

Ideas for discussion

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The opinions expressed in this work are the responsibility of the authors and do not necessarily reflect the official policy of the Council of Europe (authors: Divina Frau-Meigs, Professor, Sorbonne Nouvelle University, Péter Inkei, director of the Budapest Observatory and Corina Suteu, external independent expert, Romania)



Session 1 CURRENT SITUATION

The role of governments and, specifically, of Ministries of Culture in promoting access to and participation in culture as a means of achieving vibrant democracy and in considering the challenges facing society today (such as the digital shift, demographic changes and the economic crisis).

- In spite of efforts, some successful, to expand access to culture, inequalities prevail in every country, in various forms and to varying degrees, but often at a disturbing level. In Western Europe non-participation is particularly acute among the urban migrant population, while in the Eastern member states cultural exclusion is primarily a rural and post-industrial phenomenon.
- Culture policy debates and cultural participation surveys usually focus on known facts (e.g. in terms of cultural participation), while the extent and nature of non-participation receive much less attention.
- Statements and pledges relating to culture's role in democracy are numerous, but empirical evidence, measuring instruments and accepted proof are scarce.
- A new conceptualisation of cultural policies is needed to meet today's challenges. A multi-stakeholder approach to shared governance of culture is required. So effective alliances are needed with the spheres of education, social policies, health, environment and the economy. The involvement of citizens and their associations is a basic principle of European democracy.
- Cultural practices such as creative activities and content curation and aggregation, which may be grouped together as "mediated culture", should be the subject of research and of cultural policy, and be given priority in the contemporary understanding of cultural access.
- Creative industries and digitisation are disturbing the pre-digital relations between cultural industries and cultural institutions. Cultural policies should integrate economic models that foster public interest in and access to culture and also help pre-digital institutions make a coherent transition so as to preserve the heritage and foster contemporary creation.
- Industrial practices that affect the nature and status of original content (versioning, merchandising and windowing) are likely to have a considerable effect on arts and cultural institutions, and this may imply a multi-layered approach to copyright and intellectual property issues.
- The online challenge for cultural diversity and pluralism is not only the protection and promotion of arts from the pre-digital era and broadcast content, but also the fostering of user-generated content and comment that turn consumers into participants, with a more active role, taking them away from pre-formatted portals and from increased collusion involving content, advertising and e-commerce. There is also a risk of some cultures and languages, deemed not to generate enough traffic or income, being marginalised and losing visibility on digital networks.

Session 2 BEST PRACTICES AND INNOVATION

Good practices and innovative action with a view to improving access to and participation in culture for democracy – grasping the opportunities and facing up to the challenges of today's society (digital era, demographic changes such as ageing societies, mobility and migration, and new models for the financing of culture).

- The concept of “cultural democracy” emphasising involvement, equality and diversity has been gaining ground on top-down strategies for the democratisation of culture.
- Cultural democracy programmes achieve their best results through a combination of local initiative and central promotion. The initial thrust may come from below: authorities identify a successful local project and consider it appropriate to encourage its reproduction on a larger scale. Policy aims and frameworks are specified by the national, regional or municipal authorities, leaving scope for adaptation to local conditions.
- Arts from the pre-digital era can be successfully shifted to broadband mode and expand democratic access to younger and poorer generations, as exemplified by the “Viva l’Opéra!” festival started in 2010. This initiative brings together the most prestigious European opera houses (La Scala, Liceu, Paris Opera...) and the UGC distribution company, bringing live performances of classic operas to cinema screens.
- Digital-era tools and platforms can enhance participation in and creation of culture, as evidenced by examples of crowd-sourcing and open-sourcing such as Wikipedia or iStockphoto (open calls for royalty-free stock photography, animations and video clips). Such alternative ways of producing cultural content, removed from mainstream fashion and top-down design values, can encourage new entrants to cultural production, especially members of communities not often given a role relating to arts from the pre-digital era.
- New ways of creating, recording and disseminating original content are emerging, and these need to be recognised and rewarded by mainstream culture, via micro-credit, micro-payment, all sorts of public sponsorship (“mécénat”) and state assistance (to compensate for market distortions created by concentration of ownership in the hands of private-sector digital pure plays).
- Private-sector and media professionals can benefit from user participation and empowerment. They can be called upon to show social responsibility and ensure that digital tools are designed in a culture-friendly way from the outset, embracing human rights principles, such as the “Human rights guidelines for Internet service providers” (2008) issued with the co-operation of the European Internet Services Providers Association (EuroISPA) and the “Human rights guidelines for online games providers” (2008) issued with the co-operation of the Interactive Software Federation of Europe (ISFE).
- Civil society initiatives for fair access to culture and to content of public interest show that it is possible to alter current asymmetries. The International Federation of Library Associations (IFLA), together with the International Council on Archives (ICA), Electronic Information for Libraries (EIFL) and Corporación Innovarte, are engaged in negotiations with member states of WIPO, urging them to produce an internationally binding instrument on copyright limitations in the context of the licensing of online content.

- Some nation-states have challenged private-sector strategies on privatising culture and the proceeds of cultural content, with a view to expanding or financing public-interest cultural outlets and services. The case of the 2013 dispute between France and Google over commercial pricing and advertising based on news content shows innovative ways of financing culture with a combination of self-regulation by industry and state pressure and supervision.
- The regulation and governance of cultural diversity can work at a transnational level, ensuring that compatibility and interoperability exist, that conflicts of jurisdiction are addressed and that problems of enforceability are taken into account, within a multi-stakeholder framework. The global controversy about the ACTA Agreement illustrates a growing awareness of the political, social and cultural implications associated with the layers of the Internet. The technical elements cannot be dissociated from social and cultural implications and human rights values.
- In order to ensure policies of access and participation for the benefit of the poor, it is essential to define what constitutes the digital commons, so as to defend them in contrast to paid-for services and individualised incremental billing. At the moment, the Internet as a digital common good is not well-equipped to detect misuse and lacks a governance mechanism to mediate between competing demands in terms of access and applications. It does not monitor the fair nature of its use and does not have any real means of penalising abuse. It remains at the mercy of the fragility of social capital. Artists, amateurs, amateur professionals and content aggregators have to be made aware of the fact that misusing commons or letting them become enclosed makes the collaborative system less efficient and reduces the public value of digital networks.
- In order to ensure that poor people are empowered, education needs to be improved so as to provide a full understanding of and participation in digital environments. The transborder capacities of broadband media offer new opportunities to make top-class education available in places with inferior facilities and to under-served populations, with models such as Massive Open Online Courses (MOOCs) or Khan Academy. Transliteracy, a combination of Media and Information Literacy (MIL) and computer and digital literacies, offers some options for producing a digital culture-savvy population that can then make full use of network opportunities.

Session 3 PERSPECTIVES FOR THE COUNCIL OF EUROPE

Perspectives for the Council of Europe:

- as a pan-European intergovernmental forum on culture and a laboratory of democratic governance: opportunities and challenges;
- towards more effective co-operation in the cultural field with other international organisations: UNESCO, the European Union, etc.

- As demand for evidence-based policies is on the rise, European governments should intensify and co-ordinate their efforts in this respect. The Council of Europe's Culture Watch Europe/Compendium came up with a proposal to select a set of key indicators on cultural participation to be applied by all member states.
- The Council of Europe should strive for agreement on a minimum set of common European standards in terms of the nature and degree of access to culture, access and participation indicators, the desired effects of improved and increased access, and basic criteria for the democratic governance of culture.
- The Council of Europe should draft guidelines on the governance of culture in the digital era, with principles such as fair access (universal, effective and sustainable), openness, net neutrality, participation and accountability. They should be expressed in terms of cultural content and based on fundamental freedoms and human rights.
- The role played by the Council of Europe in the harmonisation and constant updating of cultural policy reviews now needs to move up to a more complex level, including the newly-appeared players in participative policy-making and starting a new dynamic process that places culture's producers and users on the same level. Thus there is a strong link between the concept of democratic governance, as a key notion to which the Council of Europe will be devoting further attention, and these developments, and ways can be found for the Council of Europe to confirm its role as one of the main institutions leading the way in the socio-political field in Europe.
- Integrated legislation, coordinated policies, advocacy as a tool for the Council of Europe's visibility, promotion of its role as a connector, encouraging research as a critical means of making a better case for culture.
- Training for transliteracy should become a key concern of the Council of Europe, as a long-term strategy to encourage young people to develop and maintain a sustainable culture. Under transliteracy education policies, online resources and courses need to be added, and the technical question of access to computers needs to be addressed. Those policies need to provide support for the training of teachers and students in information and communications technology skills and in mastering the codes needed for innovative and participatory purposes (being able to upload content, etc). The Council of Europe can put such policies into practice via its Pestalozzi programme, encouraging trans-sectoral collaboration between its divisions responsible for culture, education, youth and the information society, with a view to enhanced co-operation.

- The Council of Europe could commission a series of multi-stakeholder public hearings about the promotion of culture in the digital era and the protection of the cultural heritage. Among the themes to be addressed: credible remuneration of creative activity through alternative compensation mechanisms where traditional IP rights are not applicable; user-aggregated content and work, the role of states in digital culture policies; concentration of ownership and the risks to pluralism and media diversity; digital commons and the role of open source and non-proprietary systems.

- The Council of Europe could give its backing to policy implementation throughout Europe:
 - The devolution to municipalities of responsibility for cultural development, through, inter alia, programmes such as the Creative Cities Network, Intercultural Cities, European Capitals of Culture, etc;
 - The involvement of the public and civil society in the new kinds of cultural governance, so as to increase their role in the implementation process (e.g. the Rainbow Platform on Intercultural Dialogue, initiated by Culture Action Europe and the European Cultural Foundation);
 - The mobility already approved among artists and cultural operators throughout Europe and beyond, sustained among others by the action of the Anna Lindh Foundation, Eastern Partnership, Cimetta Fund, European Cultural Foundation, On the Move, etc, and the strengthening of intercultural skills and affinities.

- The Council of Europe should take its proposals and good practices to other forums where the governance of culture is discussed, especially in relation to digital developments. It should extend invitations to other intergovernmental organisations, such as WIPO, ITU and UNESCO, with a view to fostering international dialogue on cultural issues.