

**THE POLICY OF CULTURAL RIGHTS:  
SOCIO-LEGAL PERSPECTIVES ON CULTURAL DIVERSITY**

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Due to its social and economic contribution the cultural production is a relevant matter for governments. On the one hand, cultural goods play a core role in social cohesion, strengthening commonly held values and territorial identity as well as being able to spread out knowledge through the community. So, in the first place, culture constitutes a source of unity and identification enabling citizens the sense of belonging to their own nation. However, even if the cultural production is an expression of meanings from local content and point of view, it is also connected and influenced by the current global context. On the other hand, creativity depends on the value of use; on the level of its demand and industrial activity where money becomes the exchange value. Considering that there are evidences of the sectors' positive impact to the local economy, this contribution of culture should also be measured.

Given its centrality, it is not surprising that culture is also present in the language of rights. Cultural rights refer to the rights of production, consumption and access that people have to the world's creative industry (UNESCO, 2005). For that reason, it is important to not understand individuals simply as consumers of cultural goods but rather as producers and participants of the cultural system; while distribution companies as means of carrying cultural goods to the audience. In this context, the state and public institutions become the main regulation bodies for the whole production, distribution and exhibition process of culture. This would involve accomplishing the principle of diversity and establishing spaces for its visibility, promotion as well as access to it through specific means of distribution. However, decision-making in this field also falls to education providers, regional and local authorities, employers' organizations, trade unions and the media. Therefore, what is the role of law, particularly of public policies and cultural regulation, in guaranteeing the cultural diversity?

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In the context of diverse societies, this becomes a central issue to the concerns of democratic states. The notion of cultural unity inside a single state has often led to the attempts of constructing a homogeneous cultural landscape while erasing internal cultural differences. However, many cultures have coped with attempts of eradication and now the paradigm in several states has turned into a view which formally aims "rescuing" and promoting the cultural diversity. Thereby, it is necessary to stress here that the cultural production strongly depends on a particular sociopolitical context and regulation. While the development of cultures is not entirely dependent on state sponsorship, the processes carried through the state are central to understand the interactions of different cultures. State promotion or limitation of certain cultural expressions can indeed make for an environment where some cultures are deemed more legitimate than others. This has also been recognized internationally by the 2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions. Cultural policy is now to be judged as it is able to overcome discrimination of minority cultures in democratic states.

Although it is recognized that law's possibilities strongly depend on the public policies that it enables, socio-legal scholars tend to focus on the processes that are directly carried through the judiciary. The workshop aims to highlight the challenges that remain for the states that intend to overcome traditions that have placed certain cultures over the others, in a context in which the correspondence between a nation and a state is no longer deemed the only possible configuration of a state.

There is often a link missing between the abstract legal norms that guaranty cultural rights and the experiences and possibilities people have to instrumentalize them. This link is the cultural policy and needs to be analyzed in its proposals and actors to evaluate which instrumentalization of law means. It is through cultural policy that content funding, production and promotion in general is handled, and this shapes people's practice of cultural rights. When this link between rights and reality is not taken into consideration, the processes that determine the continuity of a culture become invisible.

This workshop seeks to explore cases that present different aspects of cultural policies in the context of diverse societies integrating a state. Papers are welcome on the following themes (but not limited):

- Cultural industries: economy and nation building (identity, language, resistance...).
- The media and the arts: the possibilities for diversity in a global context.
- Cultural governance and intellectual property: law mechanisms and the role of the public agents as cultural sponsors.
- The protection of local/small cultures without institutional recognition.

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The workshop will be carried in the Oñati International Institute for the Sociology of Law (IISL), located in the Basque Country (Spain). The Basque Country represents in Europe a case of cultural diversity with a complex relation with the Spanish state, where the rooted sense of an autonomous identity and will for independence has struggled along the history. Nevertheless, during the past decade, the Basque Country has been particularly successful in the promotion of its language and culture by means of autonomous public policies together with keeping its political demands in terms of cultural protection to the central Government. The Basque experience and its challenges will be also central for the discussions of the proposed workshop.

People interested in participating should send a working title of their proposal together with an abstract (200 words max.) and a short bio to the following e-mail addresses, **no later than January 8<sup>th</sup> 2016**:

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