

COMPENDIUM CULTURAL POLICIES AND TRENDS IN EUROPE

COUNTRY PROFILE

GERMANY

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It is based on official and non-official sources addressing current cultural policy issues.

The opinions expressed in this profile are those of the author and are not official statements of the government or of the Compendium editors.

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GERMANY¹

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1. Historical perspective: cultural policies and instruments

In contrast to most European countries, Germany was made up of many independent feudal states and city republics that each pursued their own cultural policies and established a host of cultural institutions. Among them were distinct cultural traditions that were not centralised nor assimilated in the German Empire (Reich), founded in 1871. While the new Reich government was responsible for foreign cultural policy, the constituent states retained responsibility for their own cultural policies. The special autonomy of the municipalities extended to the area of cultural affairs which was supported by a strong civic commitment to the arts and culture. Under the new constitution of the Weimar Republic (1919-1933), public responsibility and support for the arts and culture was divided among the Reich government, the governments of the Länder (the constituent states), the city and municipal councils.

The approach adopted by the National Socialist regime (1933-1945) replaced the diversity that had evolved over the course of centuries with forced centralisation, stifling civic commitment and instrumentalising culture to serve the aims of the Regime. This experience with centralisation later led to the emergence of a strong penchant for federalism in the Federal Republic of Germany.

The National Socialist tyranny and World War II ended on 8 May 1945. The German Reich was then divided into three Western and one Eastern occupation zones. These four zones eventually became two: the Federal Republic of Germany and the German Democratic Republic (formally a Soviet occupation zone). Following a brief period marked by cooperation between the Federal Republic and the GDR, cultural policy evolved independently and developed along different lines in the two German states. This changed following Germany's reunification 40 years later on 3 October 1990.

German Democratic Republic (1949-1990)

In the former German Democratic Republic, a break was made with the tradition of cultural federalism that had prevailed in Germany until 1933. In 1952, the Länder were dissolved and replaced by 15 districts. From 1954, the state-controlled cultural sector was headed by the Ministry of Culture. Cultural policy in the GDR was based on a concept of culture that encompassed the "humanistic heritage" of classical art forms, on the one hand, and new forms of everyday culture, on the other. The ruling Socialist Unity Party (SED), which exercised tight control in all parts of society, including most cultural activities, proposed that the "working class" should be both participants and drivers of cultural life in the GDR. The ideological basis of this claim was, however, a one-sided view of history that embraced only certain traditions of the traditional workers' movement. In addition to the reactivation of "classical" cultural institutes, new institutions engaged in cultural activities emerged, such as "houses of culture" or youth clubs. Particularly important were those activities organised by social and cultural associations as well as worker's unions within larger companies, all of which were under state supervision. Such state-run companies, along with the national and local authorities, were the most important supporters of this type of "popular culture". As a rule, the cultural work of all organisations was funded by the state and orchestrated by the SED.

New Eastern Länder (since 1990)

This phase of cultural policy development ended with the accession of the German Democratic Republic to the Federal Republic of Germany on 3 October 1990 ("Reunification"). Responsibility for many of the traditional cultural institutions supported by the state or the districts was passed on to the newly re-constituted Länder and municipalities. Virtually all cultural activities and facilities of the former state run companies and worker's unions were

shut down; responsibilities for some of these activities were taken over by associations, sometimes with the help of sponsors. Since then, the structures for cultural policy development in Germany's eastern Länder have essentially become similar to those of the "old" Federal Republic.

Federal Republic of Germany (1949-1990)

Following World War II, Western Allies prescribed a very narrow role for the government of the new Federal Republic of Germany in the field of cultural policy, mainly as a consequence of the National Socialists' former abuse of culture and the arts. Following the restoration of the cultural infrastructure, cultural policy remained at first largely limited to the promotion of traditional art forms and cultural institutions. Not until the process of social modernisation got under way - accompanied by the youth and civic protest movements of the 1960s onward - did the scope of cultural policy broaden to include other, e.g. "socio-cultural", areas of activity.

A "New Cultural Policy" emerged in the 1970s as part of a general democratisation process within society, the thrust of which was expanded to encompass everyday activities. The arts were to be made accessible to all members of society if at all possible. In the 1970s, the call for "culture for everyone" and for a "civil right to culture" led to a tremendous expansion of cultural activities, the further development of cultural institutions and the emergence of numerous new fields of cultural endeavour financed by increasing public expenditure. This growth was matched by continuously rising popular demands for a variety of cultural goods and services.

The reform-oriented cultural policy objectives of the 1970s were replaced in the 1980s by new priorities which saw culture as a factor enhancing Germany's attractiveness as a location for business and industry.

Reunified Federal Republic of Germany (since 1990)

The 1990s were profoundly influenced by the unification of Germany. In the new eastern Länder, adoption of the administrative structure of the "old" Federal Republic and its approach to cultural policy prompted a restructuring of and radical changes in the cultural landscape. These years have also been marked by austerity measures and budgetary constraints and by the increasingly evident structural problems of the major traditional cultural institutions.

In the early years of the following decade, cultural policy in Germany stabilised in comparison to the changes of the 1990s. However, cultural policy still faces great challenges and requires a constant re-orientation. The main issues are financial, particularly as the negative consequences of the recent global financial crisis on local and regional public budgets become more visible. On the other hand, some of these problems are structural in nature and concern the conceptional basis of cultural policy. Despite an improved state budget on the national level and in some of the Länder, there is ongoing pressure on cultural institutions to increase their economic equity-ratio, to lead their institutions more economically, as well as to obtain funds from other sources such as sponsorship, patronage and marketing. In particular, the structural problems require a readjustment of the relationship between the state, market and society concerning the financing of cultural institutions, among other methods, through public private partnership models and a stronger integration of civic commitments. In addition, the conceptional basis of past cultural policies has been challenged by migration processes, rapid media development and a change in the composition of audiences (a decreasing total population and an increasing number of older people). Currently, intensive discussion is taking place in Germany on the requirements of cultural policies, due to these societal changes.

2. General objectives and principles of cultural policy

2.1 Main features of the current cultural policy model

Cultural policy in Germany is based on a federal model. It is governed by the principles of decentralisation, subsidiarity and plurality; a tradition rooted in the nation's historical development (see also chapter 1) and reaffirmed in its Constitution.

All levels of government operate within a Constitutional framework which specifies their respective competence in the cultural field (see chapter 3.2). They are supposed to cooperate within one another on cultural matters – *Kulturföderalismus* – by jointly supporting cultural institutions and activities. In reality, there is a high degree of competition among the different Länder, municipalities, cultural institutions, artists and other intermediaries.

An important objective influencing the development of cultural policy throughout Germany, is to find a balance between public-sector responsibility for ensuring the existence and funding of cultural institutions and programmes without government interference in cultural activities. The Constitution guarantees freedom of the arts (*Article 5 (3)*) which not only provides the basis for artistic autonomy and self-governing rights of cultural institutions and organisations but also stipulates a form of protection from state directives and regulation of content. Accordingly, the state is responsible for actively encouraging, supporting and upholding this artistic freedom in what is referred to as a *Kulturstaat* (cultural state).

This approach to cultural policy is primarily supply-oriented. This means that the majority of cultural infrastructure is governed under the rule of law and is supported by the government – mainly by the individual Länder and by the cities. More recently, there have been discussions concerning the privatisation of public services and institutions which has intensified efforts to promote more efficient arts management. As a result, there is a greater receptiveness to public-private partnership models and a willingness to privatise some cultural institutions.

For a number of years there has been an ongoing debate regarding a greater pooling of resources among the different levels of government. Prompted by the problematic financial situation of many Länder, the Federal Government has been called upon to co-finance "landmark cultural institutions". A precedent was set for its involvement in the 1990 *Unification Treaty* calling on the Federal Government to support cultural institutions located in the Länder of the former GDR. This is especially important for cultural institutions located in the new capital city, Berlin, which face a plethora of structural and financial problems as a consequence of German unification and which require substantial support from Federal agencies. Along with additional obligations and competences, this Federal involvement gives agencies a greater say in cultural matters at the national level; a development that is contested by some of the Länder on constitutional grounds.

2.2 National definition of culture

There is no binding definition of culture that could serve as the basis for cultural programmes and measures in Germany. In contrast to the situation in the first two decades after the founding of the Federal Republic of Germany, one can safely say that the cultural philosophies of the democratic parties at all levels of government no longer significantly differ. One reason for this convergence is the intense cultural policy debate that began in the early 1970s in the context of the "New Cultural Policy" (see chapter 1). This debate led to a broadening of the narrow concept of culture prevailing in the 1950s and 1960s, which

had been very strongly oriented towards the traditional cultural value system handed down for generations, to include new content and focus. The term "culture" today, thus encompasses contemporary creative and artistic activity (both inside and outside the framework of the traditional cultural institutions) as well as the culture of everyday life.

2.3 Cultural policy objectives

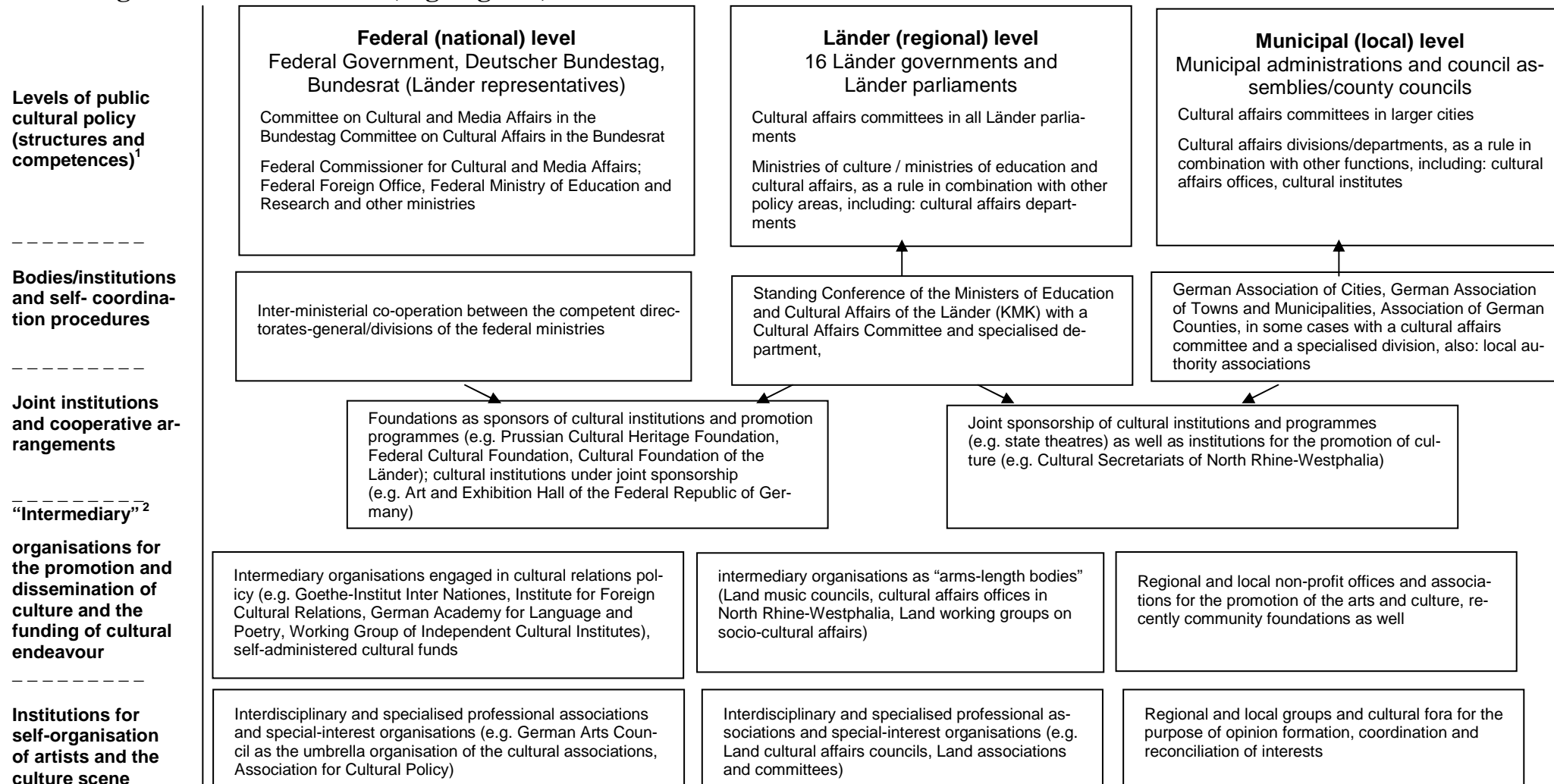
From the very beginning, the "New Cultural Policy" of the 1970s and 1980s reflected the priorities put forward by the Council of Europe on issues related to cultural identity, cultural heritage, cultural diversity and participation in cultural life.

Today, one of the main objectives of cultural policy in the Federal Republic of Germany is to make the arts and cultural events accessible to as many people as possible.

In recent years, there has also been acknowledgment in the cultural field that Germany is a country of immigration. It has also been recognised that cultural policy – particularly at the municipal level – has to take this issue into consideration, which means taking multicultural diversity as a given, integrating the culture of immigrants into cultural policy and to take account of the cultural needs of people with migrant backgrounds.

3. Competence, decision-making and administration

3.1 Organisational structure (organigram)



1) Under the Basic Law, the municipalities are part of the Länder. They are furthermore guaranteed the right (Article 28 [2] of the Basic Law) to regulate all local affairs on their own responsibility, in other words, to also voluntarily and autonomously take decisions concerning the cultural affairs of the local community.
 2) The concept of “intermediary” is very broadly interpreted here because the spectrum of private-law organisations that sponsor “public” cultural institutions, implement cultural programmes or distribute funds for cultural activities and institutions is very heterogeneous and all exhibit a varying degree of proximity to the state.

3.2 Overall description of the system

Germany is a federally organised country with different tiers of government: the *Bund* or Federal Government (i.e. national authorities, Parliament etc), the *Bundesländer* (autonomous states) and the *municipalities* (cities, towns, counties). The German Constitution (*Grundgesetz*) stipulates the division of responsibility and competencies among the different levels of government.

Article 30 of the German Constitution assigns most competencies to the *Bundesländer*: "the exercise of state powers and competencies lie with the Länder, except where specifically stipulated or permitted by the German Constitution". At the moment, there is no general constitutional clause giving the Federal Government responsibility for areas such as culture or education. Hence, the *Bundesländer* are the main public actors in the cultural field and are responsible for setting their own policy priorities, funding their respective cultural institutions and for supporting projects of regional importance.

Article 28 (2) of the German Constitution affirms the role of municipalities in cultural affairs at the local level. The respective Constitutions of each Länder reinforce this provision and further define specific cultural responsibilities for local governments.

Within this federal and highly decentralised system, there are a number of bodies which formulate and implement cultural policy: legislative or self-governing bodies (i. e. parliaments, councils), government administrations (i. e. ministries or departments for cultural affairs), or consultative bodies (i. e. expert committees). The size and structure of these bodies will differ across the country.

Within their fields of competence, the Federal Government, the *Bundesländer* and the municipalities are largely free to shape cultural policy as they see fit, in other words, to determine the form, extent and priorities of their cultural programmes.

Federal Government bodies responsible for cultural affairs

The Federal Government has jurisdiction over foreign cultural policy, including schools and higher education. The extent to which the federal authorities have competence in other areas of culture having a nationwide or international impact is currently being discussed.

In 1998, the Federal Government created, for the first time, a *Federal Government Commissioner for Cultural Affairs and the Media* (today: *Federal Commissioner for Cultural and Media Affairs / Beauftragter für Kultur und Medien*); thus creating a central contact point for cultural affairs at the federal level. A corresponding *Committee on Cultural and Media Affairs* was subsequently set up in the German Bundestag (Parliament). It acts as a supervisory body for the work of the Federal Commissioner for Cultural and Media Affairs and for the department responsible for foreign cultural policy at the *Auswärtiges Amt* (*German Federal Ministry for Foreign Affairs*).

One of the most important responsibilities of the Parliamentary Committee on Cultural and Media Affairs is to examine all legal initiatives and changes with respect to their possible effect on culture (*Kulturverträglichkeit*), e. g. tax laws including special provisions for non-profit organisations. It also initiates cultural policy debates on issues of nation wide importance such as the setting up a monument for the victims of the Holocaust, the refugees after the Second World War or the victims of bombing. The Committee makes decisions concerning the budget.

The Parliamentary Committee is sub-divided into specialised bodies such as the sub-committee for "Civic Engagement" or "New Media". In autumn 2003, a Commission of Enquiry or "Enquete-Kommission" on culture in Germany was set up for a limited period. It was comprised of 11 members of Parliament and 11 independent experts. The main task

of the Commission was to examine a broad range of issues related to cultural policy in general and to the support of culture in particular. The final report was presented on 13 November 2007 (see chapter 4.1).

In October 2009 a new federal government took office. Angela Merkel remained chancellor of the new coalition of Christian Democrats (CDU) and the Liberal party (FDP), replacing the CDU-led coalition with the Social Democrats (SPD). The old and new *Federal Commissioner for Cultural and Media Affairs* is Bernd Neumann. On the federal level, the generally converging views of cultural issues are still a significant trait of German politics.

During the current legislative period (2009-2013) a Commission of Enquiry on "Internet and digital society" has been set up.

***Bundesländer* and municipalities**

The *Bundesländer* and municipalities are the main actors responsible for cultural policy in Germany. The scope and priority areas can vary greatly from Länder to Länder and from municipality to municipality.

All of the 16 *Bundesländer* (see details of the Länder, their size and their capitals [here](#)) have their own Parliaments, Parliamentary Committees that deal with cultural affairs and Ministries responsible for culture. As a rule, culture is combined at the Ministerial level with other policy areas, mainly education or science. In such cases, there are specific departments for cultural affairs. In 2004 and 2005, some Länder (federal states) abandoned this tradition and transferred responsibility for cultural affairs to the *Staatskanzlei* (Office of the Prime Minister), as has occurred in North Rhine Westphalia, Schleswig-Holstein, Berlin and Bremen, but after the last elections in 2009 all of the them – with the exception of Berlin – reintegrated culture in ministries together with other political areas.

On the municipal level, cultural affairs fall, in most cases, under the responsibility of specific *Kulturdezernenten* (Cultural Commissioners) with their own administrative structures. They are responsible for programmes, public cultural institutions such as local theatres, libraries, museums or music schools, etc. Local city and county councils have their own cultural affairs committees.

The individual Länder can transfer budgetary resources for culture to the municipalities at their own discretion. The "*Act on the Cultural Areas in the Freistaat of Saxony*" is one important example. This Act was initially passed in 1993 for a period of 10 years. In 2003, this period was extended to 2007. With the last amendment of the Act in 2008, it became effective for an unlimited period. It stipulates that at least 86.7 million EUR should be transferred from the budget of the Land to 5 rural and 3 urban areas to support cultural institutions and activities of regional and trans-regional importance. In other Länder (e. g. Baden-Württemberg), support for individual sectors, for example theatre, is given in the form of co-financing, the amount of which is determined on the basis of a fixed percentage of the total spending invested by the municipality. In some cases, resources are transferred from the Länder to the municipalities for activities which are not necessarily cultural.

On 1 September 2006, a reform of the federal system came into effect. This has involved a re-distribution of competences between the federal government and the Länder in some policy areas. In the field of culture, the federal government (or level) assumed more responsibilities with respect to culture in the capital, Berlin, and to the conservation of cultural heritage. German representation in the field of cultural policy within the European Union (*Article 23, Abs. 6 GG*) has been given greater weight. Because the federal government is prohibited from co-financing cultural projects (*Article 91b GG*), the possibilities of supporting cultural education projects are limited.

Non-governmental actors

In addition to government bodies and actors, there is a host of actors involved in supporting different forms of cultural work and cultural programmes such as: radio and television broadcasters, business-sector institutions, various groups in society (churches, unions, and associations), civic organisations and initiatives, clubs and private individuals.

This extensive network of intermediaries between the state and the culture scene complements public-sector activity and is indispensable for a vibrant and progressive cultural life in Germany. Pluralism of sponsors and vehicles of culture is a structural and important element of the system which is also indicated in the *Constitution* and the laws governing Germany's cultural sector. The various forms of commercial cultural activities likewise play an important role in the nation's cultural life.

As a rule, there is no organised form of co-operation or coordination of cultural activities between "the state" and this diverse network of non-governmental actors. There are, however, more and more instances where public cultural affairs administrations at the Federal, Land and local level are cooperating with intermediaries (arms-length bodies) in order to implement their support programmes or to generate sponsorship for cultural institutions.

3.3 Inter-ministerial or intergovernmental co-operation

There is no official body in charge of coordinating cultural policy initiatives, programmes and measures undertaken by all levels of government.

The *Standing Conference of the Ministers of Education and Cultural Affairs of the Länder in the Federal Republic of Germany (KMK)* acts as a platform for co-operation and exchange among the Länder.

Co-operation platforms also exist at the municipal level through local authority associations such as the *German Association of Cities*, the *German Association of Towns and Municipalities*, and the *Association of German Counties*. These associations have created specialised divisions and cultural affairs committees to address specific topics which may also be relevant at the Länder and Federal levels. The sub-committees prepare recommendations which are submitted to the respective local authorities for consideration.

The office of the *Federal Commissioner for Cultural and Media Affairs (BKM)* cooperates with the *KMK* on specific subjects as needed. Regular communication takes place on a working level. Representatives of the *BKM* regularly attend meetings of the *KMK*'s Committee for European and International Affairs and the Film Committee of the Länder.

Consultation and coordination of cultural policy between the Länder and their municipalities is handled in a number of ways. In addition to bilateral contacts between the relevant ministry and individual municipalities, consultations take place between the ministry and the local authority associations on issues of significance for the Land as a whole. In several municipalities, specific offices have been created to facilitate supraregional cooperation. In other municipalities this type of cooperation is accomplished by Regional Conferences on Cultural Affairs.

The various levels of government have rather different approaches to the systematic integration of culture into other policy areas and to strategic planning. However, dwindling resources at all governmental levels have encouraged greater inter-ministerial coordination in terms of the definition of goals and the use of resources.

Within the general process of intensifying transversal debates across different policy areas, the Federal Chancellery organised a summit in July 2006 on intercultural dialogue and integration. A "culture and integration" working group was set up within the office of the

Federal Commissioner for Cultural and Media Affairs, with members drawn from the different levels of government: federal, Länder and municipalities, plus representatives of non-governmental organisations. The task force produced a paper that forms part of the "National Plan of Integration" (Nationaler Integrationsplan) which was passed at the second Integration Summit in July 2007 and has since been influential in debates around cultural diversity and social cohesion.

3.4 International cultural co-operation

3.4.1 Overview of main structures and trends

Since the debate on a new conception of foreign cultural policy in the 1960s, it has been considered the third pillar of foreign affairs. During the 1980s, first ideas to shape this policy in a more dialogue-oriented way came up, e.g. in conferences organised by the *Auswärtiges Amt* (German Federal Foreign Office). The latter continues to be the main actor in this field, despite a growing influence of local and regional bodies and NGOs. Since the end of the 1990s, there has been intensive discussion on new aims and instruments of foreign cultural policy, which was reflected, for example, in the position paper "Konzeption 2000" and the "Aktionsplan zivile Krisenprävention, Konfliktlösung und Friedenskonsolidierung" (Action Plan for Civil Crisis Prevention, Conflict Resolution and Peace Consolidation). Following the elections on the federal level in 2005 and 2009, political changes took place in the Federal Government and debates on the role of foreign cultural policy ensued. In 2006 and 2007, major conferences were held to highlight the new political importance attributed to foreign cultural policies and to discuss the future developments.

In the last 20 years, foreign cultural policy has repeatedly suffered from cuts in funding, which in part have led to the closure of a number of branches of the Goethe Institute. This trend came to an end in 2005, when the higher place of cultural foreign policy on political agendas was underlined by improvements in the federal budget. Against the former trends, funding for foreign cultural policies increased during the following years.

3.4.2 Public actors and cultural diplomacy

Article 32 (1) of the Constitution states: "Relations with foreign states shall be conducted by the Federal Government". Following from this *Article*, the Federal authorities and Parliament are responsible for foreign cultural policy.

The political guidelines establishing the priorities for foreign cultural policy are formulated and coordinated by the Foreign Office. The Federal Commissioner for Cultural and Media Affairs is responsible for a number of important fields, for example foreign broadcasting services or the restitution of art works ("looted art"). Other federal ministries, such as the Federal Ministry of Education and Research or the Ministry for Economic Co-operation are also active in foreign cultural policy, although to a much lesser extent than the Foreign Office and the Federal Commissioner. There has been a *Committee for External Cultural Policy* in the German Federal Parliament (Bundestag) since 1969.

The most important areas of foreign cultural policy (including education) are cross-border co-operation in education and science, international cultural dialogue, promotion of the German language abroad, and exchanges in the fields of art, music and literature. For the most part, this policy is implemented by intermediary organisations funded by the Federal Ministry for Foreign Affairs such as: the *Goethe-Institut (GI)*, the *German Academic Exchange Service (DAAD)*, the *Institute for Foreign Cultural Relations (IfA)*, the *Alexander*

von Humboldt Foundation (AvH), and the German UNESCO Commission (DUK). They are free to create their own programmes.

The relevant bodies of the Länder cooperate closely with the Federal Government in the field of foreign cultural policy. Municipalities and civil society groups are actively involved in cultural work abroad.

3.4.3 European / international actors and programmes

International co-operation in the cultural sphere is taking on increasing significance. A particularly important example in this context is the intensified efforts to cultivate a dialogue between cultures. In 2005, the *German National Commission for UNESCO* was particularly active in the process of developing and passing a convention on protecting and promoting the diversity of cultural expressions as an international legal instrument. In February 2007, the German parliament passed the *UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions* and, simultaneously, the *UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage* (UNESCO-Übereinkommen zum Kulturgüterschutz) (see also chapter 4.2.2).

Europe-wide co-operation in the area of culture has evolved since 1992 on the basis of *Article 151* of the Treaty Establishing the European Community. Member states work together to adopt common legal framework, such as *Directive 96/100/EC on the return of cultural objects unlawfully removed from the territory of a member state* and through specific programmes facilitating co-operation among the member states themselves and between the member states and neighbouring third countries such as *Culture (2007–2013)*, *Europe for Citizens*, *MEDIA 2007* and the *European Capital of Culture*.

During the German EU presidency in 2007, special attention was given to the topic of European cultural policies and their closer association with national cultural policies. This issue formed part of three large international cultural policy congresses.

In the context of the preparations for "Ruhr 2010" (Essen and the Ruhr district assumed the role of *European Capital of Culture*), many trans-border activities were prepared, including with the other two "capitals" of that year, Istanbul and Pecs. Already in 2006, representatives from 31 Ruhr district cities and 92 European twin cities came together in Essen, Dortmund and Duisburg, to discuss the issues of "urbanity", "identity" and "integration" and agreed upon further co-operation (TWINS). "Ruhr2010", Istanbul 2010 and Liverpool 2008 contributed to the foundation of a network of *European Capitals of Culture*. Furthermore, "Ruhr2010" worked together with other initiatives such as *Eurocities* and *Les Recontres*.

3.4.4 Direct professional co-operation

In addition to the longstanding international town twinning arrangements, communities in all the Länder have entered into bilateral or multilateral regional partnerships with comparable territorial communities or authorities of other countries, primarily – but not exclusively – in Europe. This cross-border cultural exchange is particularly lively in the so-called "Euregios" (Saar-Lor-Lux, Euregio Egreensis, Euroregion Erzgebirge e. V., Euroregion Elbe / Labe, and the Communal Association of the Euroregion Neisse).

Since the 1970s, many private actors, professional organisations (e.g. of theatres, museums or libraries) and informal networks have started to develop their own international relations and exchange programmes, which are not necessarily linked any more with the official foreign policy.

3.4.5 Cross-border intercultural dialogue and co-operation

There are no special government programmes to support trans-national intercultural dialogue, except through the instruments and institutions that were mentioned under chapter 3.4.1 to 3.4.4. The majority of these bodies are very active in this field. An important actor is the Federal Cultural Foundation (Bundeskulturstiftung), with many programmes and projects on cross-border intercultural dialogue (<http://www.Kulturstiftung-bund.de>). Some private foundations are very engaged as well, such as the *Mercator-Stiftung* with its centre of international affairs and the current thematic cluster integration or the *Bosch-Stiftung*, but increasingly also regional funding bodies complement that picture. For example, in 2009 the *Kunststiftung NRW* (arts foundation of the State of Northrhine-Westphalia) created exchange programmes through artists' residencies in Istanbul, Mumbai and Tel Aviv.

Central to the content and orientation of intercultural dialogue is the debate with the Islamic world and Islamic culture, stimulated by the issues presented by fundamental Islamism. Another main focus is dialogue with countries and cultures in Asia, in particular China, Japan and Korea.

3.4.6 Other relevant issues

Ruhr2010

The European Capital of Culture in 2010 was – along with Istanbul and Pecs – the Ruhr district under the title "Essen for the Ruhr", in which 53 cities, towns and parishes in the region joined forces under the motto "Change through Culture – Culture through Change". Confronted by the end of the coal and steel industries, the organisers wanted to react to the new challenges and as a result the region has undergone an exemplary transformation: "to a new type of polycentric cultural metropolis". Ruhr2010 has brought together the regional players from culture, politics and business into a creative alliance. The programme consisted of three guiding themes: mythology, metropolis and Europe. These are interwoven into and portrayed by 6 disciplines and topic areas of: image, theatre, music, language, creative industries and festivals. One of the most popular project within the European Capital of Culture was "Still-Life A40/B1" on 18 July, where 60 kilometres of the motorway were blocked in both directions and lined with 20 000 tables to create a meeting place for different cultures, generations and nations. More than 4.5 million people used the motorway as the "world's longest banquet table" and for cycling. The European Capital of Culture year ended with a finale at four venues: Dortmund, Duisburg, Essen and Gelsenkirchen on the 18 of December – with more than 10 million visitors.

4. Current issues in cultural policy development and debate

4.1 Main cultural policy issues and priorities

The collapse of the system in Eastern Europe and the unification of Germany in 1989/90 produced new cultural tasks, both within the Federal Republic of Germany and in its relations with European neighbours.

The difficult financial situation of all public funds has been a determining factor in cultural policy discussions on the municipal and *Länder* level since the mid-1990s, and increasingly so since the turn of the century.

The economic and financial crisis of 2008/2009 also impacted on private and public culture financing. During the crisis years the promotion of culture from private sources declined, whereas the effects of the crisis on public institutions only became visible to a greater extent in the culture budgets for the years 2010 and 2011. Altogether, public debts have increased during these years and have reached the highest level since the end of World War II, even though the economic developments have been more favourable in 2010. In particular, local authorities / communities suffer from increasing debts. Over the last years, more functions have been transferred to local authorities / communities without additional financial resources and declining revenues. Currently, pressure on public culture institutions is high for local authorities / communities but also on the state level. At the same time and in line with its growing responsibilities, the Federal Government increased its cultural expenses for 2011 for the fifth time in a row. Yet, the government majority in the Bundestag rejected motions for financial support for culture promotion in financially suffering communities (see chapter 6.2).

In the past five years, discussions and action (on the part of both public and private actors) have focused on:

- support for culture institutions in the new capital city Berlin;
- giving greater competence for cultural affairs to the Federal Government;
- streamlining and optimising cultural funding among the different levels of government;
- passing of new laws in the fields of copyright and taxation for foundations as well as re-enforcing social insurance provisions for self-employed artists;
- cultural education;
- cultural industries;
- repatriation of unlawfully seized cultural assets;
- *UNESCO* Convention on the Protection and Promotion of the Diversity of Cultural Expressions;
- constitutional protection for culture;
- greater civic commitment to culture;
- responding to a cultural public with increasingly diversifying needs;
- migrants, cultural diversity, intercultural co-operation; and
- outsourcing public sector tasks.

The main topics of the current legislative periods, presented by the Federal Cultural Commissioner of Cultural and Media affairs in November 2009, were amendments to laws in the fields of copyright; social insurance for self-employed artists; and politics of remembrance. The current overall topic is cultural education, not only in the domain of culture but also in other political areas such as education. For example, the next report on education in Germany will focus on cultural education.

Capital Culture

During the 1990s, the *Bundestag* (German Parliament), the *Bundesrat* (Council made up of representatives from the 16 Länder) and the *Bundesregierung* (Federal Government) all moved to Germany's new capital city Berlin. The transfer of power from Bonn (former capital) to Berlin underscored the national cultural significance of the new capital and led to a growing commitment on the part of the Federal government to support cultural life in the city. In this context, a "Capital Culture Contract" was signed between the Federal Government and the *Land* Berlin which specifies areas of support, namely:

- the restoration of cultural institutions making up the *Museumsinsel* Berlin;
- cultural institutions formerly administered by the Land Berlin, e. g. the foundation establishing the *Jewish Museum Berlin*, the *Academy of Arts*, the *Memorial to German Resistance during World War II*;
- cultural events which have been grouped into a limited liability company "Berlin GmbH", encompassing the *Berlin Festival*, the *Martin Gropius Building*, the *House of World Cultures* and the *Berlin International Film Festival*;
- in 2006, the Federal Government established a further financial allowance to support the co-operation of the three opera houses in Berlin;
- in autumn 2007, a special cultural fund of 400 million EUR was established by the Bundestag, from which 200 million EUR is intended for the renovation of the Berlin Staatsoper;
- at the beginning of 2008, the new Capital City Finance Contract (Hauptstadtfinanzierungsvertrag) between the Federal Republic and the region of Berlin (Land Berlin) came into force: It confirms the continuation of current federal support for culture in Berlin and applies until 31.12.2017; and
- The Capital Culture Fund, set up to support projects in Berlin, is also financed by the Federal Government.

More federal competence for cultural affairs

In 1998, the Federal Government set out to consolidate its (still limited) competencies in the field of culture through the creation of a Federal Commissioner for Cultural and Media Affairs and a corresponding Parliamentary Committee. This was followed in 2002 by the establishment of a *Kulturstiftung des Bundes* (Federal Cultural Foundation). While the creation of these bodies was initially highly controversial, there is now greater acceptance of these offices. Nevertheless, debates arise from time to time regarding the reach of the Federal Government's involvement in the cultural field, for example: in 2004 the *Bundesrat* refused to allow the Federal Government to take over the running of the Berlin *Academy of Fine Arts* and in 2005 it did not agree to the establishment of a *Stiftung Baukultur* (Federal Foundation for Architecture). In the meantime, demarcation disputes have been resolved, with both institutions operating autonomously on the basis of national laws and funding provided by the Federal Government. In 2006 and May 2009, reforms of the federal system came into effect which mainly implies a restructuring of the financial relations between the federal government and the Länder. As an integral part, a debt limit for the federal level and the Länder is legally stipulated in the Constitution.

Streamlining and optimising cultural funding

At the time of the establishment of the *Kulturstiftung des Bundes* (Federal Cultural Foundation) there was an intense debate between the Federal Government and the *Länder* regarding measures to streamline and optimise the system for funding cultural activities and a merger between the *Kulturstiftung der Länder* (Cultural Foundation of the Länder) and the *Kulturstiftung des Bundes*. Negotiations to merge both foundations failed in December 2003, and the Federal Government terminated its commitment to the Cultural Foundation

of the *Länder* at the end of 2005. In December 2006, negotiations failed again and both foundations arranged for closer cooperation instead of unification.

Since 2006, an extensive process of evaluation of cultural funding began in the field of cultural policy on all levels.

The 2007 final report of the Commission of Enquiry "Culture in Germany", set up by the German Bundestag, resulted in many debates about cultural policy at the federal level in subsequent years. Eleven members of the Bundestag and eleven experts in cultural policy had produced a comprehensive report, which runs to more than 500 pages, based on numerous expert reports, opinions and hearings (Deutscher Bundestag Press 16/7000, available under: <http://dip21.bundestag.de/dip21/btd/16/070/1607000.pdf>). Along with a status description of the arts, of support for culture and of the position of artists in Germany, the report contains over 400 recommendations for improving cultural support and the legal framework for the various cultural fields and the various stakeholders in cultural policy.

Legal regulations

Since 1998, the Federal Government has launched legal reforms in the area of *Foundation Law* (especially with regard to taxation), *Copyright Law* and the *Law Governing Social Insurance for Artists*. In summer and autumn 2006, a *Draft Bill for New Regulations on Copyright Law*, submitted by the Federal Government, caused a great deal of debate with respect to payments to artists. It has enacted legislation to safeguard the system of fixed book prices and has extended support to the film sector under the *Federal Film Promotion Act*. In 2006, the Federal Government agreed on a new measure of support for the film industry, providing 60 Million EUR per annum; this will come into effect at the beginning of 2007. In November 2008, the German Bundestag ratified the amendment to the *Film Support Act* (see chapter 5.3.6).

The Federal Government has broadened the scope of support for: research on German culture and history in Eastern and Central Europe under section 96 of the *Federal Expellees Act* (see chapter 5.3.8) and; memorials commemorating the victims of dictatorship.

In 2009 and 2010 the public debate on *Copyright Law* enlarged and intensified due to the new possibilities of digital production and reproduction not only in music. A flat rate on culture was debated, but rejected by the parties of the governing coalition.

Recently, in some *Länder* specific acts on libraries came into force, in September 2008 in Thuringia and two years later in Hessen. The discussion about those and acts on supporting culture also reached the parliaments of some other *Länder* (see also chapter 5.3.2 and chapter 5.3.4).

Repatriation of unlawfully seized cultural assets

Since the fall of the Iron Curtain, international discussions concerning the repatriation of cultural assets unlawfully seized from their rightful owners during World War II have led to the return of individual objects of art. The Federal Government, including the Ministry of Foreign Affairs and the Commissioner for Cultural and Media Affairs, in consultation with the *Länder*, is negotiating the return of specific items from neighbouring countries. In July 2003, an advisory commission was set up concerning the return of cultural assets, especially Jewish property that had been seized from their rightful owners during the National Socialist Era. Its task is to mediate restitution claims, especially in difficult cases. Its members are renowned scientists and prominent personalities. Since autumn 2006, a far-reaching debate on the restitution of works of art began, prompted by the return of a famous painting by Ernst Ludwig Kirchner by the government of Berlin to the heirs of the former owner, since it was claimed that the latter had been forced to sell it in the 1930s. Subsequently, a number of similar files became public. Museums are intensifying the re-

search on the provenance of their works of art (Provenienzforschung) and have been supported by special funds. At the beginning of 2008, an office for provenance investigation and research at the *Institute for Museum Research (Institut für Museumsforschung)* of the *Foundation for Prussian Cultural Heritage (Stiftung Preußischer Kulturbesitz)* was set up at the federal level; its budget amounts to one million EUR per year and its mission is to support museums in their research into art stolen under National Socialism.

UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions

The process to develop a *UNESCO* Convention on the Protection and Promotion of the Diversity of Cultural Expressions as an international legal instrument has been supported by the German Commission for *UNESCO* with active support from civil society actors, the German *Bundestag* and the Federal Commissioner for Cultural and Media Affairs. The initiative was paramount in raising awareness of the inherent dangers to public support for culture which could arise from WTO international trade agreements (e. g. GATS) or the EU Services Directive. The Federal Government of Germany signed the convention in September 2006. The German Parliament passed the convention on 1 February 2007.

In order to formulate the German position on this *UNESCO* Convention, together with civil society, the German Commission for *UNESCO* founded a nationwide *Coalition for Cultural Diversity* ("Bundesweite Koalition Kulturelle Vielfalt") at the beginning of 2004. From June 2004 to May 2010, eight meetings of *Coalition for Cultural Diversity* took place. This expert group first discussed the draft Convention from a German perspective and, following its ratification, addressed the implementation of the Convention into German cultural policy as well as the establishment of indicators for the ongoing monitoring of this process. A White Paper with recommendations for cultural policy in Germany and in Europe for the implementation of the Convention, produced by the *Coalition for Cultural Diversity*, was published in December 2009. Good practice examples of instruments of implementation from around the world are presented in a publication "Mapping Cultural Diversity", within the framework of the U40-programme of "Cultural Diversity 2030", edited by the Commission of *UNESCO* in Germany and the Asia Europe Foundation.

Constitutional protection for culture

Growing problems of funding public cultural institutions have led to initiatives and discussions calling for more legal protection on the maintenance of cultural infrastructure and on "basic cultural needs". The introduction of a specific clause into the German *Grundgesetz* (constitution) which obliges the state to support culture has also frequently been demanded by different advocacy bodies, which was seconded by the Commission of Enquiry of the *Deutscher Bundestag* (Parliament) in its 2007 final report. During and after the parliamentary elections of autumn 2009, this demand was repeatedly discussed but has still not been honoured.

In October 2008, the majority of the regions in the *Bundesrat* (Länder chamber of the Parliament) had already rejected the application of Berlin for a new *Article 20b* in the German *Grundgesetz*, which called for the inclusion of the following statement: "The state protects and supports culture".

Civic commitment

In the past centuries, public involvement in cultural life was fuelled by civic initiatives in specific disciplines, institutions and projects; such initiatives were particularly strong in those cities that were not residencies of the ruling nobility which had founded their own cultural institutions. Stifled during the National Socialist era and submerged in the decades thereafter, this civic commitment has meanwhile resurfaced, manifesting itself in an increase in, for example, membership to friends'-of-societies, volunteer work, endowments

and sponsorship / co-financing. There are also a growing number of cultural activities and institutions that are supported by different kinds of civic initiatives. Cultural policy makers, who have long thought solely in terms of state financing, as well as specialists in the field and the general public, are now adapting to this development. Following on from the work of the *Parliamentary Commission of Enquiry on Civic Commitment*, in the legislative period ending 2005, a *Committee on Civic Commitment* was established in the newly elected German Bundestag (Parliament). In July 2007, the Bundestag passed a *Law on the Stabilisation of Civic Commitment*, which raised tax free allowances for training supervisors to 2 100 EUR and donations were raised uniformly to 20% of the income. In spring 2009 a nationwide *Forum for Commitment and Participation* was set up by the *National Network of Civil Society (Bundesnetzwerk Bürgerschaftliches Engagement)* with the support of the Federal Ministry for Families, Seniors, Women and Youth. It aims to work out a political agenda on civic commitment and to assist the federal government in establishing a national strategy on civic commitment. In October 2010 this national strategy on civic commitment and action programme on corporate social responsibility was adopted by the Cabinet of the federal government. Its intention is mainly to improve coordination of the activities of the different levels and stakeholders to support civic commitment as well as the integration of the commitment of commercial enterprise in the sense of corporate social responsibility.

Responding to a cultural public with increasingly diversifying needs

The members of the culturally interested public are less and less inclined to embrace a narrow approach to culture expressed through specific institutions, their programmes and events. Their receptiveness to and desire for participation in cultural activities vary widely and are highly individualised. As a result, urban cultural institutions, projects and events have multiplied and diversified to a hitherto unheard-of degree in the past two decades. Due to its relatively narrow focus of support – especially in times marked by financial constraints – Länder and municipal cultural policy has been unable to react in a sufficiently flexible manner. Therefore, more demand-driven approaches to state and municipal support to culture have been proposed.

Migrants, cultural diversity, intercultural co-operation

The high number of ethnic groups – whose members in some cases constitute up to 30 % of the population in mainly western German cities – has long been acknowledged. Numerous associations for members of different ethnic groups have emerged in urban areas; over 200 during the past ten years in Hamburg alone. Acting on their own initiative, these associations work to further intercultural understanding and co-operation. In many cities there are funding programmes to support and encourage their efforts. This type of cultural work, which has long been practised at the local level, was long time unknown at the Federal and Land levels. Meanwhile, the debate on multiculturalism and the related challenges to cultural policy continued, involving many cultural policy participants at each level. In the interest of national cultural cohesion, efforts to further intercultural understanding will be one of the most important aspects of cultural policy at all levels of government in the years to come (see chapter 3.3, chapter 2.3, chapter 4.2.4 and chapter 4.2.5).

Outsourcing public sector tasks

In the context of the international "new public management approaches" and the ever greater financial constraints at all levels, efforts have been stepped up to modernise policy administration systems and the structure of cultural institutions. The aims have been to increase efficiency, enhance transparency and proximity to the citizen, reorient services and redefine objectives. To this end, for instance, some public institutions have been privatised, benchmarking procedures tested, and public-sector tasks delegated or outsourced to third parties. Private commercial and voluntary non-profit organisations have been more widely acknowledged as partners of the public sector in the field of cultural policy. Cooperative

arrangements and private-public partnerships are being encouraged and civic commitment accorded a more prominent role. In recent years, this reform process has slowed down. Some Länder have even revoked certain reforms, for example, the Land Lower Saxony cancelled the outsourcing of support to socio-cultural projects to a non-government organisation in 2005.

4.2 Specific policy issues and recent debates

4.2.1 Conceptual issues of policies for the arts

Not only as a consequence of the difficult situation of public cultural budgets, an increasing debate on concepts and instruments of maintaining the current cultural infrastructure can be noted. Subject matters include also regularisation (of support) in special cultural areas such as e.g. libraries as cultural development programmes.

On the 9th of October 2009 Germany celebrated the 20th Anniversary of the Fall of the Berlin Wall, and one year later the 20th Anniversary of the Reunification. Due to those Anniversaries and other historical dates, such as the 70th Anniversary of World War II, the last two years were affected by activities and programmes on heritage and remembrance.

Within this framework, a great number of monuments and memorials were built. In 2010, the Topography of Terror Documentation Centre, located on the grounds of the former central institution of Nazi persecution, was opened after 20 years of planning and construction. The first monument in Germany for deserters was inaugurated in Cologne (September 2009) and the Memoriam Nuremberg Trials opened an exhibition providing comprehensive information of Court Room 600 at the venue of the Nuremberg Palace of Justice in November 2010. One month before, the Independent Commission of Historians, established by the Federal Minister of Foreign Affairs, presented their study "The office and its past", examining the role of the Foreign Service during the National Socialist era and its deep involvement in the Holocaust.

In May 2010, the Berlin Wall memorial opened on the central memorial site of German division that contains the last piece of the Berlin wall. Furthermore, a competition was announced for the monument on unification and freedom, to represent the peaceful revolution during the autumn of 1989.

4.2.2 Heritage issues and policies

Heritage is a cultural policy priority at all levels of government and includes museums as well as the conservation of historic monuments and sites which bear witness to the country's cultural traditions.

Despite a still strained financial situation of many cultural budgets, several museums were built and opened over recent years, partly with public funding, partly with the support from private sponsors; for example, in 2008, the new *Franz-Marc-Museum* in Kochel am See, the *International Maritime Museum Hamburg*, the *Ozeaneum* in Stralsund and the new *Roman Museum (Römermuseum)* in Xanten. Other important museums (re)opened one year later as e.g. the *New Museum (Neue Museum)* at the Museum Island in Berlin (providing a new home for the Egyptian Museum and Papyrus Collection, the Museum of Prehistory and Early History); the *Emil-Schumacher-Museum* and the reconstructed *Karl-Ernst-Osthaus-Museum* in Hagen. In 2010 the new museum building of *Museum Folkwang* in Essen; the *Albertinum* in Dresden; and the extension building of *the Kunstsammlung Nordrhein-Westfalen K20* in Düsseldorf; the new building of the *Rautenstrauch-Joest-*

Museum Cultures of the World and the *Museum Schnütgen* for medieval art in Cologne were inaugurated.

Nevertheless, a lot of money is still being spent on the renovation of existing cultural institutions, particularly of opera houses and theatres, as can be exemplified with a budget of approximately 200 million EUR dedicated to restoration of the *Berlin State Opera (Berliner Staatsoper)*.

The importance of the conservation of historic monuments and sites lies not only in its preservation of cultural heritage but also in its economic significance for the construction industry, in particular specialised small and medium-size businesses. The protection of historic monuments is promoted through government sponsored public relations campaigns, e. g. the "Day of the Monuments" (for example in 2010 with the motto: "culture in motion").

Germany's immaterial cultural heritage is continuously addressed and examined from a modern perspective in theatrical, musical and literary productions. Municipal and state sponsors of cultural institutions provide facilities for this purpose.

New challenges for cultural heritage policies are posed by the archiving of works and productions of media arts (e.g. video art and digital art), requiring new technologies for documentation and conservation. The *Act on the German National-Library*, of July 2007, enhanced the displaying of their collection-order although on the internet.

A public debate on the importance of immaterial and material cultural heritage in cultural policy has been going on for several years. It is usually fuelled by large scale projects and events of outstanding political significance in the Federal capital, e. g. the reconstruction of the *Stadtschloss* (former castle of the Emperor) or the reconstruction of the *Museumsinsel* in Berlin; both projects meanwhile received parliamentary approval and have partly been accomplished. Up to the end of 2010, three museums of the *Museumsinsel* completed their renovations and were re-inaugurated. The reconstruction of the *Stadtschloss* is delayed to 2013 due to cost requirements, although a concept for using it as a Humboldt forum was developed.

The same debate took place in other cities; in 2007/2008, for example, in Braunschweig and Potsdam, relating to the reconstruction of the former castles and, in Frankfurt, relating to the proposal to rebuild a great part of the old town centre dating from the 17th and 18th centuries.

The cancellation of support programmes of the Federal and Länder governments did not go unnoticed by the public, e.g. the programme for "Protection and Maintenance of Cultural Monuments in the New Länder" was intensely discussed. The main issues to be continuously addressed are questions on *how many* and *which* monuments from the past the state should protect, reconstruct and maintain and by which measures. The rich, albeit rather dilapidated, heritage of cultural monuments in the East has absorbed huge public funds throughout the 1990s including the reconstruction of historic city centres, parks and gardens (e.g. the Programmes "Urban Construction and Monument Protection" or "Culture in the new Länder"). However, experts estimate that the amount of funding available to date only covers about 50 % of the monuments requiring restoration in the eastern part of Germany.

Cultural monument protection and policies which support the built cultural heritage are under growing pressure in the face of dwindling financial resources and difficulties to find appropriate and economically sound concepts for the use of reconstructed buildings. This also applies to some monuments of industrial culture included on the *UNESCO* World Heritage List, e.g. the *Völklinger Hütte* in the Saarland or *Zeche Zollverein* in Essen (NorthRhine-Westphalia). Financial reasons are only one aspect of the problem; another lies in the widened concept of culture that was developed in the 1970s and 1980s which in-

cluded objects of everyday life as well as industrial culture – a concept which is no longer generally accepted. The reunification of Germany increased the number of objects worth protecting and reconstructing to an extent that makes the development of new evaluation criteria a necessity.

During 2007, in the city of Dresden, there was controversy over the building of a bridge over the Elbe after the UNESCO World Heritage Committee denied Dresden the title of UNESCO World Heritage Site if the bridge was built, as it would destroy the view of the Elbe valley, decisive in the original awarding of the title. After several dilatory court decisions in November 2007 and against numerous protests, preparatory construction began. At the meeting of the Unesco World Heritage Committee on 25 June 2009 in Sevilla, with Dresden and the Elbe valley, a cultural monument was removed from the list of UNESCO world heritage sites for the first time. The reason for this was the controversial building of a new bridge over the Elbe, which, in the view of the committee, considerably damaged the unique historical character of the cultural landscape in Dresden.

There are frequent discussions on whether objects of industrial spaces can be used in a meaningful and sustainable way by cultural projects because public funds are more and more insufficient to pay for their high maintenance costs. More fundamental cultural policy considerations regarding financial support to works of art and culture from the past leaves little room for support to contemporary living art, thus upsetting the balance between protection of heritage and support to contemporary creativity. Therefore, there is a demand to reconsider the criteria used to determine public support for culture and that expensive cultural institutions such as the theatre and music be modernised and economically streamlined.

The debates in 2006 concerning cultural heritage were focussed on two issues. First, the discussion on the implementation of the *UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage* (Kulturgüterschutzabkommen) in Germany has been the centre of attention. This Convention came into force in February 2007 – 35 years after its adoption by the General Conference of UNESCO in 1972. The submitted draft *Bill* has been criticised by some actors: in particular representatives of the art trade assume that it is too far-reaching, while other actors complain that the draft *Bill* is unfair to poorer countries.

Secondly, since October 2006, there have been discussions regarding museums and libraries selling works of art in order to acquire funds for the upkeep of cultural institutions. Some municipalities and one Land announced their intention to sell works of art, despite the ongoing debates. However, such moves led to highly controversial public debates and the concerned public authorities were forced to retreat.

In July 2007, the Minister of State for Culture presented a Memorial Place Concept with the title "Notice Responsibility, Strengthen Refurbishment, Deepen Memories". It relates to the memorial places such as the former concentration camps and, on the other hand, memorial places to the memory of the GDR oppression. After a broad public debate about this, the Bundestag passed a revised plan in November 2008. According to this (and among other things), memorials of national significance for coming to terms with the terror of the National Socialist regime and for commemorating its victims are being supported more strongly and the four concentration camp memorials in Bergen-Belsen, Dachau, Flossenbürg and Neuengamme are being taken over by the federal programme for institutional support. Coming to terms with the SED dictatorship and its consequences is the second key point of the memorial plan and the funds for this are likewise being increased significantly. To implement the memorial plan, in 2008 and 2009 the funds were raised by 50 percent to a total of 35 million EUR. In addition, in Berlin in May 2008 the Memorial to Homosexuals, which is near to the Memorial for the Jews Murdered under National Socialism, was

handed over to the public. With this monument, the Federal Republic of Germany wants to honour persecuted and murdered homosexual victims, keep alive the memory of the injustice done to them, and maintain a permanent symbol against intolerance, hostility and discrimination towards gays and lesbians.

In September 2008, the federal government passed the draft legislation for the establishment of the *Foundation for Flight, Expulsion, Reconciliation* (*Stiftung Flucht, Vertreibung, Versöhnung*) with the sponsorship of the *German Historical Museum* (*Deutsches Historisches Museum* (DHM)). The opening of a permanent exhibition to commemorate flight and expulsion in the 20th century, in particular after the Second World War, is planned for 2013. Until 2011, the federal government plans to spend approximately 2.5 million EUR per year for the construction. The foundation board was restructured in summer 2010 after disputes about the general orientation.

4.2.3 Cultural / creative industries: policies and programmes

The culture industries are a separate and autonomous pillar of cultural life in the Federal Republic of Germany.

Generally, the cultural field is divided into three sectors: private cultural enterprises, state or municipal publicly financed institutions or activities like theatre, cultural heritage, monuments, libraries, museums, etc. and not-for-profit, intermediary organisations, foundations, associations etc.

Kulturwirtschaft refers to all private businesses and independent contractors operating in the different fields of the cultural sector such as: music markets; film and other audiovisual productions; the distribution of books; literature and art markets; craft persons / artisans; freelance artists; private theatre and musical enterprises. Between 1991 and 2000, the real value created by the cultural sector and the publishing sector together rose from 29 billion EUR to 32.7 billion EUR (at constant prices). This amounts to 4/5 of the value created by the chemical industry and is about equal to that of the food industry (see Michael Söndermann: "Zur Lage der Kulturwirtschaft in Deutschland 1999/2000" in: *Jahrbuch für Kulturpolitik* 2001).

In addition to the culture industries, in the narrower sense, the internationally more commonly used term "creative industries" is now also becoming more significant in Germany. The latter also includes advertising (2003: approx. 13.7 billion EUR) and software / games (2003: approx. 21.4 billion EUR) and, in 2003, had a total turnover of 117 billion EUR.

According to the current statistics of the Arbeitskreis Kulturstatistik (ARKStat e.V.), as of November 2006, the turnover of the culture industries in Germany fell by 11.8% between 2000 and 2003 (inclusive), from 92.8 billion EUR to 81.5 billion EUR. (In the same period, the creative industries (see above) saw a drop of 7.8 %.) Among the losers in the sector were, in particular: the film industry / TV-production (-31.0%) and publishing and recording (-10.0%). Architecture (-18.6%) and Design (-12.7%) also experienced decreases in turnover. Only the software / games branch, which is not included in the culture industries definition above, was able to show an impressive increase in turnover from 17.7 billion EUR to 21.5 billion EUR (+21.6%). In 2003, with real value creation of 35 billion EUR, that is 1.6% of the gross national product, the culture industries achieved a larger share than the software or energy industries at around 30 billion EUR each. Despite the falls in turnover in the period 2000-2003 which have been noted, the culture industries were able to achieve higher growth (+39%) than the economy as a whole (+27%) over a longer ten year period from 1994-2003 (see Michael Söndermann: "Kulturwirtschaft", in: *Kulturpolitische Mitteilungen*, Nr. 116 (I/2007), p. 64–67).

Several Länder have commissioned and published reports on the state of the cultural industries: North Rhine-Westphalia has produced 5 reports; others come from Berlin, Hessen, Mecklenburg-Western Pomerania, Lower Saxony and Saxony-Anhalt. Some cities have also published cultural industries reports, e.g. Aachen, Dortmund and Dresden.

As in other countries, strategic partnerships are increasingly being formed in Germany between the public and private sectors (public-private partnerships) in order to fund cultural projects and institutions. These strategic partnerships are expected to proliferate in the future. Even during periods of sluggish economic activity, the culture industries have been determined as an economic growth factor.

Culture industries have been increasingly supported through cultural policy measures: indirectly through measures like tax exemptions and more directly e.g. through support to a music export office.

In 2007, intense discussions were held on the relevance of culture and creative industries for economic development and the employment situation in Germany. Several large congresses took place. In April and October 2007, the Bundestag held two debates on this topic and passed a motion on "Culture and Creative Industries as an Engine for Growth and Employment in Germany and Europe" at the end of October. The Federal Government, in particular the Ministry of Economic Affairs and the Minister of State for Culture, introduced the programme "Culture Initiative and the Creative Industries" as a method of optimising the framework for their growth and to support financially and infrastructurally the "Music Initiative", a core area of the Creative Industries. This topic held an important place in the German EU Presidency, in the first half of 2007.

In the report of the commission of enquiry of the German Bundestag (see chapter 4.1 under "Streamlining and optimising cultural funding"), cultural industries occupy a prominent position and represent a key point in the report. The "Yearbook for Cultural Policy 2008" ("Jahrbuch für Kulturpolitik 2008") of the *Institute of Cultural Policy within the Association of Cultural Policy (Institut für Kulturpolitik der Kulturpolitischen Gesellschaft)* is likewise dedicated to this subject.

There are special training and in-service training programmes for professionals in the culture industries, but the overall current position is unclear. At the higher education level, a number of cultural management and cultural marketing courses have been set up in the last ten years, which also provide qualifications for the culture industry sphere (e.g. the Institute for Culture Management at Ludwigsburg College of Education, the Academy of Music and Theatre, Hamburg, Passau University); they concentrate, however, on management and marketing methods. There are more concrete efforts to provide training - organised by private business - in the individual industry sectors and also, for example, within publicly financed small business start up programmes for art and the culture industries. Exemplary in this area, has been StartART, which formed part of the North Rhine-Westphalia start-up network *Go!nrw*, and, within that, the Start Up Centre Culture Industry Aachen (Gründerzentrum Kulturwirtschaft Aachen). In 2007, the Ministry of Economic Affairs of Northrhine-Westphalia started a new programme in this field, particularly for young cultural entrepreneurs and artists with "create.nrw" (<http://www.create.nrw.de/>).

In 2010 the initiative took another important step by setting up a *Centre of Excellence for Culture and Creative Industries* in Eschborn with 8 regional offices. The Centre of Excellence was inaugurated during the regional conference held by the office of North Rhine-Westphalia in April, by the Federal Commissioner for Cultural and Media Affairs.

4.2.4 Cultural diversity and inclusion policies

The Federal Republic of Germany ratified the Council of Europe's Framework Convention for the Protection of National Minorities. Under this Convention, which entered into force for Germany on 1 February 1998, the autochthonous (i. e. resident) minorities and ethnic groups with German nationality living in Germany are protected. These are the Danes, the North Frisians, the Sater Frisians, the Sorbs and the German Sinti and Roma. The Federal Government and the Länder provide substantial funding to these groups. Preservation of the Sorb cultural and ethnic identity is guaranteed under an interstate agreement concluded between Land Brandenburg and the Freistaat of Saxony on 28 August 1998 (where traditionally the largest settlement of Sorbs is found).

The above groups are distinguished from immigrants and "Germans with an immigrant background". Whereas the above-mentioned indigenous minorities all consist of very small populations (e.g. the Sorbs numbering at most 60 000; Sinti and Roma approx. 70 000; Danish minority 8 – 50 000), immigrants and "Germans with an immigrant background" constitute a considerable proportion of the population living in Germany. In 2006, 7.32 million foreigners had their principal residence in Germany (8.9 % of the population), in addition to 8.01 million Germans with an immigrant background (9.7 %), together making 15.33 million out of a total population of 82.46 million (18.6 %).

While the "Germans with an immigrant background" have the same political rights as all other Germans, they still frequently suffer from discrimination in everyday life, at school, in seeking accommodation and in the work-place. Foreigners living in Germany are subject to a variety of regulations. Following the reform of the *Law Concerning Foreign Residents (1990)* and of *Citizenship (2000)*, the *Immigration Law of 2005* was a third major political issue on the way to acknowledge the Federal Republic as a country of immigration, resulting in an improvement of the situation for people from other cultures and countries living here. Binding regulations for immigration and integration were established for the first time in Germany and were officially approved. This is an important development as many conservative politicians refused for a long time to acknowledge that Germany is a country of immigration.

For some years, the integration of people of differing ethnic backgrounds, religious orientation and cultural traditions has been regarded not only as a central task of society but increasingly also as a significant challenge to cultural work and cultural policy. Meanwhile, a very diverse intercultural practice has evolved, but in this field there is still a considerable need for further development in many large cultural institutions such as theatres, museums and symphony orchestras. The same is true of cultural policy.

In a growing number of towns (for instance Stuttgart, Nuremberg, Dortmund, Essen, Osnabrück) and Länder (for example *North Rhine-Westphalia*), programme-based cultural policies are endowed with sufficient public funding for ethnic minorities and Germans with a migration background. Over the last years, there has been a discussion on the need for cultural policy to accord greater attention to the cultural interests and rights to participation and self-organisation of ethnic minorities. In 2006, 2007 and 2008 the Federal Chancellor organised three conferences on integration, in Berlin, concerning, among other topics, cultural and cultural policy issues. In addition, a set of country wide conferences were held on cultural policy tasks within intercultural work and intercultural dialogue. In 2006/2007, North Rhine-Westphalia presented a programme through which six larger cities were supported to develop cultural policy concepts for intercultural work. In recent years four documents were produced on "Cultural Diversity in the City Community" by the German Association of Cities and Towns (2004); "Stuttgart's Impulse to Cultural Diversity" involving members of cultural organisations (2006); the cultural part of the "National Integration Plan" of the Federal Government (2007) and "Cologne Appeal" for intercultural work in

cities of the Cultural affairs committee of the German Association of Cities and Towns Northrhine-Westphalia (2008). Again in Cologne, proposals to set up a new *Academy of World Cultures* with an exchange programme for artists and intellectuals from all parts of the world were discussed at several conferences in 2009 and found the approval of the city government.

Particular attention is currently being focused on the importance of school and pre-school education for the mediation of intercultural expertise and the acceptance of cultural diversity. Concrete stipulations are suggested in several education plans for pre-schools and primary schools of the individual Länder. The German Kulturrat has also elaborated a cultural policy paper named "Interkulturelle Erziehung – eine Chance für unsere Gesellschaft" (Intercultural Education – A Chance for our Society).

There are some special institutions and funding available to promote the art and culture of national and ethnic minorities for the purpose of intercultural exchange. Intercultural programmes are offered or sponsored *inter alia* by the federally funded *House of World Cultures*, by the federally endowed *Sociocultural Fund* and in the context of projects (such as the celebrations of foreign cultures) launched by individual Länder and numerous municipalities.

4.2.5 Language issues and policies

German is the official language in the Federal Republic of Germany and the language used in schools, the media and other forms of communication. Cultivation of the German language is the task of all groups in society. Learning the German language is also an important prerequisite for the integration of foreigners living in Germany. Improvement of the language skills of immigrants and foreign residents is, therefore, a focus of efforts to further their integration. In addition to programmes of the Länder and the municipalities, the Federal Government funds a multitude of measures to promote language learning. A broad range of courses are also offered by the private sector.

Dialects of the German language are cultivated and promoted on a regional and local basis. *The European Charter for Regional or Minority Languages* entered into force in Germany on 1 January 1999. Under this Charter, *Niederdeutsch* is protected as a regional language, and funding is provided to further its use in the Länder where it is spoken. Minority languages that are protected benefit from funding provided by the Federal Government and the Länder in which they are spoken. Languages of the minorities traditionally residing in Germany (i. e. autochthonous minorities) are protected under the *Framework Convention for the Protection of National Minorities* including: Danish, North Frisian, Sater Frisian, Sorbian and the Romany language spoken by German Sinti and Roma.

4.2.6 Media pluralism and content diversity

Only in recent years have the media become a greater focus of public cultural policy in the narrower sense. Prior to this, only measures to promote the film sector were adopted by both the Federal Government and the Länder in order to further the development of film as an element of the country's cultural heritage and to support it as a national culture industry.

Television and radio programmes in Germany are produced and broadcasted by both public corporations and private firms (the so-called "dual system" of broadcasting). All broadcasters, however, agree that programme content should help to promote the cultural diversity of the regions and the country as a whole. *Article 6 of the Interstate Broadcasting Agreement* of 31 August 1991 (as amended by the *Sixth Act to Amend the Interstate Broadcasting Agreement*) stipulates that "television broadcasters shall reserve the greater part of total time scheduled for the transmission of feature films, television plays, series,

documentaries and comparable productions for European works in accordance with European law". There are nevertheless no official quotas to which the broadcasters must adhere. Culture and media policy in the Federal Republic of Germany has thus far reflected the view that the imposition of quotas – also in regard to certain groups – is an unsuitable instrument for the promotion of European films and television productions.

Media policy formulated at the European level is also taking on increasing importance for the relation between the media and culture. The EU *Television Without Frontiers Directive* of 1989/1997 is playing a particularly prominent role in this context. As a result of the – in some cases breathtakingly – rapid pace of technological developments in the media sector, the EU *Television Without Frontiers Directive* will be revised in the next few years. In the course of this revision, attention will also be given to other Community regulatory instruments affecting the media.

Binding on the press, publishers and audiovisual mass media are the general provisions of the *Law Against Limitations on Competition (Gesetz gegen Wettbewerbsbeschränkungen - GWU)*, as the central standard of German *Law on Cartels and Competition*. The original version, dating from 1957, has been amended several times - the comprehensive *7th Amending Bill* came into force in November 2005 - and is regularly brought into line with European legislation on competition, most recently in November 2006. The GWU is supervised by the Federal Cartel Office, a Federal authority based in Bonn, or, where only individual states are affected, by Land cartel authorities. In recent years, the Federal Cartel Office has frequently forbidden mergers between publishing houses or TV companies.

The Prime Ministers of the Länder ratified the 12th Amendment to the State Broadcasting Treaty in October 2008. According to this, for reasons of competition, broadcasters who are subsidised under public law are to limit their Internet presence to the extent that they only offer material on-line that represents a complement to their television programming, and therefore relinquish any separate Internet presence.

In October 2009 the prime ministers of the Länder passed the 13th Interstate Treaty on Broadcasting. The main points are the determination of the digital capacities of broadcasting and new regulations for product placement in television.

The balance between fiction programming produced locally and foreign productions is markedly different in public television companies and commercial ones. In 2005, in the two big public broadcasting corporations ARD and ZDF, the share of German-made productions (including co-productions) was 66% and 61% respectively. European productions made up 10% and 13% and US productions 21% and 20%. In the case of the two big private broadcasters SAT1 and RTL, German productions made up 62% and 50%, European programmes - 2% and 1%, and US programmes - 35% and 46%. In the third large private TV broadcaster PRO7, German productions had a share of only 8%, US programmes - 78% and those from European countries had a share of 3%.

4.2.7 Intercultural dialogue: actors, strategies, programmes

Intercultural dialogue in Germany refers both to discussions within the country (with population groups that have an immigrant background), and those at an international level. In the global context, the principal actors and programmes in Germany are those of foreign cultural policy. In addition to the institutions already mentioned in chapter 3.4.2, the following are particularly important: the Goethe Institute, the Institute for Cultural Exchange, the House of Cultures of the World and the Foreign Office and the German National Commission for UNESCO (Deutsche UNESCO-Kommission - DUK). Central to the activities of the DUK, in the last two years, have been debates on the *UNESCO Convention*

on the *Protection and Promotion of the Diversity of Cultural Expressions*, which included a broad alliance of political and social actors (see chapter 4.1).

Many cultural institutions of various kinds in towns and cities are committed to intercultural dialogue and have developed numerous programmes and activities. These activities often link intercultural dialogue with people who have an immigrant background living in Germany, with global cultural dialogue, for example, intercultural theatre, music and film festivals or the Carnival of the Cultures, a parade of various ethnic and cultural groups, which takes place on the streets of e.g. Berlin, Bielefeld or Frankfurt.

In 2005 an intercultural network *Ratschlag Interkultur* was established, engaging individuals and institutions. It is coordinated by the *Kulturpolitische Gesellschaft e.V.* (Association of Cultural Policy) and works together with the *Commission of UNESCO* in Germany. The main projects of the initiative are the federal conferences held biennially and the expert symposiums to discuss theoretical and practical issues. In October 2010 the 3rd nationwide conference "Open for diversity – future of culture" was held in Bochum.

In 2009 a Round Table on venues on intercultural education was started by the German Arts Council and 7 federal associations on migration. It aims to work out a list of recommendations for intercultural education within the institutions of primary, secondary and third level education as well as in cultural associations.

In May 2010 the new structured German Islam Conference with 30 stakeholders from the federal level, the Länder and municipalities as well as different associations of Muslims had its first plenary meeting in the second phase of the Conference. Building on the results of the first phase in which, above all, the Islam Conference dealt with basic issues and worked out legal conditions, the focus now lies on implementing and embedding the Islam Conference in society. The Conference concentrates on three major issues: establishing institutionalised cooperation between the state and Muslims, gender equality as a common value and preventing extremism, radicalisation and social polarisation.

Three months later, the Commissioner for Migration, Refugees and Integration presented the 8th report on the integration of migrants. One of the main crucial issues pointed out in that report is education: in 2010 13.4% of children with a migrant background aged between 15 and 19 leave school without a leaving certificate – approximately twice as many of the same age without a migrant background.

4.2.8 Social cohesion and cultural policies

The objectives of the new cultural policy in Germany largely reflect requirements and aims corresponding to the Council of Europe's definition of "social cohesion". In addition, they are of increasing importance with respect to equality of cultural opportunities, cultural diversity and intercultural dialogue.

In this context, the 1999 integrated Action Programme of the Federal Government and Länder, which has been given the title "Social Town" (Soziale Stadt), is also of interest. 260 cities and other local authorities are participating in 360 programme areas in order to counteract social and spatial division. Concrete areas of activity include "Urban District Culture" (Stadtteilkultur), "Social Activities and Social Infrastructure", as well as "Different Social and Ethnic Groups Living Together" (<http://www.sozialestadt.de/programm>). In 2006, North Rhine-Westphalia alone made 40 million EUR available for this programme.

Social Town Programme: The positive impact that culture and the arts have on the process of cultural integration and social cohesion is increasingly being acknowledged. Only a few local or Länder authorities, however, run concrete programmes and projects. Some Länder, such as North Rhine-Westphalia (NRW), have special funding programmes.

Local authorities (like Nürnberg or Stuttgart) and public or private cultural institutions (like cultural centres) continue to be the main actors in this field. On the other hand, public foundations take into account the social impact of culture and the arts. The Federal Cultural Foundation ("Shrinking Cities") and the Cultural Foundation of the Länder ("Kinder zum Olymp") may be highlighted in this aspect, both co-operating with civil society institutions. The cultural activities of the churches are also growing in significance.

Exchange of experiences and best practice between actors and institutions (also via the internet) helps to accelerate communication and adoption of new ideas and conceptions. Addressing audiences, especially those rather remote from the arts, is at the heart of projects that have a major concern with social cohesion. Experiments such as employing artists in public schools (NRW) or projects by theatres or orchestras working in social contexts, such as town districts, residential homes for elderly people, hospitals etc., are examples which are seen as both innovative and effective. There has been a certain revival of social and cultural ideas of the seventies and eighties, where cultural policy had a focus on the social impact of culture and arts as it is expressed with the term "Socialculture" ("Soziokultur").

Themes linked to a value-based cultural policy are – among others – being discussed in the so-called "guiding culture" debate ("Leitkultur"-Debatte). This has an impact on the formation of public opinion. Themes like trust, respect, appreciation etc. play a major role here. Discussion, however, is only just starting. A debate, which is already more advanced, concerns topics like voluntary work, empowerment, participation, etc. Another focus of research and debate has been on the question of whether it is necessary to promote social cohesion more so than what is prescribed in the Constitution and laws of the country; the latter stating the values of society including the tradition of Christianity and Enlightenment. The initiative for the recent debate was taken by the president of the Federal Parliament Norbert Lammert.

4.2.9 Employment policies for the cultural sector

According to data compiled by the *Working Group on Cultural Statistics (ARKStat)* about 815 000 persons were employed in German cultural industries in 2003 (based on EU definitions). Almost one quarter of those (197 000) were self-employed (the trend is rising), whereas the average share of self-employed persons in general employment in Germany amounts to around 10 %. In addition, 150 000 persons were employed in culture-related occupations outside of the cultural sector in production, trade, and private or public services. A total of 965 000 employed persons accounted for a share of 2.7 % of the total work force in Germany (36.2 million), which is comparable to the employment potential of the agricultural sector (895 000 persons). This share places Germany in the medium range in a European comparison, between France, Italy or Spain (ranging from 2.0 to 2.2 %) and the UK, the Netherlands and the Nordic countries, which range from 3.0 to 3.5 %.

Out of a total of 815 000 persons employed in 2003, 618 000 (= 75.8 %) were employees; more than 70 % (444 000 persons) of these were liable to social security deductions – this trend is decreasing. The remaining 174 000 persons were employed in mini-jobs, part-time or project-related contracts – this trend is rising. While the cultural sector showed an above-average economic dynamic during the mid-1990s (with a 5-year increase of more than 20 % as compared to a general growth in employment of 2 %), it slowed down between 1999 and 2004 to a rate of 7.2 %, which is clearly below the top results of the past decade. However, compared to a decrease in general employment of 2 % during the same period, this is still a remarkable development. For more statistical information see M. Söndermann: "Beschäftigung im Kultursektor in Deutschland 2003/2004. Ergebnisse aus der Kulturstatistik"; *Jahrbuch für Kulturpolitik 2005*, 459–477; "Der Kultursektor als Beschäf-

tigungs - und Wirtschaftsfaktor in Europa"; Jahrbuch für Kulturpolitik 2007, 387–406. Internet: <http://www.kulturstatistik.de>.

The extent to which the cultural sector figures in labour market policy has been the subject of discussion for many years. Thus far, however, this discussion has had no sustained practical impact. While ideas and suggestions have been floated and small-scale programmes implemented at the Land level to generate employment in the cultural sector (such as the funding of centres for culture industry business start-ups in North Rhine-Westphalia), no national cultural policy strategy has been developed.

The new Bundesländer, but also some structurally weak regions in the west part of Germany, have repeatedly attracted EU funds to support employment in the cultural sector. These funds have been used to support, for example, the development of municipal cultural planning (in Brandenburg) or the training of cultural managers in the rural districts of Lower Saxony, co-financed by the Land and the Federal Agency of Labour.

Indirect employment effects for the cultural sector are also generated through other EU Structural Funds. The *European Agricultural Guidance and Guarantee Fund (EAGGF)* is often used to finance the restoration of protected monuments like castles and churches or for the protection and restoration of cultural heritage in the context of rural development. The Land Brandenburg derived funding from the *European Programme for Regional Development (EFRE)* to create a municipal investment programme for culture. In North-Rhine-Westphalia, the *Ruhrgebiet* has benefited the most from the Structural Funds, e. g. to develop the *Zeche Zollverein* in Essen, which is on the *UNESCO* list of World Cultural Heritage.

Therefore employment measures in some of the Bundesländer are at least indirectly supported via the Structural Funds of the EU as well as from economic and investment support programmes of the Länder and the Federal Government (e. g. the *Investment Support Law*), which are increasingly being opened up to the culture sector.

4.2.10 Gender equality and cultural policies

Women continue to be underrepresented not only in leadership positions in the cultural policy sector but also in artistic professions and cultural institutions. More recent studies, however, indicate a certain trend towards greater involvement of women in decision-making positions of cultural institutions and in public cultural policy making. Only 16% of the culture departments have women in decision-making positions, but 48% of the culture administrations are led by women. In three of the 16 Länder of the Federal Republic, women hold a position as Minister or State Secretary for Culture.

A number of Land ministries for cultural affairs have budgeted funds to promote cultural activities by and for women or to support independent organisations which promote women in cultural life such as the *Frauenkulturbüro NRW*, an office for female artists in North Rhine-Westphalia. Numerous cultural institutions and programmes for women have become firmly established at local level as well, such as the *Frauen Museum* in Bonn and Wiesbaden, the Women's Film Festivals "Feminale" in Cologne and "femme totale" in Dortmund. The cultural activities of the local gender equality offices deserve special mention in this context.

The "Gabriele Münter Prize", is awarded by the *Federal Ministry for Family Affairs, Senior Citizens, Women and Youth* to professional women artists over the age of 40 for their works.

4.2.11 New technologies and digitalisation in the arts and culture

The information society has considerable untapped potential for improving productivity and enhancing the quality of life. This potential is growing as a result of the technological development of broadband and wireless access, i.e. the possibility of accessing the Internet not only via PC but also via digital TV and 3G devices. Drawing a clear line between tele-services (individual use) and media services (available to the general public, of relevance to publishing) is extraordinarily difficult. These technological developments are opening up not only new economic and social opportunities but new cultural opportunities as well. New services, applications and content will afford easy access to information and communication vehicles and further "electronic integration", social cohesion and cultural diversity. All in all, from the perspective of cultural policy, the positive effects associated with digitalisation outweigh the negative.

The Internet opens up new scope for creativity, brings people closer together – performing musicians and their listeners, for example – and tends to break down high brow hegemonic market power structures. In the online environment, intermediaries retain control of the mass market; only on the fringes of the market and in niches has it been possible for new forms of marketing to take hold that concede creative artists greater control over the exploitation of their work.

Globalisation trends in the culture industry are marked by interplay of globalisation and localisation. "Cultural globalisation" is furthered by economic globalisation. As the latter progressively extends the range of markets and the scope of entrepreneurial activity (to the point where corporations are active worldwide), the central cognitive activity associated with "cultural globalisation" manifests itself in a proliferation and intensification of comparative social processes. The Internet changes the cultural significance of near and far – building and strengthening cultural cohesion and a sense of belonging.

Modern communication technologies are of special importance to migrants who, without them, would not be able to keep close contact to their former home countries or their parents and grandparents. Similarly, the new media are of great importance to children and young people. That is why the governments of the Bund, the Länder and the municipalities put a lot of emphasis on media training both inside and outside of formal school learning environments through programmes such as "Schools to the Net" which is jointly financed by the state and computer industries.

The Cabinet of the Federal ministries agreed to set up a German Digital Library consisting of literature, art and music by the end of 2011. The German Digital Library should provide copies of books, paintings, sculptures, music sheets and films from more than 30 000 institutions of culture and science. To realise the plan, 11 million EUR are provided.

4.3 Other relevant issues and debates

All the relevant issues and debates on cultural policies in recent years are described above.

5. Main legal provisions in the cultural field

5.1 General legislation

5.1.1 Constitution

At present, the Federal Constitution for the Republic of Germany (*Grundgesetz – GG*) includes one phrase referring to culture and the arts: "The arts and science, research, and teaching shall be free." (*Article 5.III GG*). According to the interpretation of the Constitutional Court, this clause not only stipulates a right for creative artists to protection from state interference but also mandates the state to preserve and promote culture and the arts. This principle was explicitly reaffirmed in *Article 35 of the 1990 Unification Treaty*. In the past two decades, there have been efforts to insert a more precise "cultural clause" or to include culture among the main goals of the state in the federal constitution. The last of these proposals was issued in 2005 by the Commission of Inquiry set up by the German Parliament entitled "Culture in Germany".

In contrast to the Federal Constitution, the majority of the *Länder* Constitutions address the arts and culture more specifically – the only exception being the city-state of Hamburg. Three of the *Länder* – Bavaria, Brandenburg and Saxony – include culture among the main goals of the state in clauses such as: "Bavaria is a legal, cultural and social state" (*Article 3.I*). Similar or identical to the clause in *Article 3.III GG* of the Federal Constitution, basic protective rights are found in 11 of the *Länder* Constitutions. Furthermore, provisions regarding authors' rights can also be found in e. g. the constitution of Hessen: "The rights of authors, inventors and artists enjoy the protection of the state." (*Article 46*)

Most constitutions of the *Länder* include pledges for public support to the arts or cultural development, e. g. in clauses such as: "The Land protects and supports cultural life" (Berlin, *Article 20.II*). In addition, many of the Constitutions oblige the authorities to foster public involvement in the arts and culture, e. g. "The whole people should be given the opportunity to make use of the cultural goods of life." (Rhineland-Palatinate, *Article 40.III*)

Many *Länder* Constitutions include legal obligations with regard to specific public responsibilities, such as in the field of heritage protection or adult education and some mention the promotion and protection of cultural traditions of ethnic minorities.

In a wider context, some clauses propose cultural goals for the educational system, such as in the constitution of Bavaria: "Openness to everything that is just, good and beautiful" (*Article 131.II*) or Thuringia: "Peace-loving and living together with other cultures and peoples" (*Article 22*).

5.1.2 Division of jurisdiction

With regard to the division of competence between the federal authorities and the *Länder*, the Federal Constitution stipulates that "except as otherwise provided or permitted by this Constitution, the exercise of state powers and the discharge of state functions is a matter for the *Länder*" (*Article 30*). Legislative and executive powers must therefore be expressly conferred on federal authorities by individual provisions in the Federal Constitution, which has resulted in some responsibilities of relevance for cultural policy. One example is cultural relations with third countries.

There is not much dispute about the role of federal authorities to represent the country in culture matters and particularly in the federal capital Berlin. Other Federal responsibilities relate to the protection of the national and world heritage, the care for specific sites, the

protection, acquisition and return of cultural goods of national importance, the funding of important cultural institutions in the Eastern part of Germany (so-called "light towers") and the promotion of cultural unity in the country. Also, the *Federal Cultural Foundation (Kulturstiftung des Bundes)* falls under the competence of the Federal Government. However, plans to merge this foundation with the *Cultural Foundation of the Länder (Kulturstiftung der Länder)* were revived by the grand coalition government elected in 2005, but failed at the end of 2006. Film funding and the governance of the Foundation for Prussian Heritage are matters to be addressed in co-operation with the Länder.

Other public responsibilities in the cultural sphere are usually regulated by the Länder. However, the Länder transferred the majority of responsibility for cultural affairs to the local level (cities, towns and counties), as can be read explicitly in some of their respective Constitutions and municipal codes.

Competence of the municipalities in the cultural field is, on the one hand, enshrined in *Article 28.II* of the Federal Constitution as well as in various Land constitutions and county and municipal codes.

5.1.3 Allocation of public funds

In general, there are no legal provisions governing cultural financing in Germany, which would indicate the specific amount and / or means to distribute public funds. Exceptions are the *Act on the Cultural Areas in Saxony (Sächsisches Kulturraumgesetz)*, which provides for joint funding of cultural endeavours of regional or supra-regional importance by the Land, the counties and the municipalities, and a cultural treaty for the federal capital, which defines the funds to be allocated by the Federal Government to cultural institutions and activities in Berlin. With the amendment to *Saxony Law* in the summer of 2008, the cultural areas were, first of all, arranged differently and, most importantly, the time limit on the Act was lifted.

Additional commitments can be found in the laws establishing public foundations, such as the Federal Culture Foundation or the Foundation for Prussian Heritage and the Foundation "Classic Weimar", with the latter being governed jointly by federal and Länder authorities. There are special laws or regulations governing the respective cultural foundations in many of the Länder.

Beyond these exceptions, the funding for cultural institutions and general cultural activities supported by the federal and Länder authorities is regulated via the annual parliamentary budget appropriations. The same procedures apply for most of the Länder allocations to local cultural institutions and for the cultural budgets of cities and counties.

5.1.4 Social security frameworks

Artists and journalists / authors in the Federal Republic of Germany enjoy comprehensive social security coverage. When employed, they are covered under the general social security regimes. Self-employed artists and journalists / authors are obliged to join the *Artists' Social Insurance Fund (KSK)*. The special protection for self-employed artists and journalists / authors provided for under the *Artists' Social Insurance Act (KSVG)* which came into force on August 2nd, 1981 encompasses statutory health, long-term or old age care and pension insurance. Like employees, the artists and journalists / authors must only pay half of the social insurance contribution. Sixty percent of what could be labelled an "employers share" is paid by the companies that regularly exploit and market the work of artists and journalists / authors. To that effect, the enterprises are charged with an artists' social insurance levy (*Künstlersozialabgabe*) on all fees and royalties paid, whose level is subject to an-

nual adjustments. For example, its level reached 5.8% in 2005 and then decreased in the following years to 3.9% in 2011.

In addition, the Federal Government provides a subsidy to help fund the supposed "employee's share" with 40% of the expenditures of the *Artists' Social Insurance Fund*. Through another amendment of the *Artists' Social Security Law* that came into effect in June 2007, the financial basis of the Fund was improved by broader coverage and a stricter examination of all contributors, including the artists as beneficiaries. In September 2008, the attempt of some Länder in the *Bundesrat* to abolish the *Social Security Act for Artists* failed, due to a broadly supported protest against such plans both from cultural policy makers of all parties and from culture and artists' associations.

5.1.5 Tax laws

Indirect state support for the arts and culture in the form of tax breaks is not laid down in a separate piece of legislation but instead consists of a multitude of regulations contained in various specialised acts. In the case of VAT, some cultural products (such as books) are subject to a lower rate of 7% instead of the standard 19%; under certain conditions, public cultural operations and non-profit activities (e. g. theatre performances) are exempt from VAT and corporate tax altogether.

Since *January 1st, 2000*, an *Act on the Taxation of Foundations* is in force, which includes tax incentives for the establishment of and donations to foundations. In recent years, additional tax breaks have been incorporated into the law governing donations, and the tax-exempt ceiling for income from voluntary activity (the so-called standard exemption for course instructors) has been raised and extended to apply to other groups.

The reform of the *Law on Non-profit Character and Donations* in July 2007 eases taxation of civic commitment. Amongst others, donations remain free from income tax to a limit of 20% and the tax free allowance for the establishment of foundations was raised from 300 000 EUR to 1 million EUR.

5.1.6 Labour laws

With the exception of the *Artists' Social Insurance Act* (see chapter 5.1.4), there are no special laws regarding the terms of employment for artists and other cultural workers. The general labour legislation is applied. If artists or cultural workers are employed in municipal, Länder or federal facilities, then the public service regulations are applied. On the basis of the general *Wage Agreement Law* (TVG), special contracts and wage agreements for the cultural sector, including non-artistic staff, were concluded by unions and employers organisations for single artistic sectors and cultural facilities such as theatres, orchestras and music schools. The conditions of work for main occupational groups such as singers, actors, orchestra musicians etc., are laid down in these agreements. In addition, special courts of arbitration have been set up to settle employment disputes in theatres (*Bühnenschiedsgericht*).

The right of employees to participate in decision making processes is guaranteed through the *General Worker Co-determination Laws* (*Mitbestimmungsrecht*) and similar regulations for public service staff. However, these rights are somewhat restricted in companies such as e.g. theatres, museums or libraries as well as newspapers and broadcasters with regard to management decisions of artistic or scientific relevance (the so-called *Tendenzschutz*).

Of relevance for independent artists and journalists is a regulation from the 1970s in the *Wage Agreement Law* (§ 12a TVG) which was revised in October 2005. Under the law, freelancers who work predominantly for one company can enjoy an "employee-like" status

which allows their professional organisations to conclude wage or fee agreements with their contractors.

5.1.7 Copyright provisions

Along with the *Copyright Law*, the introduction of a standard levy on audio equipment was passed in 1965 which was to be administered and distributed by the collecting societies. A levy on audio and video recording equipment was added in 1985. This applies to recording and reproduction equipment with a certain playing time and capacity. Since the form of reproduction is irrelevant in this regulation, authors and performing artists also receive levies on digital reproductions, including computer related technology. These standard levies are collected by the collecting societies and distributed to professionals. Public lending rights were first introduced to the general *Copyright Law* in 1972 (*Article*°27).

The *Amending Law on Copyright* came into effect on the 10th September 2003, which began to implement the European guidelines on "Copyright in the Information Society" (2001/29/EU). It makes, inter alia, the evasion of copyright for commercial and private purposes a punishable offence (§§ 95 a ff. *UrhG*). Further elements of the revision are the clear definition of "Internet Law", in terms of "Right of Public Accessibility" in § 19 *UrhG*, and the retention, in principle, of the system of payment for private copying. It also contains adjustments to take account of the new technological developments, in particular of the digital use and distribution of artistic, literary and scholarly and scientific works.

A new reform of *Copyright Law* (the so-called second tranche) was passed by the Bundestag in July 2007 and continued the work on fully implementing the EU guidelines on *Copyright in the Information Society* (2001/29/EU). After long and intensive arguments between artists' representatives, the users, as well as the appliance industry, a compromise was reached. Afterwards, the lump-sum payment system, which adjusts charges to include a levy for private copying, will be reformed so that in the future, the rate of duty will be independently negotiated by the collecting societies and appliance industries (see: <http://www.urheberrechtsbuendnis.de>). In 2009 and 2010, public debate about a restructuring of the *Copyright Law* intensified not only due to the new possibilities of digital production and reproduction; a "cultural flat rate" was discussed but not adopted.

5.1.8 Data protection laws

At the national level, the *Federal Data Protection Act* (BDSG) of January 1st, 1978 regulates the data security of the federal authorities and for the private sector, including business enterprises. In addition, the Länder data security laws apply on the level of state and municipal authorities. The purpose of the data security laws is to protect "the individual against an infringement of his personal rights through the misuse of his personal data" (§ 1.1 *BDSG*). This right of "information self-determination" is considered, according to a ruling of the Federal Constitutional Court, as a fundamental right of all German citizens. The basic principle of the law is a general ban on the collection, processing and use of person related data, except where explicitly permitted by law or individually approved – usually in writing – by the person concerned. Other important principles of the law include those on "data avoidance" and "data thrift" (e. g. the former Federal film statistics were abolished, in this context). A *Federal Representative for Data Security* and similar officials in the Länder are responsible for supervising and guaranteeing these provisions.

These general data protection laws are complemented and clarified by many other data regulations, e.g. in the social security domain or with regard to church life. However, the BDSG regulations are also relevant in the cultural area, where they have gained relevance e. g. in the marketing work of cultural facilities. Since May 23rd, 2004, companies are

obliged to appoint a data security official in cases where more than five employees handle, or have access to, personal data.

On May 23rd, 2001 the minimum standards of the European Data Security Guidelines were implemented into national German laws.

5.1.9 Language laws

There are no general regulations governing the representation of languages in the media. In areas with official ethnic minorities, such as Saxony, Brandenburg and Schleswig-Holstein, the languages of these minorities are represented in the media (see chapter 4.2.6). In larger cities, especially in Berlin, in addition to single foreign-language radio channels (*RFI* and *BBC*); some programmes for ethnic minorities are produced by public broadcasters (such as *SFB Multikulti* or *WDR 5*) in alternating foreign languages. In addition, private radio and television stations feed foreign-language programmes into the cable network.

5.1.10 Other areas of general legislation

Information is currently not available.

5.2 Legislation on culture

Legal aspects of cultural policy are governed by related provisions in constitutional and administrative law. These provisions, however, are not codified in a single text; they consist of a host of constitutional and statutory provisions, above all the Federal Constitution and the constitutions of the Länder, the municipal and county codes, a few specialised statutes of the Länder relating to cultural affairs, federal legislation such as the *Act on the Protection of German Cultural Heritage against Removal Abroad*, the *Copyright Law*, the *Federal Film Promotion Act* and the *Artists' Social Insurance Act*, and various provisions relating to cultural matters in legislation such as the *Federal Building Act*, the *Federal Regional Planning Act* and the *Federal Act for the Expellees* (see also chapter 5.3.8). In addition, German cultural policy is bound by the provisions of international legal instruments such as the United Nations Universal Declaration of Human Rights, which includes the stipulation that "everyone has the right freely to participate in the cultural life of the community, to enjoy the arts ..."

Moreover, the federal authorities – based on the constitution (see chapter 5.1.1 and chapter 5.1.2) and on the jurisdiction of the Federal Constitutional Court – lay a claim to competence originating "in the nature of the matter" where the matters in question are tasks that in a federally structured union are peculiar to the national level and cannot be effectively handled or regulated by a Land. In practice, the Federal Government and parliament derive their competence on these grounds when functions of significance for the state as a whole are at stake, such as representing the country in its entirety. This includes concrete activities in the area of promoting culture, whereby the Federal Government – aside from exceptions such as its contractual commitment to fund cultural institutions in the capital – generally only acts together with one or more Länder or with a municipality. Prior to unification, cultural matters relating to both German states fell within the remit of the national government. Upon unification, the aspect "promotion of unity" as expressed in *Article 35 of the 1990 Unification Treaty* took centre stage.

The cultural competence of the Länder is limited by the tasks of the federal authorities defined in the Federal Constitution and by the responsibilities transferred to the municipalities within the framework of "local self-government" (*Article 28.2 GG*), as well as by the obligation of the municipalities under many Land constitutions to cultivate and promote

cultural life. In contrast to the other two levels, the competence of the Länder is more precisely defined by provisions in their constitutions and by individual laws.

Specific cultural laws exist at the Länder level as regards archives, the care of monuments and adult education. Individual Länder have a *Law on Music Schools* (Brandenburg) and a *Library Law* (Baden-Wuerttemberg and Thuringia). However, no special laws exist for the largest or most important cultural institutions such as public theatres, museums or orchestras. Legal competencies in the mass and electronic media are divided between the federal and the Länder authorities.

5.3 Sector specific legislation

5.3.1 Visual and applied arts

As is the case in other artistic fields, visual and applied art activities are covered under the *Freedom of Art Guarantee* of the Federal Constitution (*Article 5.III GG*). This provision guarantees everyone the right to freely work in the artistic domain and to strive for recognition of his / her work by the public, that is: the guarantee includes not only the "sphere of the creative work", but also the "sphere of impact" of that work via its publication and distribution.

With regard to the dissemination and use of artistic works, the frequently amended *Copyright / Authors' Rights Law* dating from September 9, 1965 (*UrhG*) is particularly relevant. The law includes regulations for publication, exhibition and transfer or granting the right of utilisation (e. g. via loans to museums) of artistic work. Other clauses clarify that the creator is entitled to economic returns from the use of his works (§11.2 *UrhG*, see also chapter 5.1.7). However, an exhibition royalty demanded by artists' organisations similar to the existing public lending right (see chapter 5.3.4) is not included in the present *Copyright Law*.

The *Artists' Social Insurance Act* (see chapter 5.1.4) is important for all independent artists and for companies exploiting their works, by which the latter are required to pay a levy on all fees ("employer's share").

5.3.2 Performing arts and music

Apart from the general constitutional regulations and to the *Labour Law* (see chapter 5.1.1 and chapter 5.1.6), there are no fixed legal provisions for the fields of music and theatre. The practical organisation of work in this domain is regulated through individual contracts between the authorities in charge of a facility or company and its manager ("Intendant"). Contracts are then drawn up between the facilities and the artistic and other staff members along the lines of general wage agreements such as the "Normal Contract Stage", which summarises the main terms of employment of the different artistic groups working in a theatre.

For music schools, the state's supervision of educational matters is based on a general legal guideline, with special definitions existing in six of the Länder. Only Brandenburg has a special *Law for Music Schools*.

5.3.3 Cultural heritage

One of the central tasks of cultural policy is the protection and preservation of the built heritage, i. e. cultural monuments and man-made landscapes including architectural, archaeological and paleontological monuments as well as parks. At the Land level, monument protection legislation has been passed. In addition to their sovereign right to define

their own tasks, the Länder also consider it their duty to preserve such monuments and provide funds for this purpose. Municipalities are also involved in monument conservation; as a general rule, they have been assigned specific roles in this domain.

Despite the primary role of the Länder in monument conservation, a programme at the federal level has been operating since 1950 to promote monument conservation measures in order to preserve and restore immovable cultural monuments of national significance. This involves federal co-financing of those cultural monuments that are significant for Germany as a whole. Following re-unification, the Federal Government launched several monument conservation programmes to help meet the special needs for long overdue monument conservation work in Germany's eastern Länder. These programmes are co-financed by the Land involved. The federal and Länder authorities work together in the *German National Committee for Monument Protection*.

Private sector activities in the area of monument conservation are of great importance. There are a substantial number of volunteer monument conservators in Germany who work hand in hand with the respective public authorities. Furthermore, private funding has become indispensable in this field.

The German Foundation for the Protection of Monuments functions as a useful and effective link between public and private sector activities in this area. The *Standing Conference of the Ministers of Education and Cultural Affairs of the Länder in the Federal Republic of Germany (KMK)* serves as the national clearinghouse for recommendations of monuments to the *UNESCO* World Heritage List.

Whereas monument conservation measures are designed to preserve and safeguard immovable cultural assets and thus protect this part of the nation's cultural heritage, other cultural heritage protection measures serve to protect its movable cultural treasures. These, too, are at risk of deterioration and destruction. The greatest threat to the nation's movable cultural heritage is, however, the loss of specific treasures, especially through their sale abroad.

The statutory basis for state protection against the export of cultural objects is the *Act on the Protection of German Cultural Heritage against Removal Abroad*. This legislation is in line with EU law, which – contrary to the generally prescribed free movement of goods within the EU internal market – expressly provides for such a restriction on trade and movement in the case of "cultural objects classified ... as national cultural treasures possessing artistic, historic or archaeological value". Protected from export are objects that have been entered by the Länder in their registers of cultural treasures and archives that possess national value. The vast majority of these objects are privately owned such as paintings, medieval books, musical instruments, archaeological objects or archives. The *Federal Commissioner for Cultural and Media Affairs (BKM)* maintains a consolidated register of cultural treasures and archives possessing national value that is compiled from the Land registers and published in the Federal Gazette. The Commissioner is also responsible for deciding whether to permit the export of such objects.

In order to safeguard national treasures, the Federal Government also assists the Länder and the municipalities in purchasing important objects when it is feared that they may be sold abroad (see chapter 4.2.2).

In contrast, in September 2008, the federal cabinet agreed to the establishment of a register of cultural assets, which is to help to prevent the illegal import of cultural assets from other countries.

5.3.4 Literature and libraries

Article 5.1 of the Federal Constitution guarantees the freedom of expression of opinion and is, therefore, an important legal prerequisite for the development of free and lively literature. Furthermore, this *Article* stipulates that everybody has the right "to inform him / her unhindered from generally accessible sources". This could be interpreted as a duty for the state and its public facilities, in particular libraries, to provide an "unhindered" access to the literary resources administered by them. However, the right to participate in state services and educational supplies cannot be brought to court.

For a long time, only one of the German states (Baden-Wuerttemberg) had a *Library Law* which regulates the public provision of suitable facilities. Since August 2008, Thuringia too has a *Library Law* (without concrete regulations on public funding), two years later, the Land Hessen followed with a similar law. In all other Länder, the general legal background for public library services is derived from the Federal Constitution (see above), the respective Länder constitutions as well as from regulations existing on the level of counties and other local communities. The discussion about such laws and on acts regulating the support for culture also reached the parliaments of some other Länder.

On 1 July 2007, the *Act on the German National Library* came into force with a stretching of the collection on the internet.

The *Copyright / Authors' Right Law* of 1965 (UrhG) is another legal instrument of importance in the literature and library sector. Among other items, the law regulates the rental, duplication and copying of printed products and media. *Article 27 UrhG* tries to balance the interests by introducing a *public lending right*: a library royalty paid by state authorities to authors' societies (*VG Wort*, *GEMA*, *VG Bild-Kunst*), which then compensate the authors as appropriate. For copying machines, *Article 54 UrhG* foresees a royalty both for the individual machine and for those operators which regularly use them for copying protected works. The *VG Wort* collects these duties from importers / traders, commercial operators and, as regards the libraries, from the Länder (see chapter 5.1.7).

The *Law on Fixed Book Prices* (BuchPrbG), of 2nd September 2002, is also an important piece of legislation for literature and its dissemination. Publishing companies are obliged to fix the retail prices for their new books. This regulation is meant to safeguard a stable book market and with it a diverse supply structure, from which both the authors and readers should benefit. With the exception of the UK, Ireland and Finland, all member states of the European Union have introduced, or are preparing, laws supporting a fixed book price.

5.3.5 Architecture and spatial planning

As early as 1950, a federal *Law on Art for Public Buildings* ("Kunst am Bau") was passed to promote visual artists and to bring art into public spaces (actually, a regulation of the same name for the Reich, the Länder and the towns already existed in 1934). The law foresaw that 1 percent – later 2 percent – of the construction budget of public buildings should be spent on works of art connected with the architecture. This regulation was reworked several times and is known today as the "K7" component of the "Guidelines for the Realisation of Construction Assignments of the Federal Government" (RBBau K7). At the beginning of the 1990s, the 2 percent rule was taken out of the regulation.

The RBBau K7 applies only to constructions carried out on the federal level. The Länder introduced similar regulations for constructions carried out under their responsibility, some of them with the same name "K7", others under the title "Art in the Public Space". Some local authorities also developed similar guidelines.

More general definitions relating to architecture and town-planning are laid down in the *Federal Construction Code* and in building regulations, above all at state level.

In 2005, the Bundestag / Federal Parliament decided unanimously to establish a *National Foundation for Architecture (Stiftung Baukultur)*. However, this plan failed because of the resistance of the *Bundesrat* (Chamber of the Länder in the Parliament) and because some Länder feared too much influence from the national authorities.

Environmental care and landscape protection in general do not fall into the area of cultural policy in Germany. Both on the national and regional level, they are administered through separate laws and regulations by ministries for environmental affairs. However, the protection and care of the natural heritage and built monuments in the narrow sense are at least partly addressed by authorities in charge of the care of monuments, based on the laws for monument protection of the 16 Länder (see chapter 5.3.3).

5.3.6 Film, video and photography

Both the Federal Government and the Länder provide support for film. National film support has its legal base in the *Federal Film Promotion Act* (FFG) which is constantly being updated. The present version came into force on January 1st, 2004 and is valid until the end of 2008. The most important instrument of film promotion on the national level is the *Film Promotion Agency (FFA)*. Its task is to provide "measures for the promotion of German films as well as for the improvement of the structure of the German film economy" and to support the overall interests of the film economy, e. g. through marketing research and the protection of copyright. The *FFA* is financed via a "film levy" raised from all industries involved in the utilisation of films: cinemas, the video industry and broadcasting companies (§ 66 following FFG). The annual budget of the *FFA* amounts to 77.4 million EUR (2005) and is used, among other things, to support productions, scripts, the rental and distribution of films, cinemas and video stores. In November 2008, the German Bundestag passed the amendment to the *Film Support Act*. In this, the areas of support are weighted in a different way, the funds to support rental and distribution are increased significantly in order to facilitate the marketing of German films in cinemas, the support for project films and for film scripts are increased and the cinema charge is reduced. The new *Film Support Act* came into force on 1 January 2009.

In addition to the *FFA*, the German film industry is also supported by the *Federal Commissioner for Cultural and Media Affairs* (BKM). Every year, more than 130 million EUR in total flows into awards (for example, the German Film Award) and promotion programmes (support for productions, scripts, cinemas, etc.). Since 2005, the German Film Award (with prize money of 3 million EUR) is organised by the German Film Academy, founded in 2003. Furthermore, film festivals and symposia (for example, The International Film Festival Berlin), international film productions (through bilateral film agreements), as well as institutions dedicated to the restoration and preservation of film cultural heritage (for example *Stiftung Deutsche Kinemathek* in Berlin and the *Deutsche Filminstitut* in Frankfurt am Main) are also supported by the BKM.

On January 1st 2007, a new support model entitled "Encouragement and consolidation of film production in Germany" came into force, which offers film producers a reimbursement of 15 to 20 % of production costs, spent in Germany, on the production of a cinema film. 60 million EUR p.a. has been provided. The intention is to increase Germany's attraction as a production location for large-scale international productions.

In addition to support measures for the improvement of the artistic quality of films, federal policies in this domain include regulatory measures, e.g. concerning taxation and copyright frameworks. In that context, tax shelters for film funds were abolished in November, 2005.

Film promotion programmes also exist at the Länder level. These differ considerably in scope and are funded by a variety of sponsors and bodies. In order to coordinate the film

policies of the Länder with the Federal Government, the *Standing Conference of the Ministers of Education and Cultural Affairs of the Länder* in the Federal Republic of Germany (KMK) established a *Film Committee of the Länder* in 1994, which involves the participation of the respective state chancelleries and economic ministries.

5.3.7 Mass media

The statutory basis for the public radio and television corporations (financed mainly by licence fees) and the private (commercial) television broadcasters (financed by advertising revenue) is the *Interstate Broadcasting Agreement* concluded among the Länder. On the basis of this Agreement and within the framework of their responsibilities for radio and television broadcasting, the individual Länder have enacted detailed provisions in their respective *Land Broadcasting Acts*.

The legal framework for the new information and communications technologies is defined by the *Telecommunications Act*, which entered into force on August 1st, 1996, the *Federal Information and Communication Services Act*, which entered into force on August 1st, 1997, and the essentially identically worded *Interstate Agreement on Media Services* concluded among the Länder.

See also chapter 4.2.6.

5.3.8 Other areas of culture specific legislation

Additional laws of relevance for culture include *Article 96* of the *Federal Law for the Expellees*: both the Federal Government and the Länder are obliged to preserve the cultural traditions of those regions in Central and Eastern Europe which were formerly inhabited by Germans. In 2000, a "New Concept for the Investigation and Presentation of German Culture and History in Eastern Europe" was developed in an effort to match this task with the changed political and social conditions after the collapse of the socialist state systems.

The *Federal Archive Law* – and corresponding laws of the 16 Länder – was enacted in the 1980s in order to regulate the protection, preservation, development and utilisation of archive goods.

6. Financing of culture

6.1 Short overview

The financing of culture in the Federal Republic of Germany rests on several pillars. In keeping with the subsidiarity principle, culture – and thus the public financing thereof – is first and foremost the responsibility of the citizens and their local communities. Only when the scope or nature of a cultural policy task is beyond the community's resources does the state step in as a sponsor. The municipalities thus bear the lion's share of the cost of financing public cultural activities and institutions, followed by the Länder. Due to its limited competence in the field of cultural policy, the Federal Government provides only a small share of the total support for culture in Germany (see chapter 6.2). Impossible to quantify through financial statistics – but by no means insignificant – are the funds stemming from other policy fields, especially job promotion. In Germany's western Länder, the overwhelming majority of these funds were allocated to third sector sponsors of cultural activities and institutions even prior to unification. In the eastern Länder, they have taken on great importance in the course of the past ten years for all cultural institutions.

The municipalities, the Länder and the Federal Government operate on the basis of rather different definitions of the term "culture", however. As a result, public cultural expenditure statistics often vary considerably, in some cases by billions of EUR.

EU cultural statistics with yet differing definitions and the very broad *UNESCO* statistical framework add to these various definitions of cultural statistics. A partial harmonisation was achieved when the Federal Office for Statistics co-operated with statistical offices of some *Länder* to produce the *Cultural Finance Report 2000, 2003, 2006 and 2008*.

Different standards to collect cultural statistics are also used by German municipal statistical offices, the *Standing Conference of the German Länder*, the Federal Government and the *Federal Statistical Office*. This is further complicated by the number of different categories used by *EUROSTAT* and *UNESCO*. The discussions around a standardisation of cultural statistics were also taken up by the *Enquete-Kommission of the German Bundestag* (Federal Parliament) on "Culture in Germany", which submitted, in its final report, a suggestion on the harmonisation of cultural statistics. In 2008, this suggestion was discussed and at least partly introduced.

Regardless of these differences, cultural expenditure increased disproportionately in comparison to other areas of public expenditure in the 1970s and 1980s. In the 1990s and the 2000s however – aside from the rise in cultural expenditure at the federal level due to unification – total public expenditure increased nominally but declined in real terms. This negative development ended in 2006/2007 when the cultural expenditure started to rise again slowly in real terms – a development that came to a halt on the regional and local levels, following the 2008/9 world financial crisis. On the other hand, the budget for cultural affairs on the national level rose continuously during the last six years, running at rates between +3.4% (2007) and +1.5% (2009); in 2011, an increase of 2.4% is envisaged.

The first region to present a report on cultural support, which is intended to provide greater transparency in cultural support, was the Land *Nordrhein-Westfalen* in October 2008. According to this report, over the last three years, funds for cultural support have been increased by 12.7 million EUR in 2006, 14.3 million EUR in 2007 and 15.3 million EUR in 2008, which corresponds to the promise made by the state government to double the budget for regional culture within the period of this legislative session; however, compared with other regions, this was previously at a very low level.

6.2 Public cultural expenditure

6.2.1 Aggregated indicators

Due to the various definitions of "culture", the available statistics differ widely. In the interest of presenting the most comprehensive picture possible, two sets of statistics are given here:

- the first set of statistics – see Table 1 – are taken from the statistical survey "*Zur Lage der öffentlichen Kulturförderung in Deutschland*" (The State of Public Financing of Culture in Germany) conducted by Michael Söndermann and published in the *Jahrbuch für Kulturpolitik 2000, 2002/03, 2006 and 2008* (Cultural Policy Yearbook 2000 – 2008), which used figures adjusted to reflect revenues and the flow of payments between the various policy levels; and
- a second set – see Table 2 – is provided from the *Kulturfinanzbericht 2003, 2006 and 2008* (Cultural Finance Report 2003, 2006 and 2008) published by the *Federal Statistical Office* and the *statistical offices of the Länder*.

According to the survey conducted by Michael Söndermann, public cultural expenditure increased by 7.3 % between 1995 and the year 2003, overall from 7.65 billion EUR to 8.31 billion EUR and per capita from 95 EUR to 99 EUR. During the same period, the general price index rose by about 8 %. The percentage of overall public expenditure (all public budgets) attributable to cultural expenditure thus declined from 1.3 % to 1.3 %. (2002) According to this methodology, public cultural expenditure has decreased from 8.56 billion EUR in 2000 to 8.0 billion EUR in 2004. Between 2003 and 2007, public expenditures on culture fell back significantly from time to time. However, in 2007, it was once again (an estimated) 8.322 billion EUR; i.e., 101 EUR per person.

According to the *Kulturfinanzbericht 2003, 2006 and 2008* (Cultural Finance Report 2003, 2006 and 2008) published by the *Federal Statistical Office*, public cultural expenditure increased from 7.47 billion EUR (1995) to 8.14 billion EUR (2007) and per capita from 91.1 EUR to 99.1 EUR. The percentage share of public expenditure (all public budgets) attributable to cultural expenditure in the gross domestic product thus decreased slightly from 0.40 to 0.34%.

6.2.2 Public cultural expenditure broken down by level of government

Table 1: Public cultural expenditure: by level of government, in billion EUR and in % from 1995 to 2007

	1995	1998	1999	2000	2001	2002	2003	2007
Municipalities								
Expenditure	3.42	3.47	3.47	3.47	3.75	3.68	3.55	3.66
% share of total	44.71	45.72	44.15	43.65	43.91	43.60	43.19	44.0
Länder and city states*								
Expenditure	3.61	3.57	3.68	3.78	3.67	3.61	3.57	3.44
% share of total	47.19	47.04	46.82	47.55	42.97	42.77	43.43	41.3
Federal Government								
Expenditure	0.62	0.55	0.71	0.70	1.12	1.15	1.10	1.22
% share of total	8.10	7.24	9.03	8.80	13.11	13.63	13.38	14.7
Total	7.65	7.59	7.86	7.95	8.54	8.44	8.22	8.32

Source: as broken down in: Jahrbuch für Kulturpolitik 2000, 2002/03, 2006 and 2008.

* Berlin, Bremen, Hamburg.

Table 2: Public cultural expenditure: by level of government, in billion EUR and in % from 1995 to 2009

Level of government	1995	2000	2005	2006	2007	2008*	2009*
Länder and municipalities							
billion EUR	5.53	6.25	6.14	6.28	6.44	6.68	7.01
% share of total	74.0	76.2	76.7	77.4	76.1	76.6	76.2
City states							
billion EUR	0.97	0.94	0.85	0.83	0.96	0.92	0.97
% share of total	13.0	11.5	10.6	10.2	11.3	10.6	10.5
Federal government							
billion EUR	0.97	1.01	1.02	1.01	1.01	1.11	1.21
% share of total	12.9	12.3	12.7	12.5	12.6	12.7	13.2
Total billion EUR	7.47	8.21	8.00	8.11	8.46	8.71	9.19

Source: As broken down in: *Kulturfinanzbericht 2010* (Cultural Finance Report 2010).

* Provisional.

6.2.3 Sector breakdown

Table 3: State cultural expenditure: by sector, in billion EUR, and in %, 1995, 2000, 2005 and 2007

Field	1995	2000	2005	2007
Performing arts (theatre and music)				
billion EUR	2.75	2.80	2.94	3.07
% share of total	44.6	44.4	36.7	36.3
Libraries (non-academic)				
billion EUR	0.65	0.69	1.10	1.24
% share of total	10.6	10.9	13.8	14.6
Museums (non-academic)				
billion EUR	0.97	1.02	1.53	1.58
% share of total	15.7	16.2	19.2	18.6
Monuments and sites				
billion EUR	0.32	0.34	0.41	0.48
% share of total	5.1	5.4	5.1	5.6
Other cultural heritage conservation				
billion EUR	1.02	1.04	–	–
% share of total	16.5	16.5	–	–
Cultural affairs abroad				
billion EUR	–	–	0.28	0.30
% share of total	–	–	3.5	3.5
Art colleges				
billion EUR	–	–	0.42	0.47
% share of total	–	–	5.3	5.5
Other cultural financing				
billion EUR	–	–	0.84	0.94
% share of total	–	–	5.9	11.1
Administration				
billion EUR	0.47	0.42	0.47	0.40
% share of total	7.5	6.6	5.9	4.7
Total billion EUR	6.18	6.21	8.00	8.46

Source: As broken down in: *Kulturfinanzbericht 2006, 2008 and 2010* (Cultural Finance Report 2006, 2008 and 2010).

6.3 Trends and indicators for private cultural financing

Cultural institutions, events and projects are also privately funded, in some areas to a considerable extent, e.g. museums. Reliable statistics are not available, but the Federal Statistical Office (in its *Kulturfinanzbericht 2010*) estimates private-sector expenditure for publicly subsidised institutions alone to reach nearly 1 billion EUR – however, including ticket sales. Regarding turnovers of culture industries, see chapter 4.2.3.

A recent publication on private cultural sponsoring in Hamburg (*Private Förderung im Hamburger Kulturleben*, 2010) can exemplify things a bit further: According to a study of the KMM Institute, over 40 % of the private companies are contributing to cultural life in this city-state with 1.8 million inhabitants. The value of this engagement – not including in-kind contributions – would probably be around 8 % of the estimated 350 million Euro of business sponsorship for the arts and heritage in Germany.

7. Public institutions in cultural infrastructure

7.1 Cultural infrastructure: tendencies & strategies

Over the past few years, the Federal Government, the Länder and the municipalities have increasingly relinquished direct responsibility for running cultural facilities and programmes. This organisational restructuring of the cultural sector is not only strongly advocated by the state but also favoured by representatives of the business sector and groups in society, provided it does not involve an abdication of the state from its responsibility to ensure financing.

Institutional reforms now reflect a growing preference for new sponsorship models while at the same time demanding that the public sector maintains its responsibility to ensure funding. Two strategies should be distinguished in this context:

- the partial liberation of cultural institutions from the confines of budgetary and public service law and from municipal and other administrative structures through choice of another legal form such as a limited liability company or a foundation. The assumption that such change of legal form would result in a reduction of public funding, however, has thus far proved incorrect; and
- the transfer of tasks (such as allocation of public resources and maintenance of facilities) to institutions in civil society (generally foundations and associations). This strategy of cooperating with intermediary organisations is particularly prevalent at the federal and Land levels.

Irrespective of these trends, which certainly reflect an increasingly widespread acknowledgement of the important role of civil society or third sector actors, the fact remains that most municipal cultural institutions are still integrated into and bound by the structures and hierarchies of public administration.

The transfer of public sector responsibilities to private sponsors in the cultural sector began in Germany as early as the 19th century. Prominent national and internationally renowned cultural institutes such as the *Bach Archives* in Leipzig, the *Beethoven House* in Bonn, the *Archives of German Literature* in Marbach, the *Goethe Museum* in Frankfurt am Main, the *Weimar Classics Foundation* in Weimar, and the *National Museum of German Art and Culture* in Nuremberg are privately run but receive public funding from all three levels of government. Many of these institutions belong to the *Working Group of Independent Cultural Institutes* (ASKI).

7.2 Basic data about selected public institutions in the cultural sector

Table 4: Cultural institutions financed by public authorities, by domain

Domain	Cultural institutions (subdomains)	Number (Year)	Trend (++ to --)
Cultural heritage	Cultural heritage sites (recognised)	N/A	N/A
	Museums (organisations)	6 190 (2008)	++
	Archives (of public authorities)	74 national (2009)778 local (2008)	unchanged
Visual arts	public art galleries / exhibition halls	488 (2008)	unchanged
	Art academies (or universities)	23 (2010)	unchanged
Performing arts	Symphonic orchestras	133 (2010)	--
	Music schools	909 (2010)	-
	Music / theatre academies (or universities)	40 (2010)	+
	Dramatic theatre	128 (2008)	unchanged
	Music theatres, opera houses	43 (2008)	unchanged
	Dance and ballet companies	35 (2009)	unchanged
Books and Libraries	Libraries	10 021 (2009)	--
Audiovisual	Broadcasting organisations	17	unchanged
Interdisciplinary	Socio-cultural centres / cultural houses	1 100 (2008)	+
Other (please explain)	Youth art schools	423 (2008)	+

Sources: *cultural heritage*: Monika Hagedorn-Saupe "Entwicklung der Museumslandschaft in Deutschland seit 1990", in Jahrbuch für Kulturpolitik 2010, p. 182; Deutscher Städtetag (Hg.) (2008): *Statistische Jahrbuch Deutscher Gemeinden*. Köln: Deutscher Städtetag, p. 229; *visual arts*: Monika Hagedorn-Saupe "Entwicklung der Museumslandschaft in Deutschland seit 1990", in Jahrbuch für Kulturpolitik 2010, p. 182; Internet; *performing arts*: Theaterstatistik des Deutschen Bühnenvereins (Theatre Statistics of the German Theatre Association) 2008/2009, Cologne 2010, p. 10–35, Internet, Gerald Mertens "Deutsche Orchesterlandschaft im Wandel", in Jahrbuch für Kulturpolitik 2010, p. 155ff.; *books and libraries*: Ronald Michael Schmidt "Öffentliche Bibliotheken in Deutschland 1990–2009", in Jahrbuch für Kulturpolitik 2010, p. 207; *audiovisual*: Internet; *interdisciplinary and others*:: Deutscher Städtetag (Hg.) (2008): *Statistische Jahrbuch Deutscher Gemeinden*. Köln: Deutscher Städtetag, p. 228 f.

7.3 Status and partnerships of public cultural institutions

In recent years, numerous types and models for partnerships between public cultural institutions and private firms emerged in Germany. However, most cultural institutions, including the largest ones, are still exclusively state-run. Permanent co-operation and co-financing arrangements have been reached mainly for smaller institutions at local level, i. e. between local businesses and the respective city administration. There are now more and more examples of institutionalised cooperation in the realisation and maintenance of larger institutions such as the *Pinakothek der Moderne* in Munich and the *NRW-Forum Kultur und Wirtschaft* in Düsseldorf, where the Länder, the municipalities and private firms / patrons are permanent sponsors. Some Länder, like Lower Saxony, abandoned the approach to finance institutions via civil society organisations by regaining direct control.

The wealth of vibrant cultural institutions in all of Germany's regions – a number of which are renowned throughout Europe – is a product of German history. Following each profound societal change (in 1918, in 1945 and – in eastern Germany – in 1990), the Länder and the municipalities reaffirmed their responsibility for theatres, orchestras and museums. While the most important public theatres and museums still enjoy fairly stable means of public support, the increasingly severe financial problems of the Länder and the municipi-

policies have prompted, in recent years, an ongoing nationwide debate on a reform of public cultural institutions – see chapter 7.1 – as well as of wage and salary scales at theatres and orchestras (whose levels are sometimes overestimated in public debates).

8. Promoting creativity and participation

8.1 Support to artists and other creative workers

8.1.1 Overview of strategies, programmes and direct or indirect forms of support

Artistic production and its reception by the public are furthered, on the one hand, through the funding of arts institutions (see chapter 6) and, on the other hand, through the creation of general conditions conducive to the flourishing of the arts (see chapter 5.2). This also includes the opportunities for basic and further training in artistic professions provided above all by the 22 colleges of art and 23 colleges of music, drama and dance operated by the Länder as well as the four federal academies jointly funded by the Federal Government and the Länder. Support for individual art forms and individual artists in the various fields of artistic endeavour are likewise very important.

8.1.2 Special artists' funds

At the federal level, support to artists is provided through artists' organisations and bodies such as the *Visual Arts Foundation*, the *German Literature Fund*, the *Sociocultural Fund* and the *Federal Foundation for the Performing Arts* as well as projects implemented by the *German Music Council*. This support encompasses nationally prominent exhibitions of contemporary art, competitions, scholarships and prizes, for example, as well as other appropriate forms of support. Resources are also provided by the Federal Government via the *Cultural Foundation of the Länder*. Since the 1970s, there has been a federal programme for art purchases and a federal collection of contemporary art. Federal funding is also available for German artists' residencies abroad at facilities such as the *German Academy* at the *Villa Massimo* in Rome.

Support for artists is provided mainly by the municipalities and the Länder through a wide variety of instruments. In addition to the support programmes for the various fields of artistic endeavour existing at Land level, the individual Land foundations for the arts and culture play a particularly important role in this context. Widespread forms of support at Land and municipal level include financial assistance for art projects, the purchase of works of art, the commissioning of artwork, the awarding of scholarships, the provision of facilities for exhibitions and performances as well as studios and workshops, the awarding of monetary prizes and the granting of publication subsidies. Support is also provided through municipal art lending libraries and programmes such as "Art on Buildings" and "Art in Public Spaces" as well as through business management advisory services for artists and financial help with business start-ups.

8.1.3 Grants, awards, scholarships

Grants and prizes are instruments of "individual artist support", adopted both by public bodies at a municipal, Land and Federal level and also by private and civil society organisations. A wide range of public and private foundations are important in this context (e.g. the art and culture foundations of the individual Länder), but also, for example, the autonomously administered *Federal Cultural Funds* (Deutscher Literaturfonds, Stiftung Kunstfonds, Fonds Soziokultur, Fonds Darstellenden Künste), which distribute, subject to application, funding of the *Kulturstiftung des Bundes* (*Federal Culture Foundation*). The web portal *Kulturpreise Online* and the *Deutsches Informationszentrum Kulturförderung* (<http://www.kulturfoerderung.org>) provide information on the range of individual support funding available from awards and foundation grants.

Cultural awards and regular scholarships for artists are a particularly noteworthy support instrument; during the last three decades, their number and importance increased considerably: In 1978 the *Handbuch der Kulturpreise (Handbook of Cultural Awards)* listed 776 prizes and scholarships; by 1985 the number had already risen to 1 329 and by 1994 to just under 2 000. The 2000 edition of the handbook listed 2 400 awards.

The 2010 online version of the Handbook of Cultural Awards (<http://www.kulturpreise.de>) shows what may be interpreted as a possible saturation: It arrived at over 2 500 awards and scholarships (combining 4 500 individual measures under one name, e.g. for established artists and newcomers). General cultural awards account for 17% of these, followed by literature with 14%, the visual arts and media/journalism with 13% each, socio-culture with 12% and music with 11%. Recent years have also seen a marked increase of prizes and scholarships endowed by private individuals and firms, especially in the media. Nevertheless, the financial weight of awards and other forms of regular individual support for artists and writers is rather limited; it can be estimated to reach approximately 1% of the total expenditure on culture in Germany. In many cases, the symbolic and publicity value of such measures will be more important for the recipient than the actual income provided.

8.1.4 Support to professional artists associations or unions

In addition to the support provided via artists associations (see chapter 8.1.2), funds are made available to bodies such as the German Arts Council, the German Music Council and two Federal associations of visual artists. A portion of these funds are earmarked to assist these associations as well as to support individual projects.

8.2 Cultural consumption and participation

8.2.1 Trends and figures

Despite the continuously increasing number and variety of cultural and leisure-time activities since the 1970s – especially those made available by the culture and media industries – attendance and participation figures for public cultural institutions have continued to rise over the long term, though they have fluctuated widely and declined in some areas.

Table 5: Visitors / users (in thousands), 1992, 1995, 2000, 2005 and 2009

Field	1992	1995	2000	2005	2009
Museums	93 020	91 062	99 560	101 406	104 852*
Theatres	23 522	25 459	24 712	23 278	23 957*
Public libraries	–	–	89 643	122 951	121 604
Music schools	792	854**	867	890	958
Cinemas	105 900	124 500	149 000	177 900	146 300

Source: Theatre attendance: Rolf Bolwin "Theater und Orchester", in *Jahrbuch für Kulturpolitik 2010*, p. 137, Theaterstatistik des Deutschen Bühnenvereins (Theatre Statistics of the German Theatre Association), Cologne; Museums: Monika Hagedorn-Saupe "Entwicklung der Museumslandschaft in Deutschland seit 1990", in *Jahrbuch für Kulturpolitik 2010*, p. 182., Museumsbericht 2006, Statistische Ämter des Bundes und der Länder, Berlin 2007; Public libraries: Ronald Michael Schmidt "Öffentliche Bibliotheken in Deutschland 1990–2009", in *Jahrbuch für Kulturpolitik 2010*, p. 207; Cinemas: Filmförderanstalt, Annual statistics; all others: Statistisches Jahrbuch für die Bundesrepublik Deutschland (Statistical Yearbook for the Federal Republic of Germany), Federal Statistical Office, Wiesbaden, edition for the given year.

* 2008;

** 1996;

Due to the location of major cultural institutions in larger cities, the latter account for a great part of the visitors. For example, the city-state of Hamburg counts around 18 million

visitors annually, or more than 50.000 daily, in cultural events and institutions ranging from museums and theatres to concerts and the cinema (*Kulturwirtschaftsbericht Hamburg*, 2006). The share of visits in publicly sponsored institutions and venues is estimated at 56 %. Theatres alone account for approximately 3.5 million visitors in Hamburg – more than 1.5 million in the larger musical halls, about 1 million in private theatres and 850 thousand in the three State theatres.

The following Table 6 provides an overview of the expenses of private households (average size: 2 persons) for selected cultural goods and services:

Table 6: Expenses of private households for selected cultural goods and services, in million EUR

	2003	2005	2007
All expenses for leisure, culture and entertainment	2 616	2 784	2 748
<i>Selected items:</i>			
Video and audio media	84	96	84
Books	144	156	144
Press	264	264	264
Visits of theatres, concerts, cinemas, circus and similar events	89	91	93
Visits of museums, zoos and similar locations	24	26	28

Source: Compiled from *Kulturfinanzbericht 2010*.

According to *Media-Perspektiven*, the 2009 market share of the public television broadcasting corporations ARD (with regional programmes) and ZDF was 41.8 % (2000: 43.2 %). The average viewer spent 208 (2000: 190) minutes per day actually watching television. A breakdown of viewing habits by category shows private broadcasters leading in sports and feature films, while public broadcasters are frequented more in the domains of information and (German) TV series.

There are no surveys monitoring the participation of national minority or immigration groups in general cultural life, but there are some specialised surveys, in particular on the use of media, such as newspapers, magazines, television use, broadcasting and videotapes. In general, normally, most migrants and Germans with a migrant background use media in both languages, in German and their native language - see for example the *Jahrbuch für Kulturpolitik 2002/2003*.

8.2.2 Policies and programmes

The basic principle governing cultural policy in Germany – a principle that has been enshrined in some of the Land Constitutions – is to enable the greatest possible number of citizens to participate in the country's cultural life. All public cultural policy endeavours and expenditures serve the aim of creating the conditions for free and unfettered participation in cultural life. As in the past, however, some segments of the population are still afraid of trying something new and unfamiliar. Appropriate cultural support measures – in the fields of museum, theatre and arts education – are therefore being undertaken at all policy levels to reduce obstacles to access posed by educational deficiencies (see also chapter 8.3.1).

In the cultural policy debate, a direct link has, for some time, been established between the subject of cultural participation and issues of citizen involvement, of social cohesion etc. These are becoming increasingly important in relation to discussions on demographic developments and the growing significance of intercultural, inclusive and dialogue-oriented initiatives (see chapter 4.2.8 and chapter 8.3.3).

8.3 Arts and cultural education

8.3.1 Institutional overview

Cultural education opportunities in- and outside the regular school curricula are offered by public institutions of the Länder or local authorities and by independent initiatives engaged in cultural (youth) work such as music schools, art schools for young people, interdisciplinary cultural workshops and media centres. Some of these initiatives rely on private or mixed funding.

The results of recent cultural policy discussions revealed that arts education for children and young people in schools and in non-school education has to be strengthened. The "Enquete-Kommission" on Culture in Germany placed this topic on the top of its agenda. Other initiatives worth mentioning are:

- in spring 2007, a programme entitled "Each Child Starts an Instrument" was initiated in the Ruhr district. Under the programme, around 200 000 primary school children are to be trained in schools by music teachers in an instrument of their choice for four years. Thus, in approximately 1 000 primary schools, a children's orchestra will develop. The cost, of approximately 35 million EUR, are met by the Kulturstiftung des Bundes, the land North Rhine-Westphalia and private promoters, as well as by a small contribution from parents;
- the arts education programme for children and young people, called "*Kinder zum Olymp!*" supported by the Cultural Foundation of the Länder in co-operation with private sponsors. A school competition was sponsored by the then Federal President Horst Köhler; see <http://www.kinderzumolymp.de>;
- an initiative to support children and youth culture sponsored by the cities of Munich and Hamburg; and
- since 2009 the Commissioner for Cultural and Media Affairs awards a prize to 3 projects of cultural education every year.

8.3.2 Arts in schools (curricula etc.)

Responsibility for art, literature and music education lies with the Länder. Each Land maintains its own education structures and therefore classroom instruction also varies in scope and quality. Since many years, experts deplore a shortfall in music and fine arts instruction which is considered a widespread problem.

On the national level, e.g. with the programme "Culture and School" (a network of co-operation for extra-curricular cultural education including artists) and in some of the Länder, this has led to initiatives and regular programmes aimed at improving this situation. Examples are:

- new plans for strengthening arts education proposed by Länder governments, e.g. in North-Rhine Westphalia and Baden-Wuerttemberg;
- the 5-year development programme "Cultural Education in the Media Age" (kubim) under the umbrella of the BLK, a joint body for educational planning and research funded by the Länder and the Federal Government (see <http://www.lehrer-online.de/460576.php>); and
- in North Rhine-Westphalia the programme "Culture and School" started with 700 projects in its first year with plans to double this figure in 2007/08.

8.3.3 Intercultural education

Intercultural education is not an official component of general school education. Nevertheless, as a principle that transcends discipline boundaries, it does play a part in teaching practice. There is furthermore an increasing sensitivity in schools to this issue and, in addition to some provisions for bilingual teaching there are also many projects which make use of the medium of art to address intercultural questions arising in schools.

Intercultural education, in breadth, is carried on primarily by educational institutions (kindergartens, schools, further education establishments). The topic is, however, also gaining importance for cultural policy. Indeed, it is the cultural institutions themselves which are taking the initiative on this issue and are seeking co-operation with schools.

In practice, intercultural programmes are mostly established at the municipal level, mainly in the larger cities. At the Land level, systematic initiatives so far exist only in Northrhine-Westphalia and to some extent in the city states of Hamburg, Berlin and Bremen. At the Federal level, besides provision of funding by the Federal Cultural Foundation (Kulturstiftung des Bundes), programmes to counter xenophobia and Right-wing extremism should be mentioned.

The normative framework is provided by the human rights articles established in the *Basic Law* (Constitution). In the foreground, are aims such as the acknowledgment of difference, development of tolerance, capacity for intercultural dialogue, information about the cultural traditions and values of people of other religions, and the rejection of racism and violence. In the educational institutions' understanding of their role, the command of the German language as "lingua franca" is of crucial importance, in this respect.

Many art and music schools incorporate other cultural traditions and contexts in their work. Art schools for young people take, for example, the immigrant background of their audience as a theme and address it through artistic means. Music schools have courses which promote the teaching of instruments originating in other cultures (e.g. the Turkish long-necked lute). Conceptually, however, inter-culturalism as a part of the general school curricula has only just begun.

All the intercultural programmes and activities mentioned are concerned to develop, through education and meetings, an understanding of other cultural traditions and ways of life, to extend knowledge of fundamental human and civil rights and to make the addressees capable of developing humanitarian and democratic values. Intercultural and democratic skills are mutually dependent in this respect.

Special attention is given to intercultural education, in the context of intensified political efforts to promote practical measures for cultural integration (see chapter 4.1 and chapter 4.2.4). Concrete stipulations are suggested in several education plans for the pre-school range and the primary schools of the individual Länder. The German Kulturrat has also elaborated a cultural policy paper named "Interkulturelle Erziehung – eine Chance für unsere Gesellschaft" (Intercultural Education – A Chance for our Society).

8.3.4 Higher arts education and professional training

Higher Education in Germany consists of mainly 3 types of institutions:

- universities
- universities of applied sciences and
- academies of (Fine) Art and Music.

Table 7: Number of institutions and students within different types of institutions

	Universities	Universities of applied science	Academies of art and music	Total
number of institutions	109	192	55	356
- <i>maintained by the states</i>	88	100	46	234
- <i>privately maintained</i>	9	73	1	83
- <i>maintained by the churches</i>	12	19	8	39
number of students	1 334 870	545 484	31 721	1 912 075

Source: HRK, December 2008.

Studying Art and Culture within these 3 types of institutions:

- Academies of art and music:
 - courses of studies in the visual, design and performing arts as well as in the area of film, television and media and various music subjects
 - courses of studies for cultural management
 - some colleges teach the entire gamut of artistic subjects, others only certain branches of study
- Universities:
 - courses of studies of theoretical disciplines (e.g. art history or cultural science)
 - courses of studies of art or music education (e.g. for becoming teachers at primary or secondary level)
 - courses of studies for cultural management, cultural anthropology
- Universities of applied sciences:
 - courses of study on cultural work, cultural education, cultural management, cultural tourism

During the last 30 years the range of courses of studies on culture has increased tremendously. To provide an overview of the variety of courses of studies in the field of culture, especially on cultural mediation, offered at universities, universities of applied science and academies for art and music, the Institute for Cultural Policy within the Association of Cultural Policy executes a research project on "Higher Education in the Field of Culture and the Labour Market for Cultural and Intercultural Activities". One of the results is an online-database with profiles of more than 300 courses of study on cultural mediation (e.g. cultural education, cultural management, cultural tourism etc.) at <http://www.studium-kultur.de/>.

8.3.5 Basic out-of school arts and cultural education (music schools, heritage, etc.)

Out-of-school opportunities for cultural and arts education are taking on ever greater importance, often exhibiting higher quality and a broader scope than available in-schools. New concepts and institutions that increasingly combine classical arts education with the use of new media have been developed and established by non-governmental sponsors with the aid of public funds. A key impetus to increase efforts furthering arts education for children and young people came in 1991 through *Section 11 of the Child and Youth Services Act*.

8.4 Amateur arts, cultural associations and civil initiatives

8.4.1 Amateur arts and folk culture

The importance of cultural associations in Germany is just as great as their diversity. They range from small local or neighbourhood sponsors of cultural activities to museum associations that run their own institutions. Cultural institutions in smaller municipalities are frequently organised as associations and depend on the voluntary engagement of their members. This refers to the activities of libraries, monument protection, local culture and the running of local museums, historical museums, culture clubs and arts galleries.

Despite this tremendous diversity they all have one thing in common: they are the ideal breeding ground for civic commitment and involvement. The larger ones are prime examples of how volunteers and professionals can work hand in hand. Cultural associations thus form an indispensable structural framework for the sponsorship of cultural activities in the Federal Republic of Germany.

8.4.2 Cultural houses and community cultural clubs

According to the "Volunteers' Survey", about 2.1 million persons volunteer in associations and cultural institutions, thus contributing towards the supply of affordable cultural programmes and broadening the opportunities to participate in various cultural activities. Cultural associations are the main providers of amateur arts. In the area of amateur music alone, 4.6 million persons are active.

8.4.3 Associations of citizens, advocacy groups, NGOs, and advisory panels

Information is currently not available.

9. Sources and links

9.1 Key documents on cultural policy

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9.2 Key organisations and portals

Cultural policy making bodies

Federal Commissioner for Cultural and Media Affairs

<http://www.kulturstaatsminister.de>

Standing Conference of the Ministers of Education and Cultural Affairs of the Länder in the Federal Republic of Germany (KMK)

<http://www.kultusministerkonferenz.de>

German Association of Cities, German Association of Towns and Municipalities, Association of German Counties

<http://www.kommunale-spitzenverbaende.de>

Goethe-Institut Inter Nationes

<http://www.goethe.de>

Professional associations

Bundesvereinigung Kulturelle Jugendbildung e. V. [BKJ] (Federal Government of Youth Cultural Associations)

<http://www.bkj.de>

Deutscher Bibliotheksverband e. V. [dbv] (German Library Association)

<http://www.bibliotheksverband.de>

Deutscher Bühnenverein – Bundesverband deutscher Theater

<http://www.buehnenverein.de>

Deutscher Kulturrat (German Arts Council)

<http://www.kulturrat.de>

Deutscher Volkshochschulverband (German Adult Education Association)

<http://www.dvv-vhs.de>

Kulturpolitische Gesellschaft e. V.

<http://www.kupoge.de>

Verwertungsgesellschaft Bild-Kunst (Copyright Society)

<http://www.bildkunst.de>

Grant-giving bodies

Cultural Foundation of the Länder

<http://www.kulturstiftung.de>

Federal Cultural Foundation

<http://www.kulturstiftung-bund.de>

Cultural research, advices and statistics

Cultural Contact Point Germany

<http://www.ccp-deutschland.de>

Institut für Kulturpolitik der Kulturpolitische Gesellschaft e. V.

<http://www.kupoge.de>

Zentrum für Kulturforschung

<http://www.kulturforschung.de>

Culture / arts portals

Kulturportal of the Federal Government and the Länder

<http://www.kulturportal-deutschland.de>

Portal of the culture servers of the Länder

<http://www.kulturserver.de>

Das KulturinformationsZentrum

<http://www.nmz.de/kiz/>

Deutscher Bildungsserver [DBS] (German education server)

<http://www.bildungsserver.de>

Deutscher Museumsbund e. V. (Federal Government of German Museums)

<http://www.museumsbund.de>

WebMuseen

<http://www.museen.de>

Handbook of Cultural Awards

<http://www.kulturpreise.de>