

# THE EVOLUTION OF THE CONCEPT AND PRACTICAL APPLICATION OF CULTURAL DIVERSITY IN KOREA

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## Abstract

The UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions spurred Korean society to take an interest in and practice the concept of cultural diversity. Although the discourse on cultural diversity in Korea began from the fight to protect the domestic film industry over the screen quota system, it evolved to contribute ultimately to the growth of diversity within Korean society. This study examines how the cultural diversity discourse assisted Korea in overcoming the cognitive obstacles that Korean society faced in the process of transitioning into a multicultural society. In particular, this study reviews the role of the 2014 Act on the Protection and Promotion of Cultural Diversity in solidifying Korean society's internal diversity by establishing the legal grounds and systems for paving a suitable path for cultural diversity in Korean society. In addition, special attention is given to how the 2005 UNESCO Convention continues to be an effective tool for protecting cultural diversity in the new digital age.

## Keywords

cultural diversity; digital era; Korea, multiculturalism; UNESCO Convention

## About the Author

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## INTRODUCTION

On October 20, 2005, UNESCO adopted the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (hereafter “2005 Convention”). This agreement, which is the first binding international treaty for the promotion of cultural diversity, was voted for by an overwhelming 148 countries, with only the United States (U.S.) and Israel opposing its adoption. The origins of the 2005 Convention can be traced back to the 1986-1993 Uruguay Round when the conflict between culture and trade came to surface in full swing. The domination of economically powerful countries, even in the domain of culture, had been intensifying with the expansion of globalization, creating new forms of global inequalities and causing cultural conflicts rather than cultural pluralism. During the Uruguay Round, France argued for the *exception culturelle*, that is, for culture to be excluded from trade discussions. The 2005 Convention was the fruit born from the efforts to stand against cultural globalization; its adoption represents the desire shared by many countries to establish an international legal basis for curtailing the pressures of the U.S. to open the doors to their cultural commodity markets.

The unison of 148 countries in favor of the 2005 Convention reflects their welcomed anticipation that a binding international law on culture would more strongly guarantee their autonomy in establishing national cultural policies. The expectation was that the 2005 Convention would provide stronger protection for preserving their domestic cultures as well as the legitimacy for implementing regulations to protect their cultural industries. Continuous efforts have been made so that the 2005 Convention could hold up to such expectations, especially as the development of digital technology over the decade completely transformed the way in which culture is produced and consumed. In June 2017, the UNESCO newly adopted the Operational Guidelines on the Implementation of the Convention in the Digital Environment (hereafter “2017 Digital Guidelines”) for the 2005 Convention, which had not anticipated the emergence of the digital era, to keep the 2005 Convention relevant to the rapidly changing environment.

Now, let us turn our eyes to South Korea (hereafter “Korea”). Korea had actively supported the 2005 Convention alongside France and Canada; however, it was only in 2010 that Korea became the 110th country to ratify the Convention. The following two cases present interesting scenes in the evolution of the discourse on cultural diversity in Korea since the adoption of the 2005 Convention. First, Chan-wook Park, director of the film *Old Boy*, held a one-man protest at the Berlin Film Festival in 2006, to voice his opposition against the downsizing of Korea’s screen quota for domestic films. He wore a picket which said, “No Screen Quota, No Old Boy!” Second, Director Joon-ho Bong of *Okja*, a film that received investment from

Netflix, the U.S.-based global online streaming service, attended the Cannes Film Festival. The film was not released in the theaters in France and as such, caused much controversy with the producers, directors, and actors of the film industry.

The first case described above was a part of the movement for protecting Korea's screen quota system, which enforced a 146-day screen quota for domestic films at movie theaters, amid pressures from the Korea-U.S. FTA negotiations. This movement effectively became the most symbolic anti-globalization movement for preserving the nation's cultural sovereignty against the growing pressures to open up cultural doors. With the adoption of the 2005 Convention, Korea had the decisive opportunity to demonstrate the substantial power this agreement could have in practice. However, instead of becoming the first beneficiary of the 2005 Convention, Korea let this opportunity pass by without tangible outcome by deciding to reduce the screen quota before the Korea-U.S. FTA negotiations.

The second case of Director Joon-ho Bong and *Okja* is a representative example of how Korea has been taking on the opportunities and challenges of the digital era. Within a few years from the movement to protect the screen quota system, Korean movies gained domestic and global popularity, changing Korea into an exporter of films to make screen quotas a non-issue for the Korean film industry. Moreover, the global consumption of Korea's cultural products made it unnecessary for Korea to argue for the *exception culturelle* to protect its cultural industry. Is it reasonable to assume that Korea no longer has a reason to make good use of the 2005 Convention? In this new digital era, what role can the 2005 Convention have? What impact did and does the 2005 Convention have on Korean society?

This study attempts to provide a comprehensive picture of how the concept of cultural diversity took root and was put into practice in Korea, focusing on the influence of the 2005 Convention. Although the 2005 Convention played little role in preventing the reduction in Korea's screen quota system, the debate over the screen quota positively contributed to shaping the concept and discussions of cultural diversity in Korean society. During the years after the 2005 Convention's adoption, Korea experienced a significant change in its demographics, and the discourse on cultural diversity became an effective way to explain and respond to changes in Korean society during this period, specifically, its transition into a multicultural society.

Among the world's 184 countries, Kymlicka classified Korea as one of the two countries, along with Iceland, which have preserved a singular national culture, which is not a favorable condition for multiculturalism (*Multicultural Citizenship* 196). Yet, as Korean society began to transform into a multicultural society, the impact of multiculturalism has been explosive. In 2007, the annual number of studies

in multicultural research increased to three digits from its one-digit status in 2006 (Oh, "Rethinking Multiculturalism" 449). However, in Korea, "multiculturalism" or "multicultural" was being used as a limited term that referred to female migrants from the Third World who have or will be naturalized as a Korean through the marriage with a Korean man and bearing children.

Although there is a tendency to narrow down the application of multiculturalism as a way to find a suitable solution to the immigration-related issues, it is rare for the term to be used in such an extremely narrow sense as in the case of Korea. Taylor, a leading scholar in the theory of multiculturalism, has argued for "the politics of recognition" which understands multiculturalism as an important concept and practical principle of respecting and acknowledging the existence of various races and nationalities and their cultures. Kymlicka defines multiculturalism as the institutional assurance of the politics of difference among different cultural actors based on broad, pre-existing liberal democratic consensus and support (*Multicultural Citizenship*). Apart from Taylor and Kymlicka, Bhikhu Parekh and Brian Barry define multiculturalism into various "types," but these attempts were made to explore a post-traditional, multiracial society rather than to define multiculturalism as a set of immigration policies.

In Korea, however, multiculturalism, recognized as the undeniable challenge of our era, had been applied to the state-led and patriarchal immigration policy (HJ Kim). It was after Korea's ratification of the 2005 Convention in 2010 that the promotion and expansion of cultural diversity policies, spearheaded by the Ministry of Culture, Sports, and Tourism (hereafter "MCST"), began to change Korea's multicultural policies. Over the course of time, the discourse on cultural diversity gained a hold on Korean society to expand in its scope from the limited dimension of protecting the domestic cultural industry to the broader reflection and practice of the free expression of diverse cultures within Korean society.

This paper is organized as follows. First, Korea's struggle over the screen quota system is illustrated to show how the discussions on cultural diversity were triggered in Korean society. Then, this paper visits the evolution of the cultural diversity discourse and its contributions in breaking down Korean society's cognitive obstacles during the process of transition into a multicultural society. Special attention will be given to the role played by the 2014 Act for the Protection and Promotion of Cultural Diversity (hereafter "2014 Act") in accelerating the diversification of Korean society by establishing a legal basis and institutions supporting cultural diversity that suit the societal needs of Korea. Lastly, this study reviews how the UNESCO dealt with the new structural problem surrounding the digital platforms backed by giant capital and the creators who have become economic minorities in the new digital environment. The discussions presented in

this paper will uncover the impact the 2005 Convention had on the evolution of the concept of cultural diversity and its practical application in Korean society.

## LITERATURE REVIEW

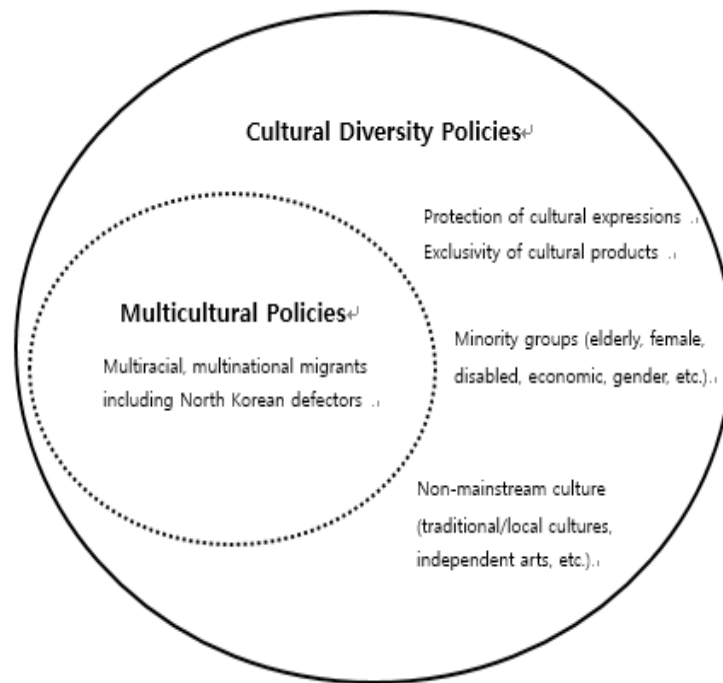
The majority of the research on the 2005 Convention explain the process of its adoption as the clash between free trade and cultural products, the former represented by the opposition of the U.S. and the latter by France and Canada who argued for the *exception culturelle* (Frau-Meigs; Moghadam and Elveren 2008; SH Park, “UNESCO’s Convention”). Moghadam and Elveren saw the 2005 Convention as a fight between the believers of free trade and those of cultural diversity; Frau-Meigs understood it as a difference in the positions of free-trade and cultural diversity; Park viewed it as the conflict between liberalization of cultural trade versus cultural protectionism. These views arise from the fact that the countries that apparently support cultural diversity, represented by France and Canada, took a protectionist stance of their cultural industries in reality. From similar contexts, another stream of research focuses on the relationship between the 2005 Convention and the WTO Agreement (Graber; Wouters and De Meester; KS Park, “Toward a Mutually Supportive Relationship”). Among these studies, Wouters and De Meester pointed out that the WTO panels and the Appellate Body will not be willing to consider the 2005 Convention as a tool for interpreting the WTO provisions, especially since it does not establish a formal “consultative link” between the UNESCO and the WTO. Burri and Park (“A Study on the Implementation”) investigated how the 2005 Convention was applied in practice centering on its influence on the WTO regime.

On the other hand, Musitelli and Park (“UNESCO’s Convention”) highlighted the successful strategy employed by France to realize the adoption of the 2005 Convention. Both studies highlight the critical role France played in widening the support for the 2005 Convention by connecting the *exception culturelle* with the new concept of cultural diversity. All of the previous studies mentioned above have noted how the 2005 Convention stressed the very limited sense of protecting sovereign culture rights from the possible threats of cultural globalization than the broad sense of preserving cultural diversity.

Discussions on the 2005 Convention in Korean society take a similar line to those of the studies mentioned above. However, the multicultural fervor that hit Korean society (Han) since 2006 poured into the debate on cultural diversity, prompting Korea to self-reflect on its internal problems (Oh, “What Kind of Multiculturalism”; Kim et al.). In this process, some raised concerns about the blurring of boundaries between cultural diversity policies and multicultural policies (MCST 2015, i; MCST

2014, 55), arguing that there is a clear differentiation between multicultural policies and cultural diversity policies based on their scope. In their view, the former is policies that target specific groups such as foreign migrants and marriage migrants, whereas the latter concerns all members and groups of society.

This paper takes a different stance which argues that multicultural policies are encompassed under cultural diversity policies, as shown in Figure 1 below, and that it is not necessary to be solely critical about the indistinct categorization of the two policies in practice. Although Korea's multicultural policies had been reduced to immigration policies in the past, the evolution of the debate on cultural diversity has made it possible for Korea to consider more fundamental multicultural policies that recognize diversity as an essence of culture. This study thus seeks to show how the two concepts of multiculturalism and cultural diversity are complementary and that the spread of the cultural diversity discourse became a driver for multicultural policies.



**Figure 1.** The Relationship between Cultural Diversity Policies and Multicultural Policies



## **CULTURAL DIVERSITY IN THE STRUGGLE TO PROTECT THE KOREAN FILM INDUSTRY**

In February 2006, less than three months after the 2005 Convention was adopted, the Korean government announced the halving of the country's screen quota for domestic films from 146 days to 73 days as a preventive measure to eliminate potential obstacles to the Korea-US FTA negotiations. This move did not come as a surprise at the time, as the official statements issued by the Korean government and the Korean National Commission for UNESCO after the adoption of the 2005 Convention had taken markedly different positions. Regarding the significance of the 2005 Convention, the Korean National Commission for UNESCO had stated that "the Convention will be an important basis for safeguarding protective policies such as the screen quota," while the Office of the Minister for Trade in charge of negotiations with the U.S. had expressed that "multilateral negotiations, such as the UNESCO Convention, and bilateral negotiations, such as the FTA negotiations, are separate issues" ("UNESCO Cultural Diversity," *Joongang Ilbo*). Meanwhile, the Korean film industry believed that at least in the cultural domain, the 2005 Convention's adoption provided the means for countries to enforce regulations or give financial support for the promotion of their domestic cultural industries in cases where the freedom of expression is threatened or compromised. In this sense, it was believed that Korea's screen quota system had finally gained an international legal basis ("UNESCO Cultural Diversity Convention," *Hankook Ilbo*).

Korean filmmakers' struggle to maintain the screen quota system put in place in 1985 for domestic films had a symbolic meaning for filmmakers around the world who were struggling to survive against the giant capital of Hollywood. Korea's screen quota controversy earned the awe of the film industries in other countries that had been practically demolished by the U.S. For the U.S., this meant that Korea's screen quota issue was a battleground that cannot be lost. There had already been a heated debate surrounding the screen quota system in 1998 when the U.S. included the reduction of the screen quota as a condition of the Bilateral Investment Treaty. Bending before the pressure from the U.S., the Korean government announced it would incrementally downsize the screen quota system, prompting violent protests from the Korean film industry.

Korea's film industry won the battle in 1999; however, they were faced with a second, greater crisis seven years later as the U.S. put stronger demands ahead of the Korea-U.S. FTA negotiations. The Korean Coalition for Cultural Diversity (KCCD) and the Special Committee of the Korean Film Industry for Defending the Screening Quota were particularly active in supporting the 2005 Convention. In June 2004, the third general meeting of the International Liaison Committee for the Coalition for Cultural Diversity (ILD-CCD) was held in Seoul with the aim

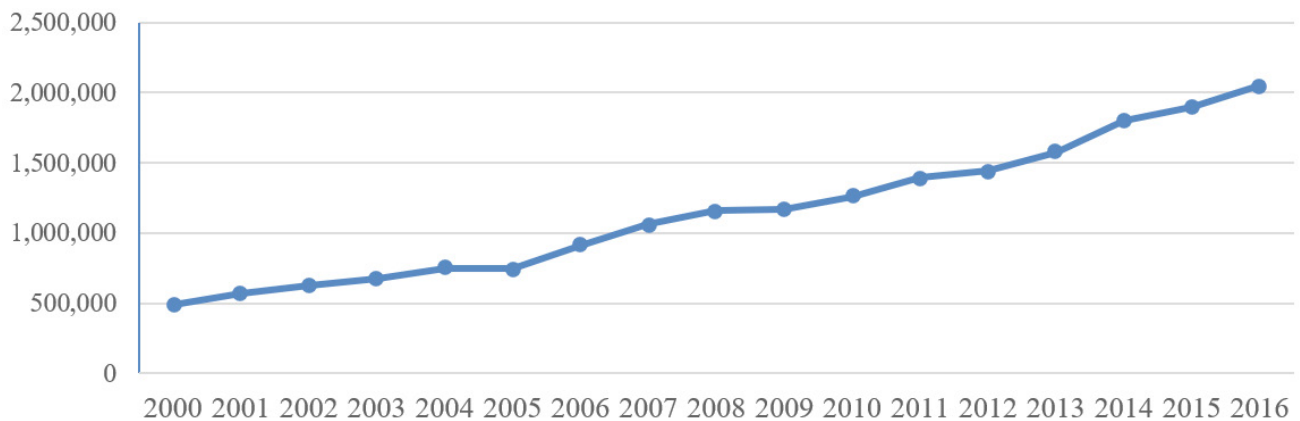
to strengthen the solidarity for the protection of cultural diversity. The KCCD, which consisted of 16 cultural arts organizations including the Korea Film Council, organized this third general meeting of the ILD-CCD. That this third general meeting was held in Seoul, after the first general meeting held in Montreal in 2003 and the second in Paris in 2003, is exemplary of how active Korean NGOs were, during the preparations for the 2005 Convention.

Although the screen quota was ultimately reduced, the fight for cultural diversity led by the film industry was not entirely in vain. Korea became a major film exporting country as Korean cinema gained a more significant share in the overall film industry, thereby eliminating the need for protection, but the 2005 Convention still had a valid impact on Korean society. Observing the process through which the previously unfamiliar concept of cultural diversity became known throughout Korean society, it is possible to see that the film industry's violent struggle against the reduction of the screen quota played a key role. Civil society groups actively raised questions regarding the screen quota issue using the 2005 Convention as justification and spread the concept of cultural diversity in Korea. As a result, more members of Korean society became engaged in the discourse on cultural diversity. It was through this process that cultural diversity became an essential concept not only for protecting the cultural industry against external pressures such as the industrial giants of the U.S. but also for cultivating the diversity within Korean society.

### **CULTURAL DIVERSITY AS A DRIVER OF MULTICULTURALISM**

Korean society was undergoing a transition to a multicultural society at the time when the struggle over the screen quota system brought the international community's debate on cultural diversity into Korea. The number of foreign residents exceeded one million for the first time in 2007 and reached 2,049,441 in 2016, making up about 3.9% of the Korean population (see Figure 2). This growth trend is expected to continue, and by 2030, it is estimated that foreign nationals will make up around 8% of the Korean population (Chang 2). Korean society, in the transitional phase into a multicultural society, is now facing the challenge to reconstruct itself in accordance with the changing environment.





**Figure 2.** The Number of Foreign Population in South Korea.

Data Source: Ministry of Justice, *Annual International Migration Statistics*, [www.index.go.kr/potal/stts/idxMain/selectPoSttsIdxSearch.do?idx\\_cd=2756](http://www.index.go.kr/potal/stts/idxMain/selectPoSttsIdxSearch.do?idx_cd=2756)

In 2006, the then-administration headed by President Roh Moo-hyun officially implemented policies that put multiculturalism at the forefront for the first time, positioning the government as an active actor in multicultural policies. The Act on the Treatment of Foreigners in Korea (2007) and the Multicultural Families Support Act (2008) were enacted during this period. The Act on the Treatment of Foreigners in Korea provided a basis for the provision of support to foreigners and made central and local governments responsible for establishing annual implementation plans for providing such assistance, thereby guaranteeing the continuous attention to the status of foreigners. However, this Act stipulated the Ministry of Justice as the main body for establishing the blueprint for the policies for foreigners, which meant that the Ministry of Justice's policy direction of assimilating permanent residents, managing migrant workers, and excluding undocumented immigrants ran at the core in these policies (Hwang 13).

Based on the Multicultural Families Support Act, the first Basic Plan for Multicultural Families Policy (2010-2012) was formulated as the core of Korea's multicultural policies, but its focus was primarily on female marriage immigrants, providing support only for families born through international marriages that comprised of a Korean husband and a non-Korean wife and failing to embrace other migrant groups (Park et al. 20). Recognizing this problem, the Multicultural Families Support Act was amended in 2011 to encompass naturalized Koreans in preparation for the second Basic Plan (2013-2017), which devised to shift the orientation of multicultural policies from providing support for the settlement of marriage

migrants to realizing a multicultural society that respects diversity. Although there were improvements in the second Basic Plan such as the implementation of educational programs for cultivating multicultural understanding (Ministry of Gender Equality and Family 2012, 26), it still received criticism for being centered on multicultural families born from marriage (Park et al. v). The current third Basic Plan (2018-2022) follows the course of the second Basic Plan, with emphasis put on multicultural education and projects related to enhancing the Korean society's acceptability of diverse cultures (Ministry of Gender Equality and Family 2018, 23).

The first two Basic Plans of Korea's early multicultural policies received due criticism for taking a limited and selective approach. What is noteworthy, however, is the significant role played by the 2005 Convention in the discussions leading up to the national consensus on the advocacy of the Roh administration's multicultural policies. In the case of Korea, the discourse on cultural diversity from outside its boundaries had a larger impact than the discussions on multiculturalism that formed within its boundaries. Although the 2005 Convention was initially imprinted in the minds of Koreans in terms of its limited function of justifying the screen quota system, as the international debate on cultural diversity surrounding the 2005 Convention spread into Korea, the approaches to diversity expanded significantly within Korean society. In this sense, the 2005 Convention helped Korea to conceptualize multiculturalism during the country's transition to a multicultural society, a process which involved breaking down the cognitive obstacles of Korean society.

It is important to note that the discussions on multicultural policies began to contribute to raising Korea's public awareness on cultural diversity once the MCST was included among the main bodies of multicultural policies alongside the Ministry of Justice and the Ministry of Gender Equality and Family. Starting with supporting the cultural activities of foreign workers in 2005, the MCST expanded the scope of its multicultural policies from 2009 (MCST 2016, 40). In particular, after the 2005 Convention officially came into effect in Korea, the MCST defined seven task areas for raising the public awareness on cultural diversity and strengthening the cultural exchange and communication in Korea's increasingly multicultural society (MCST, 2016 41). As such, the MCST took on the unique and essential role of enhancing the understanding of cultural diversity in Korean society and increasing its acceptability of diverse cultures by implementing policies that promote the coexistence of minority cultures and the cultural communication between Koreans and migrants (M. Kim 76-77).

As mentioned earlier, there has been continuous voices that argue for a clear distinction between multicultural policies that center on projects for supporting the settlement of immigrants in Korea and cultural diversity policies that include

not only the provision of support for minority groups and non-mainstream culture but also the protection of the domestic cultural industry. However, the considerable focus that the MCST's task areas place on promoting cultural diversity signifies that cultural diversity and multicultural policies could be pursued simultaneously. The inclusion of the cultures of multicultural migrants as a part of minority culture dealt in cultural diversity policies demonstrate that the cultural diversity policies implemented in Korea since the 2005 Convention encompass the multicultural policies as was shown in Figure 1.

The Rainbow Bridge Project, which was introduced in 2012 and continues to be in operation today, is the most representative cultural diversity project headed by the MCST and is a project that shows the relationship between multiculturalism and cultural diversity. The Rainbow Bridge Project is connected to the Ministry's shifting of its primary direction for multicultural policies from supporting multicultural families to taking a cultural diversity approach (Chang 6), which, in turn, is related to the stronger attention given to cultural diversity in the transition between the first to second Basic Plans mentioned above. These shifts reveal that multicultural and cultural diversity policies of Korea have not been separately managed and that Korea has been identifying and incorporating the targets of existing multicultural policies, i.e., marriage migrants, in new ways under the country's cultural diversity policies and projects.

These shifts in policy direction are embodied in the Rainbow Bridge Project. The Project encompasses various minority groups including gender minorities, North Korean defectors, disabled people, women, and the youth and the elderly, as well as those covered by existing multicultural policies such as female marriage migrants. The Rainbow Bridge Project, under the direction of the MCST and the Arts Council Korea, opens calls for ideas for programs that expand the opportunities for cultural expression and promote cultural exchanges and communication among various cultural groups, which are customized to meet the characteristics of local communities and operated by and within each region. As such, the Rainbow Bridge Project sets out to uncover the values of diversity and to reflect these values in policies and the field, thereby expanding the discourse on cultural diversity and reinforcing the influence of minority cultures (Ryu 7). These goals of the Rainbow Project are realized through roundtables, research activities, networking with project groups, and strengthening educational programs and capacities, among others.

The most concrete achievement of the Rainbow Bridge Project so far is its contribution in bringing the local governments' enactment of ordinances on cultural diversity in its fifth year. As cultural diversity is a broad concept that encompasses various social classes and types of policies, a large number of

government agencies in the central and local government levels is involved in the implementation of related policies. Due to the numerous entities involved and the inevitable differences in the way policies are directed and implemented among departments and employees, there had been a need for ordinances that coordinate the goals of individual policies and guarantee the continuance of projects. In this regard, the accumulated outcomes of the Rainbow Bridge Project's roundtables, forums, and research activities had shaped the direction of cultural diversity in local communities, leading to the legislation of policy ordinances at the municipal level. The first ordinance that was born from the foundation of cultural diversity established through the Rainbow Bridge Project was enacted in November 2016 by the local assembly of the South Jeolla Province (Lee 19) and included the establishment of cultural diversity centers and funds as well as a committee for cultural diversity, which enabled South Jeolla Province to build a control tower for coordinating its projects (Ryu 15).

#### **THE 2014 ACT ON THE PROTECTION AND PROMOTION OF CULTURAL DIVERSITY**

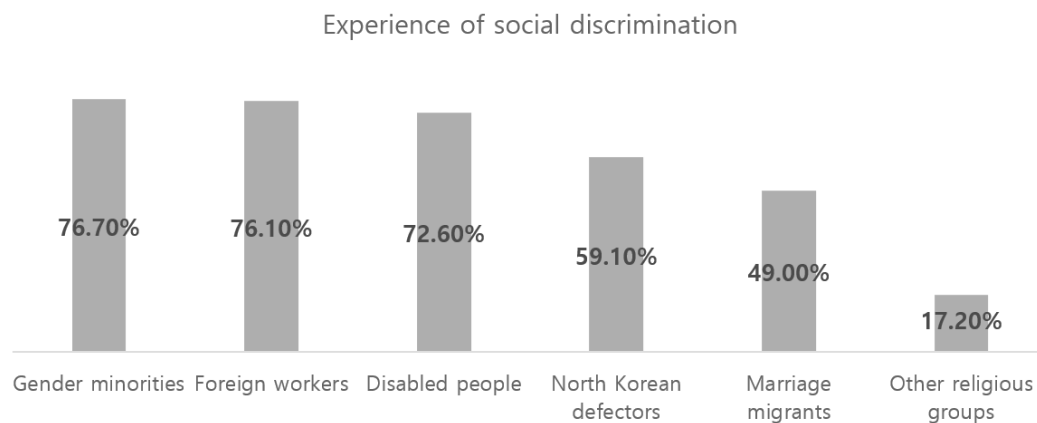
As for the legal frameworks related to cultural diversity, the Basic Law on Culture (2013), the Local Culture Promotion Act (2014) and the Act of the Protection and Promotion of Cultural Diversity (2014), and others were enacted. Among these, the 2014 Act was enacted as part of the country's efforts to fulfill the 2005 Convention. If the 2005 Convention focused on ensuring the free expression of diverse cultures and the diversity of cultural products, the 2014 Act differs in that it aims to lay the foundations for social integration by resolving the cultural conflicts within Korean society (Ryu 6; Lee 19). This focus is expressed in the very first article stipulated in the 2014 Act, which clarifies that one of its main purposes is to realize social integration based on cultural diversity.

Moreover, the 2014 Act places weight on establishing a legal basis and system for fostering cultural diversity in a way that is suitable for Korean society. Among its 15 articles, the 2014 Act delineates provisions that primarily aim to provide a set of practical systems and tools for promoting cultural diversity, including Article 6 on the formulation and execution of basic plans for cultural diversity, Article 7 on the establishment of the Cultural Diversity Committee under the jurisdiction of the Prime Minister, Article 8 on the conducting of actual status surveys on cultural diversity, and Article 13 on the education on the protection and promotion of cultural diversity. In particular, the actual status surveys stipulated in Article 8 is to be carried out every two years to broadly examine Korean society's perception and

acceptability of cultural diversity, the diversity in cultural engagement and creation, and the status of related facilities, human resources, policies, and institutions.

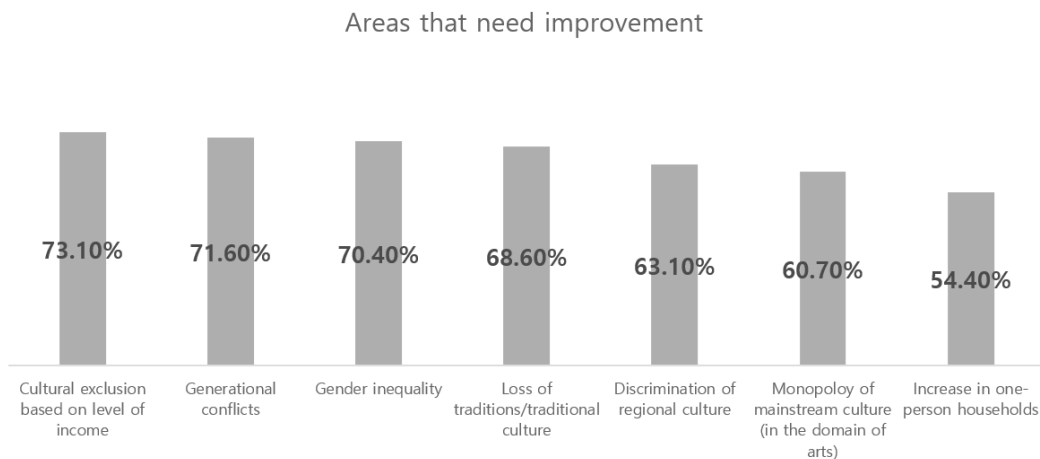
The specific provision for conducting actual status surveys on cultural diversity reveals that the Korean government recognizes the societal acceptance or acceptability of cultural diversity as an important national issue. The acceptability of cultural diversity is not a requirement of the quadrennial periodic report that Korea submits to the UNESCO. Therefore, these surveys represent Korea's will to improve on its internal problems, namely, the low societal acceptance of differences which has constantly been pointed out as an issue.

The reports on the actual status survey on cultural diversity published following the 2014 Act present the status of the minority culture in Korean society, particularly regarding the public awareness of cultural diversity. The first report on the results of the actual status surveys, published in 2017, advances Korea's self-reflection on its acceptability of cultural diversity by providing various indicators on the acceptability of cultural diversity in Korean society, including figures that visualize Korean society's status. For example, the graphs from the report presented in Figure 3 below give an explicit representation of who the minority groups are in Korean society and the issues that need to be prioritized for social integration.



**Figure 3.** Examples of the Indicators of Korean Society's Acceptability of Cultural Diversity

Source: MCST (2017)



(Cont'd.) **Figure 3.** Examples of the Indicators of Korean Society's Acceptability of Cultural Diversity

*Source:* MCST (2017)

Korea's ratification of the 2005 Convention in 2010 led to the enactment of the 2014 Act, which outlined methods to improve the acceptability of cultural diversity in Korean society. The legal foundations and measures that were put in place in the efforts to abide by the 2005 Convention have led to Korea's establishment of the Cultural Diversity Day (May 21) and Cultural Diversity Week, extensive efforts in developing educational programs on cultural diversity.

## ONTO THE DIGITAL AGE AND ITS ECONOMIC MINORITIES

Article 7.1(a) of the 2005 Convention highlights the need for greater attention to minority groups by delineating the measures to promote cultural expressions through its stipulation of "paying due attention to the special circumstances and needs of women as well as various social groups, including persons belonging to minorities and indigenous peoples." As illustrated so far, Korean society's recognition of minority groups has been centered on a few selective groups such as migrants in the beginning, but then gradually expanded to include other groups including women, disabled people, the elderly, gender minorities, and non-mainstream culture. In modern society, the classification of social minorities is generally based on the societies and cultures grounded on nationality and race; cultural identities such as age, gender, and gender identity; and the culture and arts such as non-mainstream cultures (MCST 2014, 20). According to Kyung-Tae Park,



a minority refers to a subject of collective discrimination based on vulnerable social, economic, and political positions, and the range and types of minority groups in society have been diversifying beyond the generally recognized, socially vulnerable groups.

It is unclear how Article 7 of the 2005 Convention defines minority groups, but if the minorities mentioned along with indigenous peoples referred mainly to racial minorities, then the definition of minorities today can be more varied. For instance, as can be seen in Figure 3, in the case of Korea, the issue of economic minorities is the most urgent area for improvement. In terms of the cultural industry, what this means is that prompt attention is required to assist economic minorities who are increasingly pushed to the periphery in the digital age. Globalization and the proliferation of digital platforms have changed the overall conditions for the creation, production, distribution, and access to cultural products. This change brought greater instability to the economic status of the people in the cultural industry, especially the creators and performers.

On November 3, 2014, ADAMI, the collective management organization for the rights of performers in France, issued a statement in *Le Monde* demanding the fair distribution of profits to performers, where it points out that the profits from music streaming services are unfairly distributed among the holders of the copyright (*Le Monde* 2014, November 4). In July 2014, the Worldwide Independent Network, representing independent label companies, highlighted the need for the fair and transparent sharing of profits from digital music services between the artist and the record company through its “Worldwide Independent Network’s Fair Digital Deals Declaration.” Based on this declaration, the Minister of Culture of France announced the “Agreement Protocol on the Fair Development of Online Music” on September 29, 2015 which outlined on the guarantee of transparency in digital transactions and fair profit-sharing (KS Park, “UNESCO Adopts Guideline”).

In the effort to update the 2005 Convention to protect cultural diversity in the new digital environment, the UNESCO adopted the 2017 Digital Guidelines. This reflects the concerns about factors that can threaten cultural diversity in the digital age. What is most noteworthy, though, is that it puts into words the provision of support for the fair remuneration to creators and performers who have been involved in the creative stage in Articles 14.2 and 14.6. Also, Article 8.9 outlines provisions for social and economic rights of authors and artists working in the digital environment, with the aim to ameliorate the recently identified problem of the unfair sharing of profits earned through digital media services.

In the case of Korea, the unfair distribution of profits from music streaming services had already become an issue in 2012, when it became known that Psy,

who received unprecedented global attention as a Korean singer through his song *Gangnam Style*, received a meager 36 million won for two months of music streaming services (MCST 2012). Koreans' consumption of online music streaming has been expanding rapidly, from 42% in 2012 to above 61% in 2015 ("0.42 Won to Singers"). However, the greater use of music streaming services has not been linked to the economic benefit of the copyright holder(s). Moreover, in the case of Korea, the conditions are worse than, for instance, in the U.S., making it more likely for creators to become economic minorities. As can be seen in Table 1 below, the profits earned by singers (including musical performers) in Korea are less than that of the U.S., and the rate of profit of distributors is about 9% higher in Korea than that of the U.S. The implication here is that Korea is dominated more by the market-oriented economic rationale than the rights of creative arts than the U.S. Also, in the case of the U.S., the profit-sharing ratio among producers, lyricists/composers, and singers are often negotiated on a case-by-case basis (MCST 2012), so the profits earned by the performers are likely greater than indicated in Table 1.

**Table 1. Profit-sharing Ratio for Music Streaming in the U.S. and Korea**

Category	Lyricist/ Composer	Singer/ Performer	Record Company	Distributors
United States (iTunes)	7%	16%	46%	31%
Korea (Music Streaming Services)	10%	6%	44%	40%

Source: Modified by the author based on Jung (32)

The adoption of the 2017 Digital Guidelines gave momentum to Korea's ongoing discussion since 2012 on this issue, led by the MCST. On February 23, 2018, the MCST held a public hearing to accelerate the discussions on setting the profit-sharing ratio of streaming music to 12% for lyricists/composers, 7% for singers/performers, 54% for recording companies, and 27% for the distributors ("Dilemma of the Increase of Music Copyright Fees"). In this way, the problem of restructuring the distribution of profits from the copyrighted works of music creators is being handled as part of the policies for the improvement of creative environments in the field of culture and arts. At the same place as the public hearing, a live debate was held by the New Cultural Policy Preparation Committee under the theme, "Protecting and Spreading Cultural Diversity." Thirteen main policy tasks for encouraging the protection and proliferation of culture were set as an outcome, including guaranteeing the cultural expression of minority groups, establishing an integrated cultural environment for coexistence, and establishing policy measures

for guaranteeing cultural diversity in the digital environment. As these measures show, Korea has been shifting its cultural diversity policies beyond the goal of protecting the boundaries of cultural arts and industries, toward the pursuit of a balance of cultural and economic values—that is, a balance between culture and economy, in response to the rapid evolution of the digital environment.

It is an unfortunate reality that the intensifying problem of economic minorities born from the new structure of the music industry in the digital era come under the spotlight only after famous singers such as Psy has become involved. However, this reality highlights how it is not only the unknown musicians that are exposed to this structural problem, urging immediate discussions on fundamentally changing the structure of the cultural industry. The greater freedom in content creation, distribution, and consumption (access) in the digital age has proven that the role of the UNESCO in protecting the diversity of cultural expressions is more relevant than ever. The distribution of profits to the most vulnerable economic minorities in the music industry's ecosystem requires address through the discourse on the sustainability of the cultural ecosystem emphasized by the UNESCO.

In May 2017, G-Dragon, a popular Korean wave star, released a mini-album titled *Kwon Ji Yong* in an unprecedented USB format. The USB flash drive did not contain the songs directly: with the USB flash drive, consumers can access the website created by G-Dragon's agency, YG Entertainment, where they can download the songs, music videos, and photos included in the album. As this USB album did not go through the usual distribution channels, some have mentioned that G-Dragon's decision to release his album in this format was to circumvent the current structure of the music industry that brings little profit to the creator. What is more noteworthy, though, is that G-Dragon's USB album is an example of new methods of distribution made possible by the digital era, as in the case of Bong Joon-ho's film *Okja* and its release through Netflix. When *Okja* was released primarily through online streaming via Netflix and not through movie theaters, the Cannes Film Festival announced that it will not be inviting films on online streaming services in the future. When G-dragon released his USB album, the Gaon Chart, a Korean version of the U.S. Billboard Chart, responded in the same line of logic as that of the Cannes Film Festival by releasing a statement that, in its current form, G-Dragon's album will not be included in its weekly album chart ("The Album that Expands").

The revolution in the distribution of culture has already begun and will continue in this digital age. Bong Joon-ho and G-dragon created ripples in the traditional ecosystems of the industry and challenged the industrial powers seeking to maintain the current ecosystems, sparking their opposition. However, the digital era will continue to bring more changes, along with new methods, to the ecosystem of the

cultural arts industry. To face the challenges brought by the digital age, the 2005 Convention needs to fulfill its role more than ever in protecting cultural diversity. As the 2017 Digital Guidelines emphasizes, the ways to resolve the problems faced by minority groups who are becoming newly marginalized by the digital environment can only be found in the principle of sustainability, which underlines that without the will to improve the situation of minority groups, it is not possible to preserve cultural diversity or cultural ecosystems that exist today.

## CONCLUSION

The discussions surrounding the 2005 Convention became the trigger for Korean society to take an interest in cultural diversity and to put the concept into practice. The concept of cultural diversity was introduced to Korea at the time of the Korea-U.S. FTA negotiations, and as a result, cultural diversity was understood by Koreans in a narrow sense that suited the rationale of protecting, or opening, the cultural industry. As such, the debate on cultural diversity was not born as a result of self-reflection and the recognition of problems within the domestic cultural environment. There was little consideration of the problems within the domestic cultural industry, such as the imbalance of power among cultural actors, nor of the problems that existed in society between the majority and minority groups in the early discussions on cultural diversity.

The set format of the first quadrennial periodic report that Korea submitted to the UNESCO in 2014 as a result of the 2005 Convention (UNESCO) limits the report from drawing a full picture of how the 2005 Convention has influenced Korea. As discussed so far, Korea has successfully been moving away from the initial debate that focused on the cultural exception to reflect on the issues within Korean society and reinforcing its internal diversity. In the case of Europe, the region has been promoting the protection of regional and minority languages since the mid-1960s through the Council of Europe. In 1992, the Council of Europe approved the European Charter for Regional or Minority Languages, and since then, most of the European countries have either signed or ratified the charter. In Canada as well, multiculturalism and minority rights have been positioned as the last wave of the three waves of political movements argued by Will Kymlicka since the late 1960s (“Multiculturalism” 6). As such, the discourse on the minorities and cultural diversity had been given sufficient room to grow in the West — in the case of Korea, it was the 2005 Convention that played the role of allowing the discourse on cultural diversity to develop. Through this role, the 2005 Convention affected all facets of Korean society, from cultivating the discussion on cultural diversity to cover not only the issues of the cultural industry but also the cultural rights of the

socially and economically vulnerable and the rights of the minorities to advancing the institutional environment for cultural development. A comparative study of Korea's case against the cases of France and Canada, which were most active in the ratification of the 2005 Convention, will allow a more balanced evaluation of the influence of the 2005 Convention on Korea.

In June 2017, Korea was selected as a member of the 2005 Convention's Asia-Pacific Group Committee (2017-2021), which endowed the country with the responsibility to play a leading role in the implementation of the 2005 Convention. However, the strong discriminative attitudes that remain in Korean society present many challenges and tasks that must still be overcome, as pointed out in the country report issued at the 62nd Session of the UN Committee on Economic, Social and Cultural Rights in September 2017 which raised concerns about the low level of acceptance of multiculturalism in Korean society and the lack of policies promoting cultural diversity that reach out to the larger population.

It is true that Korea has been successful in building a discourse on cultural diversity as well as a legal basis for supporting cultural diversity, but the country still lacks in many ways before it can become a truly multicultural society that is based on cultural diversity. As shown in Figure 3, gender minorities face the strongest discrimination within Korea, yet, the budget designated for supporting gender minorities is only 0.1% of the total budget for the promotion of cultural diversity (MCST 2017). What this shows is that the diversity of sexual orientation and gender identity is the most forbidden area for discussion, an area where the discourse on cultural diversity has found it almost impossible to persuade the members of Korean society. For the discourse on cultural diversity to cover even the areas where it exerts little power at present, it is necessary for Korea to place more focus on multicultural education based on the recognition of cultural diversity with the long-term in mind. Furthermore, since the strengthening of diversity within the society requires capable private and non-governmental organizations that can supervise and educate the members of society on diversity at the local and municipal levels, more efforts should be placed on strengthening the civil society's capabilities to put into practice the successful legislation of cultural diversity policies at the level of the state.

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