In Latin America there are at least five countries those are into a process of transformation of legislation that governs the cultural policies and the governmental institutions responsible for its application: Mexico, Panama, Ecuador, Chile and Uruguay.

In a general thinking, the transformations that are carried out in these countries, have to do in spite of raising the administrative hierarchy of the institution in charge of the cultural policy and the making of a law of cultural development that achieves a suitable balance between the full exercise of the cultural rights and the culture like resource for the economic development.

It is necessary to add the cases of Costa Rica, which is checking its national cultural rights politics; of Brazil, which scarcely is recovering of the recent attempt of the new government for eliminating the Department of Culture; or the very interesting case of Cuba, who will have to find the most suitable formula to open a wider, diverse and horizontal circulation of cultural and artistic contents, without for it being subjugated by the economic, political and social power of the new actors of the called creative economy.

The previous thing does not mean that in the rest of Latin America things are not happening, but only that is in these countries where in this moment there becomes
more clear the crossing of roads that we are facing in this second decade of the current century.

In Latin America the debate on cultural policies is synthesized in more or less in the following questions:

Is the cultural policy a window across which the governments attend to the artists and offer entertainment refined to the population or it is a strategy for the sustainable development of all the persons?

Do they owe the culture departments to be in charge of the economic development of the cultural sector or it is its responsibility to give a cultural perspective to the economic, environmental and social developments?

Is the cultural leadership in the XXIsts century a question of managerial improving or is it a vocation that demands new capacities and skills for the sense production?

How have we come here? We do not have the necessary time to describe that it has happened in each of the countries of Latin America, ways crossing comes to this one. Nevertheless, yes we can identify some common tendencies, which allow us to understand a little better why we have come to this moment of crisis; and, especially, they facilitate to us to visualize some ideas what is the new sense of the cultural policy that the society needs.

Practically from the ends of the XIXth century and during the whole XXth century, the cultural policies of Latin America were characterized for propitiating a new integration of the cultural diversity of region in only one national culture, vertically validated, in a center to periphery relationship.

In this ideas order, the notions of cultural heritage and of artistic expressions that were current, also were a reflex of this of integration rationality of the cultural diversity to the only, uniform and linear development model.
For example, in Latin America big part of the legislations on cultural heritage privileges a monumentalize vision, whose characterization is defined vertically by the specialists, with base in proper scientific, esthetic or historical criteria of the western model of production of knowledge.

As for the selection of the artistic expressions that were validated and – especially - financed by the governments, similar criteria followed. The artistic expressions of the diversity could only aspire to present themselves as a folklore or, ideally, like folk art.

A relatively exceptional case it was the muralism, which was present largely of the continent; since it was recapturing symbolic elements originated from this cultural diversity, to give them a new signification as elements of the national culture.

Although it is indisputable that this of integration model of the present cultural diversity in the Latin-American territory produced important satisfaction yields for the majority of the population, also it is true that it was leaving aside the development to other forms of production of knowledge, other ways of being in the world that – nevertheless - there kept on being a part of the regional symbolic flows. Be enough to say that still nowadays approximately 522 original peoples exist in Latin America, which they name to the world in about 420 different languages. All this there join the multiple migrations of Europe, Asia and Africa, which have enriched the creative diversity of the region.

This model of cultural policy of integration, about which we have spoken, begun to be cracked at the end of the decade of the 1960, when diverse minorities began to claim its right to take part of the development; and it enter frank slope after the fall of the Wall of Berlin, when the sudden irruption of the diversity that was hidden behind the bipolar world showed that there were other development notions, other ways of being in the world, which also were producing happiness yields.

Additionally, the popularization of the use of the new technologies, at the end of the XXth century, facilitated the horizontal, global and instantaneous interaction of the diversity, constructing forms of ratification on what it is the cultural thing, the artistic
thing and the hereditary thing that much more of the horizontal agreements depend between persons than of the institutions.

Today the symbolic things, appropriates as really it produces satisfaction yields and between more rapid, better. It seems to me that the governments have a complicated system if they try to compete with this singularity of the demand of cultural needs and the times in that must take place.

The paradox is that nevertheless these clear social transformations, the current legislation and the inertias in the shape of the governmental budgets force to the institutions to keep on privileging the symbolic contents of the of integration model and to keep on destining resources for its preservation; and, what is perhaps more serious, to keep on excluding the bearers of other patrimonies and the artists who do not correspond to the categories that are validated in law.

It is so we are in a situation where the arts and the cultural heritage that are promoted across the governmental cultural policies, find every time major difficulties of representing the identities of the diversity. Consequently, also one has come losing the aptitude of the cultural policies to generate cohesion and to produce social sense.

Does that mean that it would be necessary to erase of a pen stroke everything reached and to begin from zero? Certainly it is not. It seems to me that the exit to this one situation has to do in spite of opening new slopes to extend the significant capacity of the hereditary goods and the artistic expressions protected by these laws, articulating them with the immaterial patrimony in which they are inherent and identifying them like an expression of the diversity that is a creativity source.

Much further of a simple claim speech, the ways crossing forces us to explore as it is that now we can reflect in the laws and in cultural policies - in the notions of culture, art and patrimony - the cultural diversity that is present in the territory.

The first big challenge that we have is to achieve the legal and administrative recognition of the equal dignity of the cultures (of its arts and of its patrimonies), to
facilitate the pacific coexistence of the cultural diversity and to open spaces for the intercultural dialogue. The final target of a cultural policy of these characteristics is to try the increase of the capacities and skills of the persons, to guarantee the fullest exercise of its cultural rights and to generate better conditions to be able to be inserted more equitably in the societies of the knowledge.

The second common tendency in Latin America is that this decrease in the significant capacity of the arts and the patrimony officials has turned out to be accompanied by a reduction in the governmental budgets that are assigned to the execution of the public politics.

This not necessary owes to the absence of resources budget for them, but especially to that the promotion and cultural development has stopped being a government strategy politically profitable for those who have the last decision in the approval of the budgets. While the called popular cultural expressions keep on attracting multitudes - with or without the governmental support - the patrimony and the arts encouraged from the governments appeal to more and more limited, atomized and exclusive minorities between themselves; that, if it was missing a little, easily enter conflict with the governmental institutions. Paradoxically, inside the sector culture, every day they are more those who demand resources to that they attend at least, in very specializing areas of the cultural heritage and of the artistic expression.

Two reactions that have happened to try to compensate the absence of resources destined for the sector culture. On one hand, the exploitation of the culture and the arts as way for the regeneration of the social textile and the improvement of the public safety; and, for other one, the reorientation of the approach of the public politics towards those cultural expressions that could serve as raw material for the production of goods and economically profitable services.

As for the use of the hereditary goods and the artistic expressions as instrument for the prevention of the crime and the regeneration of the social textile, there exist very valuable experiences of cultural interventions that have managed to extend
quickly the symbolic modality across which the persons are represented, to increase its capacities and skills to reach what reasons have to value; and, to promote the construction of more propitious environmental and social environments for the coexistence.

This slope has allowed the sector culture to receive resources originated from the areas of public safety and of social development, for the joint implementation of actions of prevention of the crime, the recovery of public spaces or of restitution of the social textile, with notable benefits as for the public safety and the improvement of the quality of the coexistence. Undoubtedly that also have been useful him to give to the biggest persons and better possibilities of expression.

Especially in Latin America, where the cost of the violence can reach 12 % of the internal product of some countries, the risk that we face with this slope is that the culture is limited to an instrumental way for the fulfillment of concrete targets in the areas of prevention of the crime, public safety or social development, to the detriment of the proper targets of the cultural policy.

Much more complex and deep has been the impact of the new paradigm of the called creative economy in the cultural ambience of Latin America.

It turns out to be very pertinent to clarify that it is not any innovation that the sector culture generates economic activity. The people, as everywhere of the world, pay for concerts, theatrical functions, movies or exhibitions. The economy of the culture has been there for ages. Then what is the difference now?

The arrived of Internet and the development of piece of news the technologies have propitiated important changes in the products that make, the forms in that take place, the means across which the goods and services are distributed; and, on the other hand, they have modified radically the places in where they circulate and where the resultant capital masses accumulate.
In a very few years\(^1\) it has had us to see the impressive blast-off not only of Internet, but of literally thousands of essays of new forms of companies in the environment of the new technologies. Some of which, they have had spectacular results, in very brief time.

Perhaps the most important change through that we are living is located in the urgent need that there have these new managerial ways of having continuously new symbolic contents, in total sufficient and variety, in such a way that they could preserve its current clients and capture new.

This urgent need for new symbolic contents has had immediate effects on the cultural sector, due to the possibility that have big part of the cultural and artistic goods of being economically valued and introduced in the circuit of the market, essentially across its use like inputs of the cultural and creative industries.

In this order of ideas, the emphasis on the creative industries as a new slope for the economic development, it has had a major reception in those countries in which three outstanding conditions meet: a high cultural thickness product of the social and environmental diversity in its territories; the persistence of high levels of poverty and inequality; and the third one, which there are the structural weaknesses of its systems of cultural system, what makes very vulnerable the capacities of control, use and defense of the symbolic contents.

Analyzed carefully and without prejudices, it is clear that these vulnerability conditions do that a wide availability of symbolic capital exists and that its appropriation costs are less with regard to those where better system levels exist.

The simplistic explanation is that the big corporate ones have at its disposal very solid structures to appropriate of the rights of intellectual and industrial property, but the real cause keeps on being a structural weakness of the government system inside the country.

\(^1\) It is scarcely in the decade of 1990 that initiated the heyday that at present we know the Internet. This massive growth brought with it the emergence of a users' new profile, mostly of common persons not tied to the academic, scientific and governmental sectors
At a much deeper level, the first cause of this vulnerability is the absence of a fundamental social agreement with regard to the handling of its symbolic goods and its rationality with regard to the last end of the society; and it would be precisely from there, where from there would be that also to attend to the problem.

It is a fundamental comprehension the scopes of the structural weakness of the cultural fiction, especially in everything relative to the rights of intellectual and industrial property, since on the suitable resolution of this scarcity - from a perspective of the State - there depends very much the level of sovereignty that the society exercises on the symbolic contents that structure its identities inside the country.

The absence of a deep reflection on the scopes of the new paradigm of the creative economy and the fact that important world economic flows are happening concerning the symbolic goods, has allowed to focus it easily the discussion on the politics relative to the cultural and creative industries, towards the governmental areas responsible for the promotion and promotion of the cultural development.

If to the previous thing we add the chronic resources insufficiency budget for them, material and human that has endured this sector, and the shining speech on the impact that the creative industries have in the gross internal product; this new attribution does not wonder that have been – not without certain ingenuousness - cheerfully assumed like an any more institutional responsibilities of the sector culture, with few connectivity with other government areas.

Do I want with this to say that the cultural sector must be out of the discussion and to leave the responsibility of the handling of the creative economy to the areas specializing in the handling of the economy and of the market?

The answer is a skylight not, and it is for two reasons: first of all, the diagnosis, design, instrumentation and evaluation of the politics relative to the cultural development, they have been and keep on being a responsibility of the sector culture; but, especially, because the cultural sector has to be in the discussions relative to the economy and sustainable development to guarantee neither more
nor less than the sovereignty on the symbolic goods that do that the society is what is and not another thing. In this case, the society preserves the control of decisions that have to do with its way of being in the world.

Anyway, let's leave so far this one the first analysis of the causes that us have brought to this one crossing of ways, in order to which later we have opportunity to discuss these be afraid with my partners of table and to listen to the questions of the public.

Thank you very much!