUTIONEng.pdf>

17. The Constitution of **China**¹¹ (2004) recognises the equality of all nationalities in China in Article 4, development of cultural level of people in Article 19, development of literature and art in Article 22 and freedom of artistic creation in Article 47. Furthermore, Article 47 states: *'The state encourages and assists creative endeavours conducive to the interests of the people made by citizens engaged in education, science, technology, literature, art and other cultural work.'* The Constitution recognises the freedom of expression.
18. Cultural and Educational Rights are recognised in Articles 29 and 30 of the Constitution of **India**¹² (2007). Article 29(1) of the Constitution speaks of the right of citizens to 'conserve (any) distinct language, script or culture'. Both articles have been interpreted to be particularly relevant for the protection of interests of minorities. Apart from these articles, the Constitution covers several fundamental freedoms such as the freedom of expression (Article 19). The Constitution also includes duties of the citizen including the duty to promote harmony and the spirit of common brotherhood and the duty to value and preserve *'the rich heritage of our composite culture'*. (In Article 51A)
19. The Constitution of **Indonesia**¹³ (1945) recognises several cultural rights namely 28C (the right to benefit from arts and culture), 28L (the duty of the state to advance the national culture, preserve and develop cultural values and respect and preserve local languages as national cultural treasures). The Constitution also includes the right to express opinions.
20. The preamble of the Constitution of **Lao People's Democratic Republic**¹⁴ (2003) acknowledges the multi-ethnicity of the nation. The Constitution also acknowledges cultural development (Article 21), educational rights of ethnic minorities (Article 22). Article 44 mentions freedom of speech and Article 45 the right of citizens to create artistic and literary works, and to engage in cultural activities which are not contrary to the laws. Article 23 states: *'the State promotes preservation of the national culture which is representative of the fine tradition of the country and its ethnic people while accepting selected progressive cultures from around the world. The State promotes cultural activities, fine arts and invention, manages and protects the cultural, historical and natural heritage and maintains antiques and historical places. The State attends to improving and expanding mass media activities for the purpose of national protection and development. All cultural and mass media activities which are detrimental to national interests or the fine traditional culture and dignity of Lao people are prohibited.'*
21. The Constitution of **Mongolia**¹⁵ (1992) recognises the state protection of cultural heritage and intellectual property rights in Article 7, linguistic rights of minorities in Article 8, the right to engage in creative work in cultural, artistic and scientific fields

¹¹ http://www.npc.gov.cn/englishnpc/Constitution/node_2824.htm

¹² <http://lawmin.nic.in/coi/coiason29july08.pdf>

¹³ <http://www.embassyofindonesia.org/about/pdf/IndonesianConstitution.pdf>

¹⁴ http://www.na.gov.la/index.php?option=com_content&view=category&id=35%3Aconstitution-of-lao-pdr&Itemid=186&layout=default&lang=en

¹⁵ <http://www.parliament.mn/en/law/categories/2541/pages/4428>

and legal protection of copyrights in 16.(6) and patents and freedom of expression in 16.(16).

22. The Constitution of **New Zealand** is not represented in one document but several legal documents. The Treaty of Waitangi is considered a founding document of the government in New Zealand. The Constitution Act¹⁶ (1986) is the principal formal statement. It does not include references to culture.
23. Article 9 of the Constitution of the **Republic of Korea**¹⁷ (1987) states that '*the states have an obligation to put forth effort in bequeathing and developing traditional culture and creatively enhancing national culture*'. Article 11 recognises the principle of non-discrimination in cultural field and Article 22 the freedom of arts and academic thinking. The same article refers to the rights of artists.
24. Article 40 of the Constitution of **Tajikistan** (1994) recognises the right to take part in cultural life and to the use of artistic achievements. It also includes the state obligation to protect cultural riches and intellectual property. Article 44 includes the cultural duty of the citizen to protect cultural heritage.
25. The Vietnamese Constitution (2013) has many references to culture and cultural development. Article 60 of the Constitution of **Viet Nam**¹⁸ refers to the provision of the state to assume to administration of cultural development including literature and art to meet the diverse and healthy spiritual people of people and to creating favourable conditions for happy and cultured families. Article 61 refers to the provision of the state to provide access to cultural learning for the disabled and the poor. Article 41 refers to the right of everyone to enjoy and access cultural values, participate in cultural life and make use of cultural bases. Other cultural rights are also recognised in Articles 14 and Article 16. The responsibility of the state to manage cultural policies is mentioned in Article 96 and cultural development in Article 50. Ethnic pluralism is recognised in Article 5.
26. As regards other cultural legislation, copyright or authors' rights are included in the following regulations:
 - **Afghanistan:** Copyright Law (2008) recognises the rights of authors, composers, artists and researchers.
 - **Australia:** Copyright Act (1968), Copyright Amendment (Moral Rights, 2000), Australia Copyright Amendment (Digital Agenda Bill, 2000), Trade Marks Act (1995)
 - **Bangladesh:** Copyright Act (2000) includes protection of songs, film, literature and other artistic creation.
 - **Cambodia:** Law on Copyright and related rights (2003)
 - **China:** Copyright Law (2010)

¹⁶ <http://www.legislation.govt.nz/act/public/1986/0114/latest/DLM94204.html>

¹⁷ http://english.court.go.kr/home/att_file/download/Constitution_of_the_Republic_of_Korea.pdf

¹⁸ Unofficial English translation http://www.constitutionnet.org/files/final_constitution_of_vietnam_2013-english.pdf

- **India:** Copyright Act (1957) was recently amended to include moral rights, access of copyright material to the disabled, digital rights management and rules concerning productions of cover versions of music.
- **Indonesia:** Copyright Act (2002)
- **Lao People's Democratic Republic:** At present, there is no copyright law in Lao PDR. However, a draft copyright law was developed in 2005. Intellectual Property Law is from 2011.
- **Mongolia:** Law of Mongolia on Copyright (1999)
- **New Zealand:** Copyright Act (1975) Public Lending Right for New Zealand Authors Act (2008)
- **Republic of Korea:** Copyright Act (1957)
- **Tajikistan:** Law of the Republic of Tajikistan on Copyright and Related Rights (2009)
- **Viet Nam:** Law on Intellectual Properties (2005, amendments 2009). Viet Nam has developed several policies to monitor, follow-up, support and invest in copyright training and protection. National Copyright Office was set in 1987.

27. Examples of other specific related legislation:

- **Afghanistan:** Cultural legislation is mainly related to protection and preservation of cultural heritage, for example the Law on the Protection of Historical and Cultural Properties (2000). The legal system of Afghanistan is in transition and hundreds of laws need to be revised or reviewed in order to bring them into compliance with the Afghan Constitution.¹⁹ It is unclear what is the role of culture in this transition but in 2006 the IMF considered cultural rights protection not clear or comprehensive.²⁰
- **Australia:** The Arts Law Centre of Australia offers access to cultural legislation in Australia.²¹ Examples of arts legislation include Australia Council Act (2013), Aboriginal and Torres Strait Islander Heritage Protection Act (1984) among others.
- **Bangladesh:** Cultural legislation is related to protection of cultural heritage and cultural institutions, for example Bangladesh Shilpakala Law (1989) to safeguard and foster national cultures and intangible heritage. Other related laws include the Bangladesh Folk & Craft Foundation Law (1998) and the National Books Law (1994).
- **Cambodia:** Cultural legislation is related to the protection and preservation of cultural heritage and cultural properties, for example the Law on the Protection of Cultural Heritage (1996).
- **China:** The first law on the protection of intangible heritage was passed in 2011 after a decade of drafting. The law addresses above all the traditional cultures and practices of the country's ethnic groups. The law covers especially traditional oral literature, performing arts, craftsmanship, medicine and folk customs, including special protection in remote and rural areas.

¹⁹ See for example <http://www.womankind.org.uk/wp-content/uploads/2011/11/Country-section-Afghanistan3.pdf>

²⁰ Islamic Republic of Afghanistan: Interim Poverty Reduction Strategy Paper, IMF (2006)

²¹ <http://www.artslaw.com.au/>

- **India:** India's cultural legislation is mainly related to protection and preservation of cultural heritage. India has no legislation on cultural institutions, legislation or the status of the artist.²²
- **Indonesia:** A draft law RUU Pengelolaan Kebudayaan (Management of Culture Law) aims at promoting national identity through art and limited the impacts of globalisation in Indonesian culture. (April 2013).
- **Lao PDR:** Cultural legislation is mainly related to the protection and promotion of cultural heritage, for example the National Heritage Law (2005), Decree on the preservation of cultural, historical and natural heritage (1997).
- **Mongolia:** Mongolia has a Law on Culture (196). Another relevant document is the Law on Protecting Cultural Heritage (2001).
- **New Zealand:** The Ministry for Culture and Heritage has responsibility for a range of individual legislation including the Protected Objects Act 1975; The Broadcasting Act 1989; and the Arts Council of New Zealand Toi Aotearoa Act 2014.
- **Republic of Korea:** There are 112 laws related to the cultural field.²³ The Arts and Culture Promotion Act (1972) highlights the role of the state in arts and culture promotion. The Artist Welfare Act (2011) refers to the protection and status of artists.
- **Tajikistan:** Cultural legislation is mainly related to the protection and promotion of cultural heritage, for example the Law on Popular Art Crafts (2003).
- **Viet Nam:** Development of Literature and Arts in the New Era, Resolution 23 (2010), tax relief for literature and artistic products and cinema. Various decrees on management of cultural activities and services, import and export of cultural goods, dissemination of cultural products, etc.²⁴

Institutional frameworks

28. All the focus countries have a Ministry of Culture or the Arts. The respective bodies are:

- **Afghanistan:** Ministry of Information and Culture²⁵. Afghanistan also has a Foundation for Culture and Civil Society²⁶ launched in 2003 to strengthen the Afghan civil society.
- **Australia:** Ministry for the Arts.²⁷ The Australia Council for the Arts is the principal arts funding and advisory body²⁸. There are several regional bodies such as Arts New South Wales, Arts Victoria, Arts Tasmania, Arts Queensland and others.

²² See for example the WorldCP profile of India <http://www.worldcp.org/india.php?aid=52>

²³ See for example the WorldCP profile of South Korea

<http://www.worldcp.org/southkorea.php?aid=52>

²⁴ <http://www.worldcp.org/vietnam.php>

²⁵ <http://moic.gov.af/en>

²⁶ <http://afghanfcs.info/>

²⁷ <http://arts.gov.au/>

²⁸ <http://www.australiacouncil.gov.au/>

- **Bangladesh:** Ministry of Cultural Affairs²⁹. The Ministry has 17 departments of which five departments represent ethnic communities.
- **Cambodia:** Ministry of Culture and Fine Arts³⁰
- **China:** Ministry of Culture³¹ and China Federation of Literary and Art Circles³². Hong Kong SAR has established cultural administration through the Home Affairs Bureau³³ and the Hong Kong Arts Development Council³⁴. Hong Kong also has Leisure and Cultural Services Department³⁵. The cultural administration in Macao is undertaken by Cultural Affairs Bureau of the Macau SAR Government.³⁶
- **India:** Ministry of Culture³⁷, India Council for Cultural Relations³⁸, National Culture Fund³⁹.
- **Indonesia:** Ministry of National Education and Culture and Ministry of Tourism and Creative Economy⁴⁰
- **Lao People's Democratic Republic:** Ministry of Information, Culture and Tourism⁴¹
- **Mongolia:** Ministry of Culture, Sport and Tourism⁴² and Arts Council of Mongolia⁴³
- **New Zealand:** Ministry for Culture and Heritage. The Arts Council of New Zealand Toi Aotearoa (Creative New Zealand) is the national arts development agency developing, investing in and advocating for the arts.⁴⁴
- **Republic of Korea:** Ministry of Culture, Sports and Tourism⁴⁵. Arts Council Korea⁴⁶
- **Tajikistan:** Ministry of Culture⁴⁷
- **Viet Nam:** Ministry of Culture, Sports and Tourism⁴⁸

²⁹ <http://www.moca.gov.bd>

³⁰ <http://www.mcfa.gov.kh/>

³¹ <http://www.chinaculture.org/index.html>

³² <http://old.cflac.org.cn/english.htm>

³³ <http://www.hab.gov.hk/>

³⁴ <http://www.hkadc.org.hk/>

³⁵ <http://www.lcsd.gov.hk/>

³⁶ <http://www.icm.gov.mo/>

³⁷ <http://indiaculture.nic.in/indiaculture/index.html>

³⁸ <http://www.iccrindia.net/contact.htm> |

³⁹ <http://www.ncf.nic.in/>

⁴⁰ <http://www.budpar.go.id/>

⁴¹ <http://www.tourismlaos.org/index.php>

⁴² <http://mcst.gov.mn/>

⁴³ <http://artscouncil.mn/>

⁴⁴ <http://www.creativenz.govt.nz/>

⁴⁵ <http://www.mct.go.kr/>

⁴⁶ <http://www.arko.or.kr/>

⁴⁷ <http://www.vfarhang.tj/>

⁴⁸ <http://www.cinet.gov.vn/>

Cultural policies and diversity in Asia

29. This section provides an overview of cultural policy priorities and the main documents in the thirteen Parties.

30. **Afghanistan** (acceptance, 30/03/2009) has no written cultural policy. Media, Culture and Youth Strategy (2007-2013) forms part of the National Development Strategy 2007–2013. The Strategy includes a vision for Afghanistan to become, by 2020, a country that is *‘tolerant, united and pluralistic nation that honors its Islamic heritage and the deep seated aspirations toward participation, justice, and equal rights for all.’*⁴⁹ The National Strategy was developed after a series of consultations in the 34 provinces of Afghanistan and developed with keeping in mind the *‘diversity of people in all parts of the country’*⁵⁰ and culture was one of the recurring themes of these consultations.

The cultural policy priorities of Afghanistan include preservation and documentation of cultural heritage and cultural artefacts; national culture; media development and youth.⁵¹ The Strategy includes the implementation of pluralistic media. In general, cultural policy is very focused on heritage.

31. **Australia** became a party of the Convention on 18 September 2009 as expressed by Minister for Environment, Heritage and the Arts announced that Australia had become the 101st party to the Convention.⁵² The Minister stated that it was an *‘important step support of our diverse cultural heritage and a vital artistic life for our citizens.’* In 2011, Australia supported UNESCO’s International Fund for Cultural Diversity (IFCD) with \$80,000.

Australia’s cultural policy ‘Creative Australia’ was published in 2013. The cultural policy states: *‘Australian culture has a firm base in heritage and tradition. It is also dynamic, evolving in response to a changing world and the increasing diversity, in all forms, of those who call this country home.’* The sense of pluralism and diversity form core elements of the new policy that recognises in the preamble the diversity of the nation.⁵³ Australian cultural policy is based on recognition of the Indigenous cultures and the diversity of the nation. The five cultural policy goals of ‘Creative Australia’ are: a) Aboriginal and Torres Strait Islander cultures; b) Australia’s diversity; c) Excellence and original work and ideas; d) Contribution of the cultural sector to national life and e) Impact of digital environment. These goals are to be realized under three key themes: 1) modernise funding and support, 2) creative expressions and the role of the artist and 3) connect to national life for a social and economic dividend.

⁴⁹ Afghanistan National Development Strategy 2008-2013

http://www.undp.org.af/publications/KeyDocuments/ANDS_Full_Eng.pdf

⁵⁰ Ibid, page 10

⁵¹ Ibid, page 11 and 120

⁵² ‘Australia becomes a party to Unesco Convention on Cultural Diversity’. Media Release by the Hon Peter Garrett MP, Minister for the Environment, Heritage and the Arts. 23 September 2009. arts.gov.au

⁵³ ‘The Australian story is uniquely grounded in around 60 000 years of Aboriginal and Torres Strait Islander peoples’ traditions and practices. The history and living culture of Australia’s nearly 548 370 Aboriginal and Torres Strait Islander peoples inform the shape and texture of modern Australian life.’ and ‘One-quarter of all Australians were born elsewhere, increasingly in non-European countries. The 2011 Census reported 300 ancestries, and that more than 300 different languages are spoken in Australian households. The most common languages spoken at home other than English are Mandarin, Italian, Arabic, Cantonese and Greek. In New South Wales, the second most spoken language is Arabic and in Queensland, it is Chinese.’ Source: Creative Australia <http://creativeaustralia.arts.gov.au/full-policy/>

32. **Bangladesh** (ratification 31/05/2007) became a Party to the Convention through the Permanent Representative of Bangladesh to France/UNESCO. Bangladesh has had a national cultural policy since 2006. The four cultural policy goals are: a) to protect and promote all cultural expressions in Bangladesh regardless of caste, class, religion, origin etc.; b) to develop cultural activities and integration with economic development; c) to protect, preserve and develop cultural elements of small ethnic groups and d) to meet the wave of globalisation and conceive positive elements and resist negative effects.

In 2011-2012 the Bangladesh government allocated 28,005,524USD for the implementation of the cultural policy.⁵⁴ Furthermore, the government allocated 513,378 USD for the implementation of the Small Ethnic Groups Cultural Organisation Act (2010).⁵⁵

33. **Cambodia** (accession 19/09/2007) is currently developing its first National Cultural Policy (reportedly to be finished by the end of 2013), the policy aims at encouraging artistes and producers to create new products, intellectual property right provisions and minority cultures.
34. **China** ratified the Convention on 30 January 2007 after the National People's Congress approved the ratification on 29 December 2006. China has contributed 120,000USD to IFCD. China does not have a written cultural policy. The policy priorities include national unity, arts development, creative industries, culture and economy, cultural values and arts education.

China has formulated several cultural policy instruments including the *Outline of Cultural Development Plan During the Period of the Eleventh Five-year Plan* (2006), the *Revitalization Program for the Cultural Industry* (2009) and *Developing Cultural Undertakings in Minority Areas* (2009).

35. **India** (ratification 15/12/2006) has no single cultural policy. The WorldCP Profile on India states: *'Independent India has had by no means a coherent or unitary cultural policy. Instead, the policy has covered a range of complex, and often mutually contradictory, definitions. Additionally, given the need to be always alert to the political consequences of cultural policy, India has also had to create a viable and functioning administrative mechanism through practical institutional segregation of responsibilities. These do not necessarily add up to a coherent 'arm's length' policy, or even necessarily to a 'federal' policy, but can sometimes resemble aspects of both.'*⁵⁶ Cultural policy priorities on India include arts support, arts development, cultural heritage, arts education, cultural infrastructures, international cooperation and exchange.
36. **Indonesia**: Indonesia became a Party to the Convention through accession on 12 January 2012. Cultural policy priorities of the Ministry of National Education and Culture include cultural and national identity, wellbeing, international cooperation, cultural development, tourism, cultural values, and cultural heritage. One of the main missions of the Ministry of Tourism and Creative Economy is to develop the country's creative industries.

⁵⁴ Source: periodic report of Bangladesh (2013)

⁵⁵ Source: periodic report of Bangladesh (2013). The report mentions that more than 56% of the fund is used in Cultural Diversity Program.

⁵⁶ <http://www.worldcp.org/india.php?aid=21>

37. **Lao People's Democratic Republic** (accession, 15/11/2007): The cultural policy priorities are cultural heritage, tourism, arts development, cultural traditions. Ministry of Information, Culture and Tourism organised a national consultation on cultural industries in the country and Validation Workshop' in March 2013.
38. **Mongolia** (accession 15/10/2007): The Comprehensive Policy on the National Development of Mongolia based on the Millennium Development Goals (2007-2021) includes reference to the protection and conservation of Mongolian culture, creation of conditions for arts development and accessibility and quality of arts and culture. National Security Guidelines includes references to national culture, language, heritage, international cooperation,
- The periodic report of Mongolia identifies the implementation of a '*government policy for the creative sector of culture and arts*' as its most urgent need (a Policy, a Law and a Master Plan on Culture currently exist in draft form). The Draft State Policy on Culture, Draft Law on Culture, Draft Law on Safeguarding of Cultural Heritage, Draft Master Plan on Development of Mongolia's Culture and the Arts (2012-2022) and Draft Programme on Rural Development were presented to the Parliament.
39. **New Zealand** approved the accession to the 2005 Convention on 9 July 2007 with reservations regarding Tokelau and interpretation of Article 16 of the Convention in relation with domestic legislation. The instrument was deposited with UNESCO on 5 October 2007.
- New Zealand does not have a single piece of overarching cultural legislation and no written cultural policy. National support for the arts is based on the arm's length model, with some direct funding of national organisations. The first ministerial portfolio for culture was created in 1975. The Ministry for Culture and Heritage works closely with the Ministry of Māori Development (Te Puni Kōkiri). Several other ministries have cultural responsibilities. In response to the Christchurch earthquake in 2010 and 2011, New Zealand set up an Arts, Culture and Heritage Collections Recovery Plan, Heritage Buildings and Cultural Heritage Recovery Programme and Canterbury Earthquake Buildings Fund.
40. **Republic of Korea**: On 1 April 2010, the Republic of Korea deposited with the Director-General its instrument of ratification of the Convention. The current cultural policy of South Korea covers the digital content industry and has placed the Office of Cultural Content at the forefront among other offices. The cultural policy priorities include the inherent values of arts and culture, resettlement of the support system, assuring cultural rights to the socially excluded population, institutionalisation of welfare policy for artists, environmentally sustainable cultural policy and traditional culture.
41. **Tajikistan** (ratification 24/10/2007): Cultural policy priorities include cultural heritage, tourism, capacity-building in and marketing of crafts.
42. **Viet Nam** ratified the Convention on 7 August 2007. Viet Nam does not have a written cultural policy. There are five basic guidelines and ten solutions.⁵⁷ Cultural

⁵⁷ See WorldCP profile of Viet Nam. <http://www.worldcp.org/vietnam.php?aid=21>. The ten solutions include reference to cultural diversity and cooperation. (Solution 8. *Conserving, promoting, and developing the cultures of ethnic minority groups*. Solution 9. *Expanding cultural exchanges, absorbing the quintessence of the mankind's*

policy priorities are linked to national heritage, cultural diversity, minority groups, arts development, media, cultural and moral values, international cooperation, cultural institutions, arts education, books and reading. The national strategies for culture are included in the National Strategy for the Development of Culture (until 2020); Cultural Diplomacy Strategy 2020 (Ministry of Foreign Affairs); The State Regulations on the activities and management of culture and information (2003). The Ministry of Culture, Sports and Tourism is currently preparing the Strategy for Cultural Industries Development in Viet Nam. Viet Nam has prepared specific policies of preferential tax policies, preservation and promotion of traditional performing arts values and promotion of literature and artistic products in foreign countries.

43. Viet Nam has deployed National Cultural target programmes since 1997. These programmes are undertaken in three phases over a period of five years are related to preserving and promoting cultural heritage values, developing grassroots culture and sports, developing traditional arts

PART 2 – POLICIES AND MEASURES ON DIVERSITY OF CULTURAL EXPRESSIONS

44. This section includes examples from Parties to the Convention on policies and measures on diversity of cultural expressions in Asia based on the six periodic reports and other relevant information from the focus countries. Further examples from other countries in the region are included.
45. The six quadrennial reports were prepared by the following ministries: Ministry of Cultural Affairs (Bangladesh), Ministry of Culture and Fine Arts (Cambodia), Division of Multilateral Affairs, Ministry of Culture (China), Ministry of Education, Culture and Science (Mongolia), Ministry for Culture and Heritage (New Zealand), Ministry of Culture, Sports and Tourism, Deputy Minister (Viet Nam).
46. The length of the six reports is consistent with the guidelines: Bangladesh (27 pages), Cambodia (24 pages), China (26 pages with 17 pages of annex) with reports of Hong Kong SAR (16 pages) and Macao SAR (17 pages), Mongolia (22 pages), New Zealand (47 pages) and Viet Nam (25 pages).
47. Four of the reporting countries described the drafting process including:
- Interdepartmental cooperation (Bangladesh, Cambodia, China)
 - Consultation and data collection from governmental bodies (ministries, departments, etc.) (Bangladesh, Cambodia, China, Mongolia)
 - Consultation with civil society organisations (Bangladesh, Mongolia)
 - Consultation of NGOs (Bangladesh)
48. The six periodic reports show a wide understanding of the term ‘diversity of cultural expressions’. The tendencies of the six reports are very similar to the overall (international) reporting with strong emphasis on artistic creation, creative industries, cultural expressions of minorities and cultural heritage.

Periodic report section 2.1: Cultural policies and measures aimed at supporting the creation, production, distribution, dissemination and enjoyment of domestic cultural goods and services

49. This section follows the structure of the five steps of the cultural cycle as recognised by the Secretariat: creation, production, dissemination, exhibition, participation/consumption
50. According to the UNESCO Analytical Report 2, support for **artistic creation** was the prevailing trend of the quadrennial reports for 2012-13. Of the six reports of Region IV, support for artistic creation is mentioned in the reports from Bangladesh, China, Mongolia and New Zealand. Support for creation includes mainly **legislative and financial support measures**.

51. As regards other Parties in the region, the Australian National Cultural Policy *Creative Australia* notably acknowledges the ‘*rights of creators and supports the role of Australian artists, and their creative collaborators, as the source of creativity and new innovative ideas through continued support, promotion and encouragement of works of artistic excellence, and establishment of career pathways.*’
52. **Legislation on arts and culture** is one of the most frequently mentioned measures, being mentioned in four of the IV Region reports (Bangladesh, China, Mongolia, Viet Nam). The report from Viet Nam mentions that legislation has been updated since the ratification of the Convention. The report from New Zealand mentions that there is no single piece of legislation related to cultural policies. The report from Mongolia states that there are 12 legal documents concerning the promotion of cultural diversity. Constitutional provisions are mentioned by Bangladesh and Viet Nam. (See Part 1 of this report).
53. As can be seen in Part 1 most of the cultural legislation is related to protection and preservation of cultural heritage and traditional expressions and there is still a considerable lack of protection on the status of the artist and sector specific legislation. Some examples of cultural legislation include the Small Ethnic Groups Cultural Organizations Act (2010) and Bangladesh Folk Art and Crafts Foundation Act (1998) from Bangladesh⁵⁸ and the Cinema Law from Viet Nam⁵⁹.
54. The countries that reported **financial support** for artists were China and New Zealand.
- China recently extended to independent performing arts groups its various forms of support including financial support, access to government procurement, provision of performance venues and equipment, simplified approval processes, talent cultivation and commendation and awards.
55. According to the World Observatory on the Social Status of the Artist in 2004⁶⁰, Australia and the Republic of Korea have applied actions for the protection of artists. In Australia approximately 75% of artists have superannuation and disabled artists have access to benefits and in the Republic of Korea 98% of the artists have national health insurance. New Zealand also offers access to social security for artists. The Public Lending Right for New Zealand Authors Act 2008 provides compensation for NZ writers whose books are available for borrowing free of charge in NZ libraries.

⁵⁸ The 2010 Act aims ‘to recognize small ethnic groups with respect and separate identity as they are. And to protect, preserve and promote the cultural expressions of small ethnic groups of Bangladesh at local, national and international level. The 1998 act aims at

⁵⁹ Amendments and supplements to the 2006 Cinema Law established the modernisation of the cinema industry and regulation of percentage of domestic production. According to the law 30% of the films shown in the cinemas and 40% of films on TV need to be Vietnamese. Viet Nam also applies tax relief and land use right exemptions for cinema establishments, as well as ‘favourable treatments to encourage individuals, organizations to participate in cinema activities’ through investment and policies. Part of the related policy aims to favour high-quality film and film research and sponsor national and international film festivals. Viet Nam is currently developing a Film Fund

⁶⁰ http://portal.unesco.org/culture/en/ev.php-URL_ID=22643&URL_DO=DO_TOPIC&URL_SECTION=201.html

Another example from Australia is the Resale Royalty Scheme, established under the Resale Royalty Right for Visual Artists Act 2009. Under the scheme, artists are eligible to receive five per cent of the sale price when their original works are resold through the art market for \$1000 or more.⁶¹ Australia is the only country from the region to report in 2011 to the monitoring board of the UNESCO Recommendation Concerning the Status of the Artist (1980)⁶².

56. The Artist Welfare Act of the Republic of Korea (2012) aims to protect artists' job security and rights. The Act is estimated to reach 180,000 artists. The Government has also set the Artist Welfare Foundation to benefit non-performing artists.⁶³ There have been attempts in India to introduce social security measures such as Pension Grant that offer financial assistance to poor artists. India does offer salary grants for quality artists and ensembles, and Delhi State has offers lifelong financial assistance for old artists. Viet Nam is trying to set up a national fund for artists.
57. Other examples from the region include Pakistan where the Ministry of Culture has an 'Artist Relief Fund' applicable to indigent artists and their families. Disabled artists also receive some benefits in the Philippines.
58. Private funding was not explicitly mentioned in the six reports. Most of the countries in the region do not have specific legislation or policies related to encouraging private funding or corporative sponsorship of culture and the arts and private funding structures are still under development. In many countries, such as India or Cambodia private funding comes mainly from international donors. The India Philanthropy Report from 2011, while not addressing specifically cultural funding, shows that private and corporate sponsorship of the arts is increasing.⁶⁴ As for existing structures in other countries in the region, Creative Partnerships Australia is supported by the Australian Government through the Cultural Development Program of the Ministry for the Arts, Attorney-General's Department. The programme facilitates relationships between business, philanthropy and arts and culture sectors.⁶⁵ In 2009 the New Zealand Minister for Arts, Culture and Heritage established a Philanthropy Taskforce. It reported back to him in late 2010 with recommendations on how to boost the level of cultural philanthropy in NZ. An outcome is that Creative New Zealand runs a 'Creative Giving' scheme to enhance the sector's ability to seek private funding.⁶⁶ Indonesia introduced in 2010 tax regulations related to endowments for arts and culture. In the Republic of Korea within the tax regime, there is a special category for cultural philanthropy such as donations to the 'Culture and Arts Promotion Fund'; and 'National Trust Fund'. For donations to cultural organisations, corporations can deduct 5% and individuals 20%. The tax regime also has a general business expense for corporations that spend

⁶¹ <http://www.resaleroyalty.org.au/>

⁶² <http://portal.unesco.org/en/ev.php->

[URL_ID=13138&URL_DO=DO_TOPIC&URL_SECTION=201.html#MONITORING](http://portal.unesco.org/en/ev.php-URL_ID=13138&URL_DO=DO_TOPIC&URL_SECTION=201.html#MONITORING)

⁶³ <http://www.koreaherald.com/view.php?ud=20111102000634&mod=skb>

⁶⁴ http://www.bain.com/Images/Bain_Philanthropy_Report_2011.pdf

⁶⁵ <http://www.creativepartnershipsaustralia.org.au/>

⁶⁶ <http://www.creativenz.govt.nz/en/arts-development-and-resources/creative-giving>

money on cultural services. In Viet Nam there are four tax-exempt ‘*incomes for received financial supports used for education, scientific, research, cultural, artistic and other social activities in Vietnam.*’

59. All six countries reported **support measures for specific target groups**:

- Cultural expressions of ethnic minorities (Bangladesh, Cambodia, China, Viet Nam, Mongolia, New Zealand).
- Traditional cultural expressions (Bangladesh, Viet Nam, Mongolia, New Zealand)
- Indigenous artists (New Zealand)
- Female artists (Bangladesh)
- Children (Bangladesh, New Zealand)
- People with disabilities (China – support for blind people⁶⁷)

60. Support for traditional cultural expressions of national minorities and other underprivileged groups appears to be one of the most common actions taken by the focus countries together with policies supporting creative industries. The cultural policy responses to multiculturalism and ethnic minorities face different challenges in multiethnic societies like India and Indonesia and in the relatively homogenous states such as the Republic of Korea.⁶⁸ Examples of support measures for specific target groups include:

- Australia: The Cultural Policy of Australia, *Creative Australia* puts a strong focus on supporting Aboriginal and Torres Strait Islander art.⁶⁹ The policies and measures undertaken include the *Indigenous Culture, Languages and Visual Arts program, Indigenous Contemporary Music Action Plan*⁷⁰ In 2011, the Australian Government released the Indigenous Repatriation Policy and Program which was further supported with the establishment, in 2012, of an all-Indigenous Advisory Committee for Indigenous Repatriation. The Australia Council for the Arts has an Aboriginal and Torres Strait Islander Arts Board. The Aboriginal and Torres Strait Islander Music Office, co-funded by the Australasian Performing Right Association and Australia Council⁷¹. The Indigenous Art Code in Australia is ‘*an industry-led voluntary code of conduct that aims to ensure fair and ethical trade between art dealers and Indigenous*

⁶⁷ The UNESCO Analytical report states: ‘*China has attached great importance to the cultural needs of the blind, and has taken steps to secure the education and access of blind people to participate in cultural life. For example, China has established a National Braille Press to provide rich and diverse materials for blind readers, and has set up an extensive Braille library in the China Culture and Information Service Centre for the Visually Handicapped*’

⁶⁸ See for example WorldCP profiles of India and South Korea

⁶⁹ For more information <http://creativeaustralia.arts.gov.au/topic/indigenous/>

⁷⁰ Australian and New Zealand Cultural Ministers have adopted the Plan to encourage governments to help the Indigenous contemporary music sector achieve its full potential.

http://cmc.arts.gov.au/working_groups/contemporary_music_development/indigenous_contemporary_music_initiatives

⁷¹ <http://www.apra-amcos.com.au/musiccreators/atsimusicoffice.aspx>

*visual artists*⁷². Programs such as the Indigenous Repatriation Program and ArtStart build skills and provide real and relevant career pathways.

- Bangladesh: Folk Art Festival at Sonargaon, documentation of traditional design motifs of Dhakai Jamdani and action plan for the safeguarding of Baul Song (2006)
- Cambodia: The National Policy of Development of Indigenous Minorities sets out governmental policies and actions related to Indigenous peoples including culture.
- Lao PDR: The Ethnic Minority Policy has three cultural tasks including the promotion of traditional arts, literature and cultural heritage of minorities to foster the 'rich cultural diversity of the nation.' The other two are related to the use of minority language scripts and eradication of harmful traditional cultural customs.
- New Zealand: Creative New Zealand promotes Indigenous arts through preservation, development and transmission of Maori arts; funding innovative high-quality Maori artists; and fostering diversity in the arts and promotion of Maori artists at international level. In addition, the Office of Ethnic Affairs (OEA) established in 2001 in New Zealand. OEA *promotes the diversity of cultural expressions by occasionally providing in-kind and, when appropriate, financial support to ethnic community groups to assist them to promote their cultural heritage.*'
- Tajikistan: The 2012 draft law on labour migration recognises the language and cultural adaptation needs of migrant workers.
- Viet Nam: (2011) project Preserving and Developing the Cultures of the Ethnic Minorities of Viet Nam. The project aims at preserving and promoting traditional cultural identities and mobilising the society to develop traditional cultures and cultural expressions. The objective is also to seek ways to increase investment by the state. Viet Nam has also designated a Cultural Day for Vietnamese Nationals on April 19th. In addition, the Committee for Ethnic Minorities Affairs (CEMAI). Programme 135 provides assistance to communities with high proportion of ethnic minorities.

61. Cambodia and Viet Nam reported measures of support for reinforcement of **Intellectual Property Rights** through training, follow-up and monitoring.

62. References to **Support for cultural production** are mostly related to support provided for the development of creative and cultural industries. For example Bangladesh does not mention creative and cultural industries with the exception of support to Bangladesh Small & Cottage Industries Corporation (in the manufacturing sector). Support for cultural production was particularly strong in the report from China including several regulations:

- The following laws and regulations have been formulated in China since 2008: Administrative Measures for the Production of Audio and Visual

⁷² <http://www.indigenouartcode.org/>

Products, Regulations for the Publishing of Electronic Publications, Regulations for Publishing Books, Administrative Measures on Copying, Regulations for the Publishing Market and Administrative Measures on the Import of Audio and Visual Products.

- Since 2008 China has signed *Strategic Cooperation Agreements for Supporting the Development of Cultural Industry* with banks.
- Macao Special Administrative Region (People's Republic of China) has set up a Cultural and Creative Industries Promotion Department under the supervision of the Cultural Affairs Bureau and Cultural Industry Committee. An innovative 'cultural industry zone' will also be set up in Henqin Island with the support of the Chinese Central Government.

63. As regards cultural policies there is a strong emphasis on the development and support for **creative and cultural industries (CCI)** in the region. Many of the focus countries mention CCI as priority actions (with probably the exception of Afghanistan). The following actions are not exhaustive and represent only some of the measures:

- Australia: Australia invests strongly in creative and cultural industries.⁷³ The Government has undertaken many activities including the release in 2011 of *Creative Industries, a Strategy for 21st Century Australia* on the contribution of creative industries in the digital age.⁷⁴ In addition, in 2009 the Creative Industries Innovation Centre at the University of Technology was launched. The centre provides *emerging creative businesses across the country with access to world-class business advisory and development network*⁷⁵.
- Bangladesh: The Bangladesh Small & Cottage Industries Corporation (BSCIC) was established in 1957 to help manufacturers compete in liberalized market environment. The Corporation offers ICT and managerial assistance *to enterprises and communities for the improvement of productivity, quality and environment*. The goal of the corporation is international market and competence. Bangladesh has a strong interest in creative industries and is working with UNESCO.⁷⁶
- Cambodia: The UNESCO Creative Industries Programme⁷⁷ aims at preserving and promoting Cambodia's cultural heritage. The programme is focused on the traditional expressions of Indigenous peoples and supports especially poor artists in remote and rural areas. In addition, in 2011 two international experts undertook a technical mission in order to carry out capacity-building in the field of cultural industries. The mission resulted in a

⁷³ For more information <http://creativeaustralia.arts.gov.au/topic/creative-industries/>

⁷⁴ <http://arts.gov.au/sites/default/files/creative-industries/sdip/strategic-digital-industry-plan.pdf>

⁷⁵ <http://www.creativeinnovation.net.au/> See more <http://creativeaustralia.arts.gov.au/topic/indigenous/>

⁷⁶ http://www.unesco.org/new/en/dhaka/about-this-office/single-view/news/culture_for_sustainability_the_daily_star_bangladesh-1/#.UwGjLygVgw

⁷⁷ <http://www.unesco.org/new/en/phnompenh/culture/diversity-of-cultural-expressions-and-creative-industries/creative-industries-support-programme/>

draft cultural policy document with a special focus on cultural and creative industries.⁷⁸

- China: The National Bureau of Statistics of China has a tentative index system for the national cultural industry. In 2010, the added value of the national cultural industry was 1.1million RMB (2.75% of GDP)⁷⁹ China has strong policies on creative and cultural industries including market access. The Revitalization Program for the Cultural Industry '*undertakes strengthened policy support to government investment, taxation and finance.*' China is leading creative industries development and support in Asia.⁸⁰
- India: The 11th Five Year Plan has a Cultural Industries Strategy and a task force on cultural industries has been set. The WorldCP profile of India has extensive information on the development of related policies in India.⁸¹
- Indonesia: One of the main missions of the Ministry of Tourism and Creative Economy of Indonesia is to develop the country's creative industries. The Government has set up an Indonesia Kreatif Portal⁸² which aims at '*gathering the creative players, businesses, and policymakers in Indonesia to create a single creative industry information window that accelerates the development of creative industry in Indonesia.*' The portal also functions as a creative industry database with statistics, research and directories. UNESCO has a audio-visual micro-industry project in Sibarut.⁸³
- Mongolia: The Defining Cultural and Creative Industries in Mongolia is a project undertaken by the UNESCO Beijing Office to assist the Mongolian National Commission in the development of data collection and analysis of Mongolian cultural and creative industries⁸⁴
- Republic of Korea: the Cultural Content Agency of the Ministry of Culture of Korea was established in 2009 to support the creative industries in Korea.⁸⁵ The agency is affiliated with the Ministry of Culture, Sports and Tourism. The Agency works closely with the Export-Import Bank of Korea. The Content Korea Vision 21 set the future vision for the development of creative industries in the country.
- Lao People's Democratic Republic: National Consultation on Cultural Industries in Laos and Validation Workshop' organised by the Ministry in

⁷⁸ <http://www.unesco.org/new/en/culture/themes/cultural-diversity/diversity-of-cultural-expressions/programmes/technical-assistance/missions/cambodia/>

⁷⁹ Source: China Quadrennial Periodic report

⁸⁰ See 'Mapping the Cultural and Creative Sectors in the EU and China

http://ec.europa.eu/culture/news/pdf/creative_industries_working_paper.pdf

⁸¹ <http://www.worldcp.org/india.php?aid=423>

⁸² <http://indonesiakreatif.net/>

⁸³ <http://www.unesco.org/new/en/culture/themes/cultural-diversity/diversity-of-cultural-expressions/funded-projects/2012/indonesia/>

⁸⁴ <http://www.cadcltd.com/portfolio/defining-the-cultural-and-creative-industries-in-mongolia/>

⁸⁵ <http://eng.kocca.kr/en/contents.do?menuNo=201433>

March 2013. 2010 Baseline study on Laos cultural industries⁸⁶ shows the strengths and weaknesses of CCI in the country.

- New Zealand: The periodic report states that the value-added contribution of cultural industries to national economy has grown by 3.8% over four years. Less than 10% of revenue comes from government sources.
- Tajikistan: UNESCO assists Tajikistan in the development of its cultural and creative industries-Tajikistan has received 85,000USD from the International Fund for Cultural Diversity (IFCD) to support Tajikistan's music industry at the Bactria Cultural Centre.⁸⁷
- Viet Nam has a National Strategy for the Creative Industries developed through technical assistance from UNESCO. In 2012 Viet Nam received a UNESCO Technical Assistance Mission (investing in cultural industries to bolster the economy) that provided the bases for the National Strategy.⁸⁸ In addition, the sector has received limited funding from the private sector.⁸⁹

Examples from other countries in the region

- In **Brunei Darussalam** a Key Cultural Resources' survey was carried out in 2012 to map out the creative industries sector in the country. The government has been planning to launch a national policy on creative industries and organised a National Policy Forum on Creative Industries in 2012.
- In 2010 the Ministry of Economy, Trade and Industry of **Japan** launched a new Creative Industries Promotion Office to promote cultural and creative industries as a strategic sector 'under the single, long term concept of "Cool Japan," to coordinate different government functions, and to cooperate with the private sector'.⁹⁰
- In 2012, the Government of **Malaysia** launched MyCreative Ventures Sdn Bhd. According to the programme: *'MyCreative is a government investment arm to spur Malaysia's creative industry via strategic and innovative funding in a form of equity or debt investments.'*⁹¹ Prior to MyCreative there was a Malaysia Creative Industry Loan Initiative.
- **Singapore** has Creative Industries Development Strategy: White paper on cultural industries (2013). Singapore has also developed sectorial strategies for three core sectors: Renaissance City Plan for the arts and heritage sector (currently in its third phase, Renaissance City Plan III), Design Singapore for the design sector and Media21 for the media sector. Singapore also offers Creative Industries Scholarships for talent development.

⁸⁶

http://www.unescobkk.org/fileadmin/user_upload/culture/Cultural_Industries/Lao_March_2013/Executive_summary.pdf

⁸⁷ UNESCO Country Programming Document; Republic of Tajikistan 2012 – 2013,

<http://unesdoc.unesco.org/images/0021/002174/217437e.pdf>

⁸⁸ <http://www.unesco.org/new/en/culture/themes/cultural-diversity/diversity-of-cultural-expressions/programmes/technical-assistance/missions/viet-nam/>

⁸⁹ The WorldCP profile of Viet Nam lists several of the main challenges for the CCI development in the country.

<http://www.worldcp.org/vietnam.php?aid=423>

⁹⁰ <https://www.nhk.or.jp/cooljapan/en/>

⁹¹ <http://www.mycreative.com.my/>

- The Strategic Development Plan 2012-2030 of **Timor-Leste** supports the establishment of the Academy for Cultural Creative Arts and Industries. The academy will promote the creative arts, train teachers and focus attention on creative industries.
 - **Thailand:** The Thai Government has allocated around US\$500 million to a “Creative Thailand” strategy, and it has a stated policy objective for the country to become the creative hub of South East Asia. According to a study commissioned by Thailand’s Fiscal Policy Institute (December 2009), in 2008 Thailand’s creative industries contributed US\$32 billion or 9.5% of GDP, with the value-added component of that accounting for 2.9% of GDP. In 2008, 875,500 workers (2.4% of Thailand’s workers) were employed in the creative industries.
64. The report of China, Mongolia, New Zealand and Viet Nam show different actions related to **dissemination or distribution of cultural goods** including
- China: promotion of market access, both national and international, through funding and subsidies; support for promotional events; tax relief to promote import of foreign cultural programmes, goods and services; participation in international events
 - Mongolia: local or national schemes to build distributional and/or marketing capacities in different fields of artistic or cultural production
 - New Zealand: participation in international events
 - Viet Nam: tax reliefs to promote import of foreign cultural programmes, goods and services; participation in international events
65. As for other issues related to dissemination and distribution, it is difficult to find information on national actions of dissemination or distribution as the information might be hidden in other fields of action than culture (trade, foreign relations etc.) with the exception of media plurality. Most of the focus countries have media laws. Afghanistan has a media law that includes protection of journalists. Information about media plurality of Australia, India, Mongolia and South Korea can be found in their WorldCP profiles.⁹² In Indonesia pluralism refers above all to religious diversity.
66. All six countries reported specific measures related to **access to and participation in cultural life**
- Access to cultural services (free access to museums etc.) (China)
 - Access of ethnic minorities to cultural goods and services (Bangladesh, Cambodia, China, Mongolia, New Zealand, Viet Nam)
 - Access to cultural goods and services in rural areas (China, Viet Nam)
67. As regards enjoyment and participation in cultural life, the focus countries carry out several related actions including:
- Australia: Harmony Day and a Taste of Harmony (government-funded) to celebrate the cultural diversity of the nation. Harmony day is 21 March.

⁹² www.worldcp.org

Australia also has National Arts and Disability Strategy⁹³ that is currently under revision. Arts Access Australia is the national body for art and disability organisations.

- Cambodia had been broadcasting in minority languages since 2004. Also, China and Lao PDR have broadcasting programmes in minority languages.
- In the fourth National Report on the Implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR), as regards the implementation of Article 15.(a) 'the right to take part in cultural life', Mongolia reports that many cultural institutions have been opened in order to facilitate access to culture to everyone. Mongolia has also implemented specific programmes such as 'supporting traditional performing arts', 'Mongolian throat singing' in order to protect and preserve Mongolian nomadic cultural expressions.⁹⁴
- New Zealand: Te Puni Kōkiri (Ministry of Māori Development) guides public policy on Māori wellbeing and development. It is responsible for the implementation of the Māori language strategy launched in 2003 including the function of government in supporting Māori language revitalization. The government funds broadcasting in Māori language and Māori cultural practices and infrastructures. Arts Access Aotearoa is the national advocacy body for people in New Zealand who experience barriers to participation in the arts, as both creators and audience members.
- Republic of Korea: Culture Card (cultural voucher card) in order to guarantee cultural consumption to the most disadvantaged groups in the society. Subsidizing individually programmed cultural voucher project adding mobility to the underserved population. It could '*be supporting moving costs and personal assistance to handicapped audience, the elderly audience, and residence in geographically remote areas.*'⁹⁵

Participation in culture in rural and remote areas

- Australia has Regional Arts Fund that '*provides financial support for regional arts centres, museums, artists and arts organisations and seek to encourage a degree of community engagement with arts and culture in regional and remote communities*'. Regional Arts Australia makes the funding decisions. Three key touring programs are in place to provide cultural experiences for rural and remote areas: Playing Australia, Visions of Australia and Festivals Australia.
- New Zealand: Creative Communities Scheme (funded by Creative New Zealand) provides each of New Zealand's 74 local authorities with a base grant of \$5,000 and per capita funding at \$0.60 per year to support arts and cultural activities at the community level. In 2009/10 funding totalled \$2,614,000. The New Zealand Symphony Orchestra and the Royal New Zealand Ballet tour nationally.

⁹³ <http://ypaa.net/wp-content/uploads/2012/01/national-arts-and-disability-strategy.pdf>

⁹⁴ http://www2.ohchr.org/english/bodies/cescr/docs/AdvanceVersions/E-C12-MNG-4_en.pdf

⁹⁵ WorldCp Profile on Korea

68. Some countries implement **educational programmes** addressed to minority groups.
- The educational policy (2010) of Bangladesh ensures equal opportunities for all children between six and eighteen years of age. The policy covers bilingual textbooks for ethnic children and religious freedom.
69. Specific **language policies** are mentioned in the reports from Bangladesh, China, New Zealand and Viet Nam:
- Bangladesh: International Mother Language Institute Act 2010
 - China: Special database for minority language of 61,778 centres
 - New Zealand has a Māori language strategy (reviewed in 2010-11). The government is considering preparing a new strategy based on the recommendations of the review. The ministry has developed the Pacific Languages Framework to promote and maintain Pacific languages in New Zealand. The Ministry also support Community Languages Association.
 - Viet Nam has formulated guidelines on ethnic minorities and language policy that includes education in mother tongues for ethnic schoolchildren
70. In addition, language policies are implemented also for example in Australia (the Ministry for the Arts supports the Indigenous Languages Support program⁹⁶), Cambodia (broadcasting in minority languages) and Viet Nam (annual national and ethnic festivals, bilingual schoolbooks).

Periodic report section 2.2: International cooperation

71. International cooperation takes different forms ranging from cultural diplomacy to participation in international events. The reporting countries mention their participation in international organisations such as UNESCO.
72. China, Mongolia, New Zealand and Viet Nam reported on **cultural diplomacy as part of foreign policy**:
- China has bilateral agreements with 145 countries and 800 yearly implementation agreements on cultural exchange. The new priorities of international cooperation are cultural industries, trade of cultural goods and services, new methods for people to people and concept of harmony in diversity.
 - Mongolia has developed measures aiming to promote its foreign and cultural policy objectives in an integrated way. Mongolia has drafted several documents to promote foreign and cultural policy. The Mongolian report states that a legal framework is needed to encourage cooperation and joint projects, attract investments. Arts Council of Mongolia carries out many international cooperation projects.

⁹⁶ <http://arts.gov.au/indigenous/ils>

- New Zealand has a Cultural Diplomacy International Programme, whose priority focus is on Asia, especially China, Japan and Korea. New Zealand also has 13 bilateral film co-production agreements.
- The main priorities of cultural cooperation of Viet Nam are bilateral agreements (42 since becoming signatory to the Convention), ASEAN cooperation and international organisations. Viet Nam has cultural centres in Laos and France⁹⁷. Cultural diplomacy was included in the documents of the 11th National Party Congress in 2011. Viet Nam had a Cultural Diplomacy Strategy until 2012 and is currently drafting a national strategy for cultural international relations. Viet Nam has several direct professional cooperation projects especially in South East Asia, Japan and France.

73. Most of the international cooperation taking place in the focus countries is based on bilateral cooperation agreements and exchange programmes with priority countries.

- Australia: The priority region is Asia. The Australia Council has a programme on partnerships between artists in Australia and in Asia.⁹⁸ For example, China 2010 partnership between Australia Council and Australian Government Department of Foreign Affairs and Trade (DFAT) supported facilitation of touring in regions of China and publicity for Australian artists there.
- Bangladesh has six cultural exchange programmes⁹⁹ and 17 cultural teams have carried out international visits
- India has many cultural exchange programmes, cultural missions, scholarships and cultural centres.¹⁰⁰
- Indonesia: the Arts and Culture Scholarship (IACS) was established in 2003 and has been awarded to more than 400 people in 47 countries. The awardees are located in cultural centres around the country for three months.
- Lao PDR: The priority is ASEAN countries (through the ASEAN-COCI activities). Lao PDR has several Memorandums of Understanding with other countries.
- Mongolia: In the fourth National Report on the Implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR) in 2011, Mongolia reports that since 1990 Mongolia has undertaken many international cooperation projects and has collaborated with many countries (including tours of Mongolian bands in more than twenty countries).¹⁰¹
- New Zealand: Creative New Zealand has three targeted areas for strategic initiatives: Australia and the Pacific; Asia (especially Singapore, Korea and Hong Kong), and the west coast of North America. The selection was made according to what is most cost effective, will have the most impact, distance and reception and interest in New Zealand arts. The criteria for the Ministry for Culture and Heritage's Cultural Diplomacy International Programme (CDIP) relate to diplomatic, tourism, trade and cultural objectives. Artistic

⁹⁷ Viet Nam is preparing to establish cultural centres in USA, Japan, Cambodia and the Russian Federation.

⁹⁸ <http://www.australiacouncil.gov.au/grants/2014/creative-partnerships-with-asia-initiative>

⁹⁹ Islamic Republic of Pakistan, Republic of Korea, Democratic Republic of Korea, Republic of Indonesia, Socialist Republic of Vietnam and Islamic Republic of Iran.

¹⁰⁰ See for example <http://www.worldcp.org/india.php?aid=34> 1

¹⁰¹ http://www2.ohchr.org/english/bodies/cescr/docs/AdvanceVersions/E-C12-MNG-4_en.pdf

excellence is not enough to fulfill CDIP criteria – projects must also offer leverage opportunities to further broader NZ interests, including business, tourism and foreign affairs.

- Republic of Korea: the Korea Foundation¹⁰² was established by the government in 1991 in order to enhance the image of Korea in the world; it aims to be an “institution for public diplomacy” with offices in China, Germany, Japan, Russia, the USA and Viet Nam and an international cultural exchange centre in Seoul. Korea has a Long Term Development Plan in the International Cultural Exchange (2002). Also, the Korea Arts Management Service (KAMS) funded by the Ministry of Culture, Sports and Tourism and runs an extensive international market development programme that enables performing arts companies in Korea to broaden their horizons and presence by evaluating their management strategy and expanding their market capability through innovative distribution networks in domestic and overseas markets.
- Tajikistan: According to the UNESCO Country Programming Document; Republic of Tajikistan 2012 – 2013 *‘Links and cooperation relationships in the field of culture with Central Asian neighboring countries are progressing, notably in the field of heritage. Tajikistan has also collaborated with Iran in the field of museums and restoration of historical monuments.’* The report foresees an important role for culture in regional cooperation. In addition, a roundtable held with UNESCO support in September 2013 resulted in recommendations to create a commission under the foreign affair ministry to consider issues related to culture.

74. Four of the reporting countries mentioned **organisation of international forums and events:**

- Bangladesh: *Cultural Diversity Ministerial Forum of the Asia Pacific Region* (May 2012) in Dhaka organized by the Ministry of Cultural Affairs together with UNESCO.¹⁰³
- China: International Cultural Industry Fair in Shenzhen
- Viet Nam: *Values and Diversity of Asian Folklore in Global Integration* (2005), *Preserving and Promoting the Diversity of Cultural Expressions: Sharing Asian and European Experiences* (2008), *Culture and Development Week* (2012 with UNESCO)

75. In addition, Creative New Zealand supports informal and planned networking/relationship development opportunities such as ConverAsians for artists/arts organisations and managers, plus attending meetings of associations such as IFACCA, AAPAF, meetings with other arts councils. Also, in the fourth National Report on the Implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR) in 2011, Mongolia reports that since 1999 the

¹⁰²

https://en.kf.or.kr/?sessionid=hPhjILpmhE4cZP0wdtFjNEup7avcMhwHEg24byXjpTabBgo2Si7JG3Wu1RAq94OF_kf_was_servlet_engine1?menuno=482

¹⁰³ The goal of the forum was to discuss the policy and development implications of the Convention in Asia

Government has rewarded those Mongolian artists that have been successful in international events.

76. Professional cooperation and mobility

- The Asia-Europe Foundation Report of Funding Opportunities for International Cultural Exchange (2013, hereinafter the ASEF Report)¹⁰⁴ identifies existing support structures in 19 countries in Asia. Eleven of the focus countries have been included in the report.
- The ASEF Report does not identify national public or private funding support for regular international cultural exchange in Bangladesh, Cambodia, Lao PDR, Mongolia or Viet Nam.
- According to the ASEF report in Hong Kong the Cultural Exchange Project of the Arts Development Fund of the Home Affairs Bureau grants support for international mobility. The Hong Kong Arts Development Council has several grant programmes including the CLORE scholarship (for United Kingdom)
- The Ministry of Culture of India has a pilot scheme of financial assistance¹⁰⁵ for the publishing sector. In Indonesia the ArtSociates Indonesia is a private yearly awarded for talented artists.
- The Republic of Korea: the Cultural Partnership Initiatives Korea is an initiative of the Ministry of Culture and Tourism of Korea to prepare the space for cultural interchange among Asia, Latin America and Africa. The Arts Council Korea (ARKO) and Korea Arts Management Service grant an international touring grant ARKO-PAM Grant for arts groups selected by Performing Arts Market Seoul (PAMS). Korea Arts Management Service gives several grants for touring artists. The most general grant of Arts Council Korea is the Grant for International Exchange of Arts and Culture aims to *'strengthen the creative power of the Korean artists and enhance their creative endeavours worldwide.'* ARKO has also an exchange programme with international organisations and grants for artists in residence programme.
- New Zealand: The International Presentation Fund of Creative New Zealand supports touring artists. The other grant programmes include the International Art Fund Pilot and residencies and fellowships. Creative New Zealand also grants professional development awards. The International Programme¹⁰⁶ builds links between New Zealand arts and international markets and audiences.

77. Preferential treatment

- Mongolia enjoys **tariff concessions for its cultural goods** provided by developed countries such as the United States of America, Canada, and many Member States of the European Union. The UNESCO Report 1 states

¹⁰⁴ <http://culture360.org/asef-news/mobility/>

¹⁰⁵ http://culture360.org/wp-content/blogs.dir/1/files/2012/09/MobilityFunding_ASEF_C360.pdf?ef6f3c

¹⁰⁶ <http://www.creativenz.govt.nz/en/arts-development-and-resources/international-programme>

that: ‘Mongolia, for instance, identifies the implementation of a “government policy for the creative sector of culture and arts” as its most urgent need (a Policy, a Law and a Master Plan on Culture currently exist in draft form). The report points out that although Mongolia exports certain types of cultural products in line with tariff concessions (e.g., EU’s import tariff concession scheme to developing countries for 2006-2015 allows developing countries such as Mongolia to export a wide range of cultural goods), it needs to conduct market demand studies and to diversify and increase its cultural exports. Additional needs are identified as follows: arts education and training of skilled professionals, as well as providing suitable conditions for creators to function sustainably and profitably within a market economy.’

- New Zealand has included a ‘creative arts exception’ in every fair trade agreements since 2001.

Periodic report section 2.3: The integration of culture in sustainable development strategies

78. Bangladesh, Mongolia and Viet Nam mention the role of culture (or lack of) in **national development agenda**. While culture seem to play a role in development strategies, in countries such as Bangladesh the principal goal of the government economic policy is poverty reduction that is coherent with the MDGs and it does not necessarily explicitly include culture. Similarly, for example, Mongolia reports that despite actions related to sustainable development in the country, these activities are not properly regulated and coordinated.
79. The role of culture in sustainable development plans is illustrated through the following examples:
- Afghanistan: The Media, Culture and Youth Strategy (2007-2013) forms part of the National Development Strategy 2007–2013. The National Strategy was developed after a series of consultations in the 34 provinces of Afghanistan and developed with keeping in mind the ‘*diversity of people in all parts of the country*’¹⁰⁷ and culture was one of the recurring themes of these consultations.
 - Cambodia: The final evaluation of the Millennium Development Goals Achievement Fund Cambodia Creative Industries Support Programme recognises the lack of strategies and goals in arts and culture sector. The National Strategic Development Plan (NSDP) 2009-2013¹⁰⁸ includes preservation and protection of Khmer cultural traditions and sites and cultural tourism.
 - China: In Hong Kong SAR, the creative industries contributed an added value to GDP of more than \$62 billion annually, accounting for 4 per cent of GDP

¹⁰⁷ Ibid, page 10

¹⁰⁸

http://www.gafspfund.org/sites/gafspfund.org/files/Documents/Cambodia_6_of_16_STRATEGY_National_Strategic_Development_Plan.NSDP_0.pdf

(Hong Kong Information Services Department, 2011). In 2009 the creative industries accounted for 188,250 jobs or 5.4% of employment in Hong Kong (Hong Kong Government, 2010).

- Indonesia: the Strategic Framework for Development 2012 - 2016¹⁰⁹ does not include references to culture.
- Lao PDR: The National Socio-Economic Development Plan (2006 – 2010) recognises the link between sustainable and cultural development.¹¹⁰
- Republic of Korea: Korea established in 2008 a 'low-carbon and green growth, national vision
- Tajikistan: The National Development Strategy of the Republic of Tajikistan for the period to 2015 (2006) includes 3 objectives of culture¹¹¹. The national plan includes the implementation of a framework to improve business development. In addition, there is a UNESCO-supported project to train 300 women in the craft of Tajikistan to strengthen creative businesses.
- Viet Nam introduced a resolution in 1998 to recognise the role of culture in socio-economic development and as a spiritual foundation of the society. Culture has been included in the country's five-year socio-economic development plans (mainly related to rural development, poverty reduction and gender). The periodic report of Viet Nam states: '*In Viet Nam culture is integrated into the national targets for rural development over the period 2010–2020, overseen by the Ministry of Culture, Sport and Tourism, together with the Ministry of Information and Communication. The latter provides assistance in overcoming economic, social and cultural isolation of rural communities, through information and communication systems.*' Also, in 2008, Viet Nam introduced a programme aimed at alleviating poverty in certain poor district with '*a view of progressive improvement over a series of years.*'

80. Educational measures are frequently mentioned in relation to sustainable development initiatives and poverty alleviation.

- Hong Kong and Macao, in China, organise free arts education and audience-building activities in schools and communities

¹⁰⁹

<http://www.aid.govt.nz/sites/default/files/INDONESIA%20Strategic%20Framework%20for%20Development%20%20495%20KB.pdf>

¹¹⁰

http://www.unescobkk.org/fileadmin/user_upload/culture/cultureMain/Instruments/The_Sixth_Five_Year_NSEDP.pdf

¹¹¹ 1. Creating the necessary infrastructure for the development and promotion of tourism, in particular ecotourism. This includes measures to improve the legislative framework, training of personnel and increasing the potential of human resources, raising the quality of services and competitiveness; 2. Preserving valuable cultural and historical assets. This includes efforts for the conservation of archaeological sites and historical monuments, and the adoption of a "State Museum Development Programme" which aims at modernizing the museum sector (helping museums to become research centres, send in museum professionals to Turkey, Iran and Russia to study museology); 3. Developing and promoting traditional handicraft to boost employment, particularly among vulnerable groups such as women and people living in rural areas.

http://amcu.gki.tj/eng/images/stories/nds_en.pdf

- Hong Kong, Macao and New Zealand offer music tuition for children in economically disadvantaged neighbourhoods
- The arts are a compulsory learning area of the New Zealand School Curriculum until Level 10, the second year of secondary school.
- The mid-term action plan 2012-2014 of Tajikistan will provide opportunities for learning languages and culture of national minorities and will develop programmes to supply primary grades with textbooks and teachers in minority languages.
- Republic of Korea: Arts and Culture Education programme (KACES) was established in 2005 to support arts education and training in the cultural field¹¹²

81. Reports from China and New Zealand mention the development of **national statistics**.

The 'Cultural Indicators for New Zealand' initiative developed by the country's Cultural Statistics Programme reflects five key goals for the New Zealand cultural sector: engagement, identity, diversity, social cohesion and economic development. In this regard, two UNESCO projects provide methodologies and tools for Parties: the 2009 UIS Framework for Cultural Statistics, and the Culture and Development Indicators Suite.

As an example from another country in the region, Thailand moves toward a comprehensive system to analyse its cultural data with the second technical training workshop on religion, art and cultural statistics.¹¹³

Periodic report section 2.4: Cultural expressions under threat

82. The only countries to include reference to cultural expressions under threat were Mongolia and Viet Nam. In 2012 Viet Nam promulgated the list of 33 national intangible cultural heritages (including traditional performing). Mongolia's Draft State Policy on Culture includes reference to cultural expressions under threat and cultural heritage.

Periodic report section 3: Awareness raising and the role of the civil society

83. Five of the countries reported activities related to awareness-raising about the Convention and diversity of cultural expressions. The reported activities were mainly related to the promotion of cultural industries and less to the promotion of Convention and its principles:

- Bangladesh: several civil society organisations are working to promote the objectives of the Convention and are organising seminars, discussions etc.

¹¹² <http://eng.arte.or.kr/>

¹¹³ <http://www.unescobkk.org/news/article/second-technical-training-workshop-on-religion-art-and-cultural-statistics-of-thailand-11-13-novem/>

- Cambodia: refers to the organisation of a national workshop on the dissemination and implementation of the Convention. Cambodia also organised a East-Asia Meeting on the Convention in October 2011
- China: initiatives undertaken both by the government and by civil society organisations
- Mongolia: translation of a brief world report on ‘Diversity of Cultural Expressions and Intercultural Relations’ by Arts Council of Mongolia and Mongolian National Commission for UNESCO. Arts Council of Mongolia also broadcasts promotion of cultural diversity through TV programmes.¹¹⁴ A UNESCO policy expert ‘visited Mongolia to provide methodological consultations with civil society, private companies and culture and arts institutions as regards the process of “Master Plan on the Development of Mongolia’s Culture and Arts from 2012 to 2022”. The expert also provided strategic training as regards the drafting process. The process resulted in ten key recommendations for the government.’
- Viet Nam: organisation of cultural policy dialogues since 2007 for artists, policymakers and other stakeholders.

84. In Afghanistan civil society organisations play a role in legislative and policy reforms.¹¹⁵ There are no cultural policy reforms at the moment. In Australia, the National Cultural Policy Creative Australia was developed following extensive consultation with the Australia community and arts and cultural sector. The process included opening a discussion paper for public comment. More than 2000 people completed the online survey and the committee received over 450 submissions.¹¹⁶ As for the Republic of Korea, The WorldCP profile for Korea notes: *The civil society in the cultural sector was inert or latent until the actual democratization process began. The civil society in this sector was no more than a collection of interest groups organized according to specific artistic genres. The most visible and broadly encompassing had been the Federation of Artistic and Cultural Organizations of Korea. With the progress of democracy, new civil society groups, such as the Korean Peoples’ Artist Federation and Cultural Action have come onto the scene. Nongovernmental policy research groups and advocacy organization provided various voices and constructive criticism and opinions.*¹¹⁷

Periodic report section 4: Main achievements and challenges to the implementation of the Convention

85. The Parties were asked about the **end goal/valorisation** of policy in their countries. Of the six reports from Asia-Pacific, Bangladesh was the only one to mention that due to the policies and measure on cultural diversity people are now more aware of

¹¹⁴ The TV programs include: ‘Urian’ about Mongolian and foreign artists, ‘Knowledge’ about world art and art history and ‘Calendar’ about updates on art news in cities around the world and access of Mongolian artists to those events. Source: Mongolian report

¹¹⁵ http://www.culturaldiplomacy.org/academy/content/pdf/participant-papers/2013-06-iscd-scdaca/Mohammad_Qais_Ayobzai.pdf

¹¹⁶ <http://creativeaustralia.arts.gov.au/policy-development/>

¹¹⁷ <http://www.worldcp.org/southkorea.php?aid=32>

cultural diversity at local, regional, national and international level. As for the for the main achievements of the implementation of the Convention at the national level, Bangladesh reported awareness raising at national level, specific policies and events and Mongolia addressed increased cooperation with UNESCO.

86. The reporting countries described some of the **main challenges** for the implementation of the Convention. The reported elements included:

- Lack of funds (Bangladesh)
- Poverty, isolation, illiteracy of some ethnic groups (Bangladesh)
- Lack of knowledge on the Convention (Cambodia)
- Cultural development cannot keep pace with socio-economic development and people's spiritual and cultural needs (China)
- The the public cultural service system is still incomplete (imbalance between rural and urban areas) (China)
- Systemic and institutional constraints holding back the growth of cultural productive forces. (China)
- Imbalance between the impacts of modernization on cultural diversity and access to market economy (Viet Nam)
- Maintaining a balance between economic development and cultural development (Viet Nam)
- The high pressure from imported cultural goods, as domestic production of cultural goods cannot compete with those coming from the USA, Korea or Japan (Viet Nam)
- How to enhance cultural diversity by applying measures and policies which suit the processes of modernization and international integration (Viet Nam)

Conclusions

Periodic reports

87. The six periodic reports are different in scope and style. Due to the fact that the Cambodian report is very succinct, only five reports offer substantial information on the activities undertaken to foster diversity of cultural expressions. There is a wide spectrum on the understanding of 'diversity' including a strong emphasis on cultural heritage in some reports and on minority groups in others.
88. Some of the activities described in the reports have been undertaken or formulated before 2005 and therefore do not have a direct link with the implementation of the Convention at national level. However, these activities – especially legislative measures – demonstrate the will of the Parties to engage in the protection of cultural expressions.
89. Some of the reports describe policy goals or legislative principles but there is limited or lack of information on the implementation of these initiatives. This could be partly due to the limit on the length of the reports and their descriptive nature.
90. The reports show a prevailing trend to foster creative and cultural industries as well as distribution and enjoyment of cultural goods and services. The six reports reflect a strong emphasis on the access to cultural life of specific target groups (minorities, children, women, etc.).
91. The reports show a connection with the region through cultural cooperation actions. The report from Bangladesh, in particular, shows the importance of a firm legal framework and policy-plan that connect with the regional cultural reality. This is also clear in overall cooperation in the region and China seems to form a priority for many.
92. The reporting countries highlight the need to maintain the efficiency of strong legal framework (including copyright), policies that attract investment, development of new models of funding and policies that enhance creative capital
93. Countries have different understandings of the categories ('distribution', 'production', 'dissemination', etc). Further training on the reporting process may help streamline the content of the reports.
94. The only report to include steps to be taken in the future as well as further awareness-raising is the report from Mongolia which refers to the setting up of a 'Cultural Statistics Analyses Office' and the implementation of programmes to encourage partnerships on the protection and promotion of cultural diversity.

Policies on diversity of cultural expressions in Asia

95. The constitutional provisions of cultural diversity are effective in the region including cultural rights of minorities, access to culture, cultural heritage and other related rights - with the exception of Australia and New Zealand (due to different constitutional

tradition) but there is limited development of specific legislation as regards the status of the artists, private funding of the arts and culture, creative and cultural industries and cultural exchange. As shown by the example of Viet Nam, the Convention can support further development of national legislation and encourage sector specific legal protection (see for example the Cinema Law of Viet Nam).

96. The focus countries show firm protection and preservation of cultural heritage including traditional expressions of national minorities but it is unclear how this translates into affirmative action and concrete programs. Access to culture and cultural policy-making of Indigenous peoples is emphasised in Australia and New Zealand but the participation of national minorities in other countries in the dissemination, distribution and policy-making is still limited.
97. Artistic creation of specific groups forms a priority in the region including children, national minorities, women and people with disabilities. Protection of cultural rights of immigrants, migrant workers and foreign nationals is less visible.
98. Preservation and protection of cultural heritage forms a backbone of most of the cultural policies in the region with less emphasis on the contemporary expressions of art and culture. The balance between traditional cultural expressions and modernization represents a challenge for the region. This challenge was explicitly expressed for example in the periodic reports of China and Viet Nam. Encouraging examples include the success in the international market of the contemporary music production of the Republic of Korea.
99. Development of creative and cultural industries (CCI) is a clear priority in the focus countries. There is still a lack of information and statistics on the economic impact of CCI, trade and tax laws, preferential treatment and private funding. However, this sector is clearly in expansion in the region and represents an opportunity for further training, cooperation and research.
100. As expressed also in the periodic reports, there is much cultural cooperation within the region with China forming a clear priority for many. Cultural cooperation is still based more on bilateral agreements than direct professional cooperation even if mobility initiatives are increasing.
101. Encouragement of private funding and corporate sponsorship of the arts is still developing with the exception of Australia, New Zealand and the Republic of Korea, and some tax relief structures in Indonesia. In most of the countries in the region private funding comes from international donors.
102. Australia and Bangladesh are the only countries in the region with a written cultural policy. The cultural policy of Australia is considered an encouraging example by some arts organisations in Asia of a policy in which the state functions as a facilitator and the cultural sector has access to policy making and funding processes.
103. Cultural heritage protection, the role of culture in the building of national identity, protection and preservation of cultural expressions of minorities, development of

creative and cultural industries and bilateral cultural cooperation agreements are the main strengths of the protection of the diversity of cultural expressions in the region.

104. Lack of funding, insufficient legal structures, knowledge on the Convention, access of civil society in cultural policy-making, private funding, the challenges of globalisation, contemporary arts practice of minorities and social inequalities and poverty represent challenges for the further development of the Convention in the region.

Appendix: Other Examples from UNESCO Analytical Reports

The following examples are innovative examples and meaningful best practices on ways and means to protect and promote cultural expressions from the six reporting Parties included in the UNESCO Analytical Reports 1 and 2.

Bangladesh: National Children's Award Competition¹¹⁸

Children are amongst the most vulnerable groups in any society, and their cultural needs may be neglected unless deliberate action is taken. These are needs that must be met if children are to grow up into well integrated, creative and culturally aware citizens.

Bangladesh has a National Children Policy that aims to ensure that every child under the age of 18, including those from ethnic minorities, receives services of education, health, nutrition, entertainment and security. One particular programme in this area, which has been in existence since 1976, is the National Children's Award Competition. This programme is the initiative of the Bangladesh Shishu Academy, a national organization dedicated to the development of the physical, mental and cultural talents of children. The Academy is an autonomous institution under the Ministry of Women and Children Affairs, and is run by a 13-member board of management.

The Award encourages children all over the country to participate in creative activities such as art, music, theatre and dance. It has enabled many child artists to be recognized for the first time and it has helped to build children's confidence as a basis for their future career development.

China: market development, investment and flow promotion measures

In order to foster the cultural market, in 2004 China's Ministry of Culture issued an Opinion on Encouraging, Supporting and Guiding Non-Public Sectors of the Economy to Develop the Cultural Industry, an instrument that lowered market access thresholds significantly. In 2005, the State Council published Decisions on the Access of Non-Public Capital to the Cultural Industry that opened up a range of cultural industry sectors to non-public capital and also promulgated a Regulation on the Administration of Commercial Performances; amendments in 2008, further expanding access for market entities from Hong Kong, Macau and Taiwan, as well as funding channels.

In 2009, the Ministry of Culture published similar extending support to private artistic performing groups in the form of funding, government procurement, performance venues and equipment, simplified approval processes, talent cultivation and commendation and rewards. Also, with a view to bringing in foreign capital in line with WTO entry commitments, the Chinese authorities have made it possible under certain conditions for foreign investors to establish enterprises as wholly-owned or joint ventures, notably in print publication or the production of read-only CDs. Without prejudice to China's rights of examination and approval of audio-visual products, foreign investors are now allowed to establish cooperative ventures, with Chinese partners as the dominant party, for the distribution of all audio-visual products except films.

Similarly, in order to improve the international trading in and commercial exhibition of artworks, the 'Interim Provisions for Export-Import Management of Artworks' were published

¹¹⁸ <http://unesdoc.unesco.org/images/0022/002248/224826e.pdf>

in June 2009. From 2007 to 2010, China imported as finished articles from abroad: 2,982,414 book titles, 222,608 periodicals, 4,977 newspaper titles, 46,651 audio-visual products and 8,160 electronic publications. Copyrights were imported for another 52,669 book titles, 1,961 audio-visual products and 382 electronic publications. China admits 20 revenue-sharing international films every year in fulfilment of its WTO entry commitments. In the year 2011, total box office income nationwide based on imported films earned almost 9 billion US dollars compared to a little over 11 billion dollars from domestic films.

Each of these sets of policy measures and the results they have had demonstrate the way in which the Government of China is applying both the letter and the spirit of Articles 6, 14 and 15 of the Convention.

Public information and education in Mongolia

The Arts Council of Mongolia has carried out since 2010 a broad range of advocacy activities via a TV Programme called 'Arts Network' implemented in cooperation with the national broadcasting organization MNPRTV. The aim of these activities is to promote the diversity of cultural expressions with a view to making arts and culture institutions more visible to the general public, to helping the latter understand the significance of the arts and culture and their potential for the development of individuals and society, as well as providing it with information on the diversity of cultural expressions internationally. Three goals are pursued through the telecasting of the following three programmes: 'Uurlan', which introduces both Mongolian and foreign artists to the public highlighting the different styles of artistic performance; 'Knowledge', which covers ancient and modern history as well as the history of world art and religions; and 'Calendar', a programme that provides updates to viewers on cultural and art activities currently taking place in major cities around the world, as well as on possibilities of participation for Mongolian artists. The information helps to build understanding and favourable public opinion on these matters. The Embassy of Norway supported this initiative in 2010, allowing the Arts Council of Mongolia to present the cultural expressions of both Norway and Sweden to Mongolian viewers, while also presenting the diversity of Mongolian arts and culture itself.

This initiative shows how public service broadcasting can be used imaginatively in a developing country as an instrument of public information and awareness building with respect to cultural diversity.

Integrating Mongolia's Foreign Policy and Cultural Policy

Working to refine its institutional framework with respect to international relations and cooperation, Mongolia set out in 2011 new Foreign Policy Guidelines and a new Directive on the Advocacy of Mongolian Culture and Arts Abroad that take into account the State Policy on Culture. These documents reflect the view that in order to help intensify Mongolia's development in culture and arts, it is crucial to promote access to international markets for Mongolian cultural goods and services and increase the capability of the cultural and arts institutions of Mongolia.

To this end, Mongolia has signed agreements and protocols in the field of culture with over twenty countries in Asia and other regions of the world. Cooperation plans have been established between Mongolian and foreign artists, cultural entrepreneurs and professional art associations to conduct exchanges of art performances and exhibitions, train specialists, improve facilities, conduct joint studies in culture and history, publish books, organize cultural days and participate in international art and culture competitions, festivals, meetings

and symposia.

These policies aim to promote the culture and arts sectors within the country with a view to integrating them more into Mongolia's international cooperation policy. They indicate that access to foreign markets is considered an important opportunity for the country's development.

Viet Nam: measures to narrow the gap in cultural consumption

The project *Developing Information Technology and Communication in Rural Areas from 2011 to 2020* was designed to develop the infrastructure for a modern and compliant information technology-communication network at grassroots level. Its aims are multiple: reducing the information gap between rural and urban areas; creating favourable conditions for people in rural areas to get access to and process information quickly and conveniently; ensuring two-way communication from central to grassroots levels, so that people in rural areas can receive information and make their voices heard, thus promoting grassroots democracy. Its activities include radio and television services, and the provision of magazines and newspapers to rural people.

The aim under the project is to ensure that all towns and villages ('communes' in Viet Nam) will have post and telecommunication services, including both telephones and multi-service broadband connections; that the entire territory will be covered by the national radio and television network; that the newspapers, radio and television stations and news portals of the Party, state, socio-political organizations at central and local level will have special contents and programmes on agriculture for farmers and rural areas, providing information suitable with the needs, educational attainment level and customs of people in rural areas.

Similarly, the national programme on *Providing Information to Mountainous, Remote, Border, Sea and Island Areas in the Period 2012-2015* of the Ministry of Information and Communication aims at strengthening the grassroots information and telecommunication system; reducing the gap between different areas in relation to the provision and enjoyment of information; contributing to economic development, improving the cultural and spiritual life of the people; and ensuring safety and national defence in mountainous, remote, sea, island and border areas. The Programme has been implemented in 62 poor districts and seven districts with high rates of poor households; many of these are in ethnic minority and mountainous areas.

These two sets of measures are good examples of how in a developing country setting with great disparities between urban and rural populations, the access to the basic technological infrastructure for cultural and creative industry development may be systematically put in place by the government