

Study of Cultural Policy and Protection of the Right to Culture in the European Union in the Context of Cultural Diversity

William Hui-Yen Hsu

Graduate Institute of Financial and Economic Law, National Dong Hwa University
No. 1, Section 2, Dasyue Road, Shoufong, Hualien 97401, Taiwan
E-mail: williamhsu@mail.ndhu.edu.tw

Abstract

In the initial stage of the European integration launched in the 1950s, while founding States devoted themselves to economic goals, cultural issues were not of their central concern. Nevertheless, in the process of economic integration and the free movement of goods and services, standardization not only creates convergence but poses threats to cultural diversity. Furthermore, the protection and promotion of cultural diversity are deeply and essentially connected to the realization of the cultural rights which are enshrined in the 1966 International Covenant on Economic, Social and Cultural Rights.

The aim of this article is, on the basis of the interrelationship of cultural diversity and the right to culture, to survey how EU policies influence cultural practices, what they achieve, and their impacts on European integration and EU external relations. Following the introduction, the author attempts to analyze the concept, meaning, and legal effects of the right to culture from the perspectives of international and European law, and furthermore, to assess their influence on EU external economic relations. In the third part, the author explores the development of cultural practices and policies, and their legal implications from the perspective of EU institutions. In the fourth part, the author analyzes cultural aspects of the EU's external relations, especially relating to the EU-ACP development framework and its participation in the Convention on the Protection and Promotion of the Diversity of Cultural Expression with its Member States. In the fifth part, the author presents a conclusion based on this research.

Key Words: European Union, cultural policy, right to culture, cultural diversity, Convention on the Protection and Promotion of the Diversity of Cultural Expression