

THE AICHI DECLARATION/PROTOCOL

PREAMBLE

Applying the lessons of Aichi Triennale 2019, we hereby proclaim the Aichi Declaration/Protocol as our pledge to protect, nurture, and promote the freedom of expression.

The Aichi Declaration

We all live our lives with curiosity. The curiosity to see, hear, and experience for ourselves can never be restrained, for it is the foundation of all human intellectual, cultural, and economic activity. To cast aside prejudices that abet discrimination, and overcome divisions and resistance to this when necessary—this is human culture, human invention, human wisdom. We are endowed with the capacity to care for all things, including those that do not agree with our thinking or liking.

Respect for every person's right to see and right to know supports the healthy exercise of curiosity. It is only by respecting these rights that we can have fair comparison and critique. The repression of freedom of expression violates these rights, and preempts the diversity of our opinions and values. Diversity being indispensable to our existence, freedom of expression is the basis for protecting and nurturing this source of vitality, for creating a rich culture, and for building the international credibility of that culture.

Deeply conscious of this, we hereby establish the Aichi Declaration as a guideline for future editions of the Aichi Triennale, as well as other international art festivals and exhibitions, and pledge to do everything in our power to uphold it.

The events surrounding Aichi Triennale 2019 have shown the world the intolerance in Japanese society today. The terroristic threats, intimations of violence, and countless internet-driven “telephone attacks” directed at the Triennale, its sponsoring partners, related organizations/institutions, and local public schools, among others, are acts of intimidation that grossly exceed the scope of legitimate protest. They compromised the safe operation of the exhibition, prevented the public from securely viewing the works, and forced the closure of displays. The public's right to see and right to know were profoundly violated by the inappropriate demands of a few who sought the removal of anything that did not agree with their values, as well as by political intervention into freedom of expression. The free exercise of the ability to encounter diverse information and works, to experience, know, and think about them on one's own, and to engage others in dialogue and debate about them should be fully respected in the first place as part of the public's right to enjoy art, as is also established in the Basic Act on Culture and the Arts. Beyond this, the necessary

environment and information must be provided for enhancing the public's opportunities to independently appreciate and participate in art and culture.

We must deepen our thinking on freedom at art festivals if Aichi is to cultivate a rich culture and earn the world's trust in its art and culture policies.

At art festivals, exhibits and works incorporating diverse values exist autonomously while still being connected to one another within the whole. These may include expressions addressing elements of identity such as race, nation or community, ethnicity, religion, and gender, as well as those of a political nature or which contain pointed social critique. We cannot allow such expressions to be repressed under the pretense of impartiality or neutrality. And yet we must also cultivate an art and culture that take the local people and environment into consideration and reflect their history and milieu.

If art festivals were to exclude diverse and at times acutely critical expressions on the basis of risk management, the public would be denied the opportunity to engage with new forms of creativity and experimentation in art. An art festival's being supported by public funding is no reason for ridding it of the display of experimental spirit or the addressing of political or social themes.

It is by ensuring the autonomy of art festivals that the public's right to engage with and enjoy diverse values in art is guaranteed. The free exercise of all to experience, know, and think for themselves about art that is imbued with a prolific creativity which knows no restraint is an indispensable factor in individuals being able to express their thoughts to society. We must be firmly committed to protecting freedom of expression and the rights to see and to know, and to ensuring the autonomy of art festivals, if we are to achieve a democratic society and lead our own lives free from the coercion of others. Now is the time for these important principles to be reaffirmed to society.

THE AICHI PROTOCOL

1. The Freedom of Art

The freedom of art is the freedom to create and enjoy art and culture, and to live in a cultural environment. It is founded upon the freedom of expression guaranteed by Article 21 of the Constitution of Japan.

Creating and enjoying art and culture are also defined as natural rights in the Basic Act on Culture and the Arts, which fully respects the autonomy of those engaged in art and cultural activities while reflecting a deep awareness of the foundational importance of freedom of expression for art and culture.

Art is always open to multiple senses in its expression and interpretation. Not bound by any single value, it elicits diverse interpretations both geographically and temporally. Those who enjoy art include not just we who are alive now but also the people of the future. Art is our legacy to the future. It must not be judged, restricted, or repressed absolutely according to the values and norms of the current society.

To preserve the value of art for the future, we begin this Protocol by affirming the importance of the freedom of art. Next, we define the different positions of artists, the art

specialists comprising the curatorial staff at art festivals (the artistic director and curators), and the organizers in charge of running them, and set out their rights and duties.

2. The Rights and Duties of Artists

Artists are the primary producers of art. They seek to express themselves as freely as possible while also bearing social and economic responsibility for their expressions. So that they may preserve their integrity and express themselves free from prevailing values and norms, artists possess the following rights, along with bearing the following duties.

The Rights of Artists

- (1) Artists may engage in free creation.
- (2) Artists hold copyrights and moral rights, including the right to claim authorship of their works.
- (3) The intent of the artist shall be fully respected when artists discuss the planning of their works with organizers, artistic directors, and curatorial staff (hereafter, organizers, etc.).
- (4) Artists may know in advance about the content and context of exhibitions in which they will participate.
- (5) Artists may negotiate their production budgets and artist fees with exhibition organizers.

The Duties of Artists

- (1) Artists shall give due regard to the viewer's right to see/not see and the violence that may at times be contained in artistic expression. As discussed in advance with the exhibition organizers, etc., they shall take appropriate response when their artistic expressions cause problems such as harming the dignity of another individual.
- (2) Artists shall have full regard for the safety of the lives, persons, and property of viewers and other members of the public in pursuing creative activities such as the production and exhibition of works. They shall also fully respect the personality rights of those who participate in their works as subjects or performers.

3. The Rights and Duties of Artistic Directors and Curators

It is not only artists who have the mission of protecting and nurturing freedom of art. This mission is also shared by the artistic directors in charge of art festivals and the curators who work with them. For art festivals to be inclusive sites for diverse values, the rights of these experts must also be guaranteed, and their autonomy respected.

The Rights of Artistic Directors and Curators

- (1) Artistic directors and curators (hereafter, artistic directors, etc.) have their own freedom of expression in making exhibitions and projects, and may state their own curatorial intentions to the organizers.
- (2) Artistic directors, etc. perform the selection and curation of works based on contextualizations grounded in expert knowledge, and the results of this shall not be considered censorship.

The Duties of Artistic Directors and Curators

- (1) Conscious of the great authority entrusted to them, artistic directors shall implement a balanced approach to curation and bring transparency to the curatorial decision-making process.
- (2) Artistic directors shall strive to establish mutual respect for one another's knowledge in collaborating with experts from different fields.
- (3) Curators shall explain the intent and context of their curation (contextualization) to artists during the selection of works, and discuss this sufficiently with the artist.
- (4) Recognizing the art festival as a public site, curators shall give consideration to the inclusion of different nationalities, communities, genders, and socially marginalized groups in response to the theme of the project.
- (5) Curators shall provide learning opportunities for viewers to deepen their understanding of work concepts and the art festival's curation.

4. The Rights and Duties of Organizers

Protecting and nurturing freedom of art is only possible with the understanding and cooperation of organizers, and is not solely the concern of artists and artistic directors, etc. Yet in addition to respecting the rights of artists and artistic directors, etc., organizers must take into consideration the feelings and opinions of not only viewers but also society at large in pursuing the safe and smooth running of art festivals. So that they may resolve this difficult challenge, organizers must also be guaranteed rights, and be conscious of their duties.

The Rights of Organizers

- (1) Organizers may negotiate with artists and artistic directors, etc. to ensure the safety/security of viewers in the holding and running of art festivals.

The Duties of Organizers

- (1) Organizers have a duty to be as prepared as possible to ensure the safe/secure operation of art festivals by seeking the advice of crisis management specialists, etc. As part of this, they have a duty to also consider the safety of the operational staff, and create a working environment where the privacy of the staff will be protected, and where their persons shall not be harmed by acts of intimidation that grossly exceed the scope of legitimate protest and are tantamount to the violation of human rights. Yet organizers shall also take sufficient care not to practice self-censorship by intervening into the content of expression for reasons of crisis management.
- (2) Organizers shall submit to the objective evaluation of third-party reviews as necessary.

5. The Function of Art Museums as Art Festival Venues

Having a day-to-day mission and function that differ from art festivals, the art museums that serve as their venues bear no direct obligations to art festivals. But museums are required to cooperate with art festival organizers to the best of their ability in the realization and maintenance of such projects. (This does not apply when the museum is the organizer.)

Standards for art museum operation are set out in the Japanese Council of Art Museums' Principles and Operational Standards for Art Museums, instituted in 2017.

6. The Duties of Local Governments

In order to develop a diverse art and culture, cultural initiatives sponsored by local governments shall strive to minimize the influence of the state authority that is implicated in such initiatives, and respect the autonomy of artistic expression.

They are required to observe an arm's length principle in the reviewing and awarding of grants/subsidies, and introduce mechanisms for entrusting authority to third-party specialist organizations that operate independently of the state and follow transparent governance.

Further, in accordance with the basic principles established in the Basic Act on Culture and the Arts, they shall strive to understand the import of this Protocol, and ensure that the rights of each party are respected.

CONCLUSION

As a universal human value, freedom of expression is a right that should be recognized in all societies. Yet its scope may differ according to country, region, or era. In Japan, there is a need for us to reflect deeply on the history behind the enframing of Article 21 in the Constitution of Japan, which guarantees freedom of expression and prohibits censorship, and for each individual to embrace the article as an ideal. Freedom of expression is maintained, renewed, and invigorated by the constant endeavor of the people, without which it is ever in danger of atrophy. But there is also a need for further discussion of “public welfare,” and for reflection on expressions that may harm the dignity of others. At a time when conflicts between ethnicities, religions, countries, regions, and cultures are magnified by the internet, we must pay equal attention to both the constriction and the abuse of freedom of expression, particularly at events such as international art festivals. We must remind ourselves that freedom of expression cannot be determined absolutely by any authority, and that its scope and limitations have evolved over the course of history.

The freedom of art is upheld by the artist’s right to create and the viewer’s right to enjoy art. Yet at the same time the free creations of artists continuously test the limits of the prevailing freedom of expression, and, as though to loosen the knots in its fabric, play a role in expanding its scope and raising it as a universal value for the future.

Art is not necessarily well-behaved. It also includes things that can be unpleasant, ugly, or shocking, and has the creativity to overturn our assumptions about the world. With clashes between differing values becoming easier to incite as the internet spreads across the globe, artists seek to pose meaningful questions about our social conditions through their expressions—and find answers to them when they can—while accepting the possibilities and paradoxes of being human. Although such art can include elements that are seen as “toxic” by contemporary society, artists will still present it to the world, and take responsibility for it, even as they acknowledge the unpleasantness and violence it may contain.

For this role of art to be realized in full, artists’ challenges to society must be open to all by having the works be freely seen and at times vigorously questioned by viewers. We declare to the world, and to posterity, that we will respect free environments for art, and develop autonomous art sites that are free of self-restriction and censorship.