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Input paper:

Possible recommendations for creating an enabling environment for digital culture and for empowering citizens

Dr. Divina Frau-Meigs, Sorbonne Nouvelle University



**Ministry of Culture and Tourism
of the Republic of Azerbaijan**



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1. Emerging transversal themes (in relation to cultural creation, democracy and inclusion)

Based on the mapping provided in an independent input paper to the Baku Platform Exchange (document: "European cultures in the cloud: Mapping the impact of digitisation on the cultural sector"), and acknowledging the rapidly changing environment for culture, a number of transversal issues of interest are identified below. These go beyond the four traditional transversal themes (access, diversity, resources and employment) as used for the sectorial analysis provided in the mapping and comprise new specifically digital issues. They may involve a need for revision of traditional categories as the frontiers are being blurred and the perimeters of cultural sectors and issues are shifted:

- The **changing notion of art** needs to be fully acknowledged as it fully affects the changing notion of culture. Art used to be a discrete production, easily identifiable by a single unit of piece of work, signed by one single 'auteur'. In the digital world, the same piece of art is caught in "**flow patterns**" as it can move from one media to another (transmedia remix) and it can become a "**license**" as it can lead to merchandising and other derived products that appeal to the fan. Not to mention derivative forms that the fans as amateurs can undertake as part of their user-aggregated practices. Consequently, the notion of "auteur" in this digital artworld needs to be reconsidered as well, with the attendant consequences on classic patterns of market/studio/broadcasting. Considering such creations as "**networked art environments**" may help understand their industrial and cultural potential (development, programming...).
- The emergence of a new artistic field, **video games**, still hasn't been fully recognized, in this networked art environment. Yet video games are moving away from huge studio productions and moving in a variety of directions: auteur video games (non-commercial) and serious games (commercial, merchandizing). Games should be considered as the 9th art or as the new artistic form of expression of the digital era. At the moment, games, for instance, in spite of worldwide recognized talents in Europe, see their added value appropriated by distributors, most of whom are by now non-European. All the major production houses have moved to Northern America while the creation of the animation themselves is outsourced to third world countries. The horizon of evolution of games, and especially as they move towards fully simulated environments, to be used for learning as well as entertainment, requires full attention of the cultural community.
- **Creative industries** are evolving in complementarity with but also in distinction from cultural and content industries. The various lists offered by IGOs very often show that their sectors overlap. A same sector, "film" for instance, can be taken up as a cultural industry when subsidised by a state fund or as a creative industry when created by individuals through crowdfunding. More research needs to address this issue, as it is crucial to the recognition of the new forms of labour around art and culture and as it recomposes the relations between industrial and non-industrial business performance. Artists themselves need to be sensitized, even trained, to use these evolutions to their best interest.
- Within creative industries, the **levels of IP protection and exploitation** can create discrepancies: in some cases, the authors own their IP while in others they don't. They can make Europe lose ground compared to other regions that have different modes of funding and providing fair retribution to creators of culture, such as the United States with "fair use". Throughout the creative industries (the existing ones and the prospective ones), best practices need to be identified, as they can lead to the potential creation of small and medium sized companies. At the moment, there is an unresolved position of creative industries: they can be either commercial or non-commercial, with IP at the core vs. open source at the core. In any case, IP regimes are restrictive and pre-digital in their mindset. Creative industries need IP clarity (definitions, rules, standards, regimes, applicable procedures, creative commons...) for effective management and for recognized status of creators and financial compensation of their work. This calls for action on the part of Ministries of Culture in order to open a balanced

consultation with all stakeholders on the possibility of creating a new IP right regime for cultural content, allowing for the full scope of digital opportunities to develop, especially to harness the creativity of e-strategies and digital affordances in relation to shared cultural content.¹

- The recognition of **new professions** within the economy and funding of culture has changed, in terms of jobs and markets. A full mapping and the development of competences need to be established to ascertain that schools and institutions of culture recognize these new comers. The emerging professions range from web designer, to online curators, virtual museum managers, internet writers, videogame auteurs and youtubers, to name but a few. In terms of art market, digitisation has created an intense competition due to internationalisation and has led to a lot of fragility in the investments in production and infrastructure. So international cultural policies have to be revisited to take these changes into account. New tools for distribution of cultural artefacts need to be provided for artists and creators (in film, games, museums, archives), besides the protection of cultural and digital heritage.
- Cultural education is too much separated from **media education** and yet transmedia and artistic hybridisation seem to work together and become the new online norm. There is an urgent need to incorporate digital literacy as core to education at large, in order to be able to be creative in the digital culture. Media education should be retooled to incorporate a combination of three specific literacies or transliteracies: media literacy (being critical about content), information literacy (being capable to evaluate online documents and data) and computer literacy (being capable to navigate and create content online). This combination of skills is very rarely fully developed in schools, is under-funded and under-estimated though it should be part of 21st century skills for enabling participation, performance and creativity online and offline.
- **Digital territories** need to be most closely associated to a European digital space and this European digital space needs to be ready for cultural development, with the perspective of the creation of the European "cloud" which implies building data-centres, with a specific mode of taxation, of IP regimes and of state support for cultural and creative industries. This "European culture in the cloud" needs to be strongly anchored in physical territories and infrastructures, to create "cultural terroirs",² for local and sustainable development (in the logic of the *Hangzhou Declaration*).
- The **open data** movement needs to be added to this "European cultures in the cloud" as it makes a lot of public information freely accessible and available for use and re-use in the form of open content.³ This implies thinking through which data can be opened to public use and reuse, with which networked art environment, for which kind of sectors (but in priority heritage, tourism and also art market). The IP rights attached or not to such procedures have to be thought through as well as privacy rights and the licensing options that are available to third parties. Implications for crowd-funding and crowd-sourcing are to be invented and negotiated between private/public sectors and between private/civic sectors.

¹ See report *Sustainable models for shared culture*, EU, 2013.

² This notion is introduced to convey the idea that digital culture, to be effective and sustainable, still needs to build "a sense of place" embodied in certain characteristics of the local environment that have an effect on any cultural production, independent of platform or dispositif.

³ See French report by Camille Domange, *Ouverture et partage des données publiques culturelles: pour une (r)évolution numérique dans le secteur culturel*, dec 2013, Ministry of Culture

2. Recommendations⁴

It is in the interest of cultural policy makers, in co-operation with other relevant stakeholders, to create an enabling environment for digital culture and for empowering citizens. This implies developing relevant policy goals, with long-term sustainability, capacity-building and relevance of services and regulatory mechanisms.

2.1. Recommendations in relation to social/cultural trends

New challenges for cultural institutions lie in promoting access to and participation in culture/s, and in fostering individual needs, especially via media education and digital literacy to foster new types of access and new modes of content creation.

- **Cultural institutions should establish their presence on line and offline, based on people's needs for self-actualization and life-long learning and training.** This may imply to change their current infrastructure and their physical premises as well as their image of repositories of culture, e.g. to become fablabs and forges of culture. They are in a unique position to provide a setting for creativity, collective creativity and connectedness (where people can share their contents and give them material shape (like printing one's own books on the premises for instance). They also need to identify new repositories of culture (websites, networks...) that are emerging on line and preserve them with heritage policies.
- **Cultural institutions should become places where transliteracy and 21st century skills are available to young people and adults alike.** Key skills for lifelong learning are related to information and communication competences. Media and Information literacy should be extended to transliteracy, adding computation skills so as to create learners that can be independent in the design of their digital tools, to establish their e-presence. This implies to ensure that librarians are also trained as educators, and that aspect of their mission be recognized in their status, to ensure full collaboration with the rest of the teaching body (as is the case of France where there is a competitive exam for teacher-librarians). Such a nationwide policy should effectively address the current knowledge gap between learners and teachers.
- **Cultural institutions should add open online resources (OER) and Massive Open Online Courses (MOOCs) to their supply of material available online and offline.** They need to support the training of teachers and students in information and communications technology skills and could collaborate with schools and universities. They can also provide the capacity for outreach to a variety of actors (media producers, journalists, artists, ...) and map out the professions at the interface between users and contents. They need to extend their help to the netroots and communities of practice outside the schools, be it media labs, fablabs, Community Media Centers or other physical spaces for testing, practicing and participating with information cultures.
- **Cultural institutions should help turn the digital divide into digital dynamics.** This can be done by a full policy on access: not just access to technology and tools but access to participation and creation. They can use online education resources in formal and informal learning settings to bridge the skills gap in both the developed and developing world and ensure pro-poor empowerment. They can use the trans-border capacities of broadband media to make high quality education available to under-equipped locations and under-served populations. Open access initiatives can provide use to otherwise expensive and rare resources. MOOCs may offer some perspectives towards a digital culture savvy population but they need to be accompanied by human mediation.

⁴ This section is an augmented and modified version of a prior contribution to the Moscow ministerial conference on culture (April 2013). See Frau-Meigs, "Assessing the impact of digitisation on access to culture and creation, aggregation and curation of content". Some of the recommendations have been taken up in this report for the sake of establishing continuity in CoE policies and roadmap.

- **Cultural institutions are uniquely placed to promote public interest and production of local and indigenous content on platforms that ensure the presence of minorities and the pluralism of their voices.** They can play on the devolution to municipalities of the infra-national responsibilities for cultural development (with such examples as Creative Cities, European Capitals of Culture or the Intercultural Cities of the CoE/EU (a successful joint project). They decentralize the notion of culture and can enlarge the inclusion of their users and civil society organizations, to increase their participation in local content production and to strengthen intercultural dialogue via forms of artistic expression.

2.2. Recommendations in relation to technological and economic trends

New challenges for cultural institutions at a time of social, economic and financial changes need to take into account the opportunities of the digital era and in interaction with civil society, with a view to promoting social justice and freedom of expression. Increasingly intelligent and automated data collection and processing requires policies to enhance digital access and protection of the privacy of users while fostering productivity and innovation.

- **Cultural institutions need to concentrate on the European Cloud and the movement between open data and open content, to value culture as leverage tool for development.** This implies to consider culture as an ecosystem for creation, with an impact on traditional sectors (heritage, tourism, art markets) as well as new ones (gaming, designing...).
- **Cultural institutions need to engage governments and stakeholders about rights of re-use and re-mix that actually sustains creativity and derivative artforms, with possible monetization a posteriori instead of a priori (as it is now).** They should raise the awareness level of artists and amateurs in relation to the commercial/non-commercial models available to them
- **Cultural institutions need to identify strategies for promoting and enhancing democratic access to culture and participation in cultural life.** Inter alia, it means to call attention to their legitimacy as public interest networks for preserving and disseminating content (open data, open content...). It also means to ensure users' rights to access to content, extending these rights to content based on collective collaboration and user-aggregated knowledge. It implies to monitor strategies that can potentially create discrimination of premium content vs. non-premium content, highbrow culture vs. lowbrow culture and therefore damage the diversity and pluralism of content as well as its shareability across borders.
- **Cultural institutions need to re-engage governments about the issues of concentration of content ownership and the implications of the "portal effect" created by the GAFA (Google, Apple, Facebook and Amazon).** This is crucial in terms of pricing, licensing, borrowing and lending as well as in terms of independent forms of content creation, curation and aggregation. More transparency and accountability should be required from the private sector intermediaries. Currently unaddressed issues such as prohibitive pay-walls, damaging IP rights, cost of digital labour and means of rewarding online creativity should be tackled with a view to protecting and promoting cultural diversity as well as minorities and poor communities who stand most to lose and risk digital exclusion. This may imply that cultural institutions become full-blown portals of their own.
- **Cultural institutions need to devise means for private/public/civic partnerships.** Many current options stay at private/public options that are important for the industrial part of art and culture. But there is a tendency to under-estimate or discount the force of the crowds in promoting art and cultural expressions. This form of collective or collaborative support can be important for state-funded institutions as exemplified by recent experiences in crowd-funding for the Louvre...

- **Cultural institutions should retool their missions and instruments for their internal governance or self-regulation.** Among the basic principles for such governance, there could be suggestions for the desirable characteristics of creation (originality, shareability...), curation (heritage, stewardship, collection...) and aggregation (windowing, versioning, merchandising...). Other principles should also be included such as equity of access (universal, effective and sustainable), openness and participation.
- **Cultural institutions need to enhance their cooperation with like-minded organisations to spread their legitimacy and reduce risks of marginalisation.** They can advocate for international measures on political dialogue on cultural matters, promoting cultural exchanges and equitable access to world markets for cultural goods and services. They can seek this through agreements that grant preferential treatment to developing countries or through assistance measures related to training and to the provision of financial and technical support (preserving cultural heritage, promoting cultural activities around the world).
- **Systematic research and monitoring should be applied to the digital dimension of institutions and their activities.** Quantitative and non-quantitative criteria and indicators should be devised, pushing for notions such as digital well-being, audience engagement and not only funding and employment.

2.3. Developed suggestions for action by the Council of Europe and its partners

The Council of Europe needs to maintain its high profile in terms of rights and must turn culture into a construct of several rights, such as right to information, right to access, right to cultural remix, etc. It can contribute evidence-based research,, policy analyses, and policy guidelines/ orientations a to the worldwide, multistakeholder efforts at empowering citizens in the digital age. In order to use digitisation as an engine for the democratisation of culture, five proposals could be specifically considered for future Council of Europe policy recommendations:

- 1. Renew infrastructures for inclusion and social cohesion, equipping them with cheap access to digital networks and platforms.** Cultural institutions need to use digital simulations and enhanced applications to maintain interest of young people and bring them back to their premises/locations. They could be turned into places for enhanced public sociability that allow several levels of intimacy and privacy, according to different activities. There could be inter-generational activities or activities around the community or activities that are off-connection. These activities and spaces maybe an opportunity for inclusion, as they would appeal to layers of the population that may not afford hyper-connection (pro-poor) or that wishes to remain active in the community (old people). For this, cultural institutions need to carry out a major overhaul of their premises, to adjust them to their digital missions: cultural infrastructure needs to be reassessed and networked (fablabs, creative workshops...).
- 2. Recognise new cultural and creative domains, expressions, productions and industries (with a focus on videogames and e-strategies and affordances related to stimulation).** Think through these domains of culture and re-organize them according to the paradigmatic change in nature they entail. Revise the polarization between commercial/non-commercial aims.. Build on the existing European network of "creative cities" and move towards "creative regions". Acknowledge that the problem is now less about augmented culture via digitisation as about integration of online/offline activities for culture to enhance participation and performance of a larger public, in an inclusive manner (and away from consumption and all-pay commercial services).
- 3. Facilitate and coordinate a debate about human rights and IP rights in the digital environment, to allow re-use and re-mix while providing commercial/non-commercial models for users and artists.** There is an urgent need to de-criminalize users

and artists, and to support derivative creativity. This can foster original production as well as a lot of artists work through mixing artforms and the remix of various heritage contributions. IP rights for traditional artforms also need to be considered in this package as they may fall in the black holes of the Internet if they are not digitized and incorporated in the dynamics of flow and licenses that characterize art online.

- 4. Ensure that media education is enhanced by digital literacies in schools, out of schools, i.e. in cultural institutions, as means towards “augmented citizens” and a culture that brings post-humanist potential development for the better good of all.** The digital missions are going to be less about access than about multimodal means of education. The development of competences and curricula for preparing young people for the new digital professions of culture (design, curation, platform management ...) is urgent to keep Europe competitive and creative. This provides a great opportunity for institutions of culture as they are the natural conduit for project-based pedagogies and can provide new spaces for learning and creating while transmitting heritage.
- 5. Define the perimeter of European “Cultures in the cloud” and facilitate the transition to open data and open content, in a continuous European space characterised by creative individuals, cities, regions and terroirs (with the attendant funding, IP modifications, taxation and legislation).** Member States’ Ministries of Culture and the Council of Europe would benefit from a coherent focus on the whole chain of value created by open data and open content of public cultural institutions. These provide ample opportunities for cultural heritage, tourism and art markets and can turn the digital divide into digital dynamics. They pose challenges for the governance of European cultural institutions and call for international cultural policies (globalisation, funding, rights...) that could be spear-headed by the Council of Europe.

These five proposals could be considered as a roadmap to be discussed in Baku with the double purpose of 1/ creating an enabling environment for digital culture and 2/ empowering citizens to engage, participate and create in a networked environment and art forms.

3. Conclusions

It is necessary to take into account the threats and opportunities of digitisation but still presenting them also as an engine for cultural augmentation. If digitisation has to be used as an engine for democratization of culture it is essential to maintain the focus on public access and public institutions and support a culture that brings digital potential development for the better good for all as well as a culture that shows augmented capacities for instrumental and commercial efficiency.

All stakeholders in the current debates bring with them positions showing visions and values that may be hard to reconcile, permeated as they are by diverse political and economic contexts as well as their place in the cultural value chain. Among them, Council of Europe and Ministries of Culture have specific responsibilities as they should recognize the wealth of the cultural networks and invest accordingly, taking all necessary measures to enable greater capacity-building and participation for all. They should also ensure balance and access, where market forces fail to do so. Though the diversity of national and regional contexts is not likely to be erased, Europe has a great role to play in the digital terroirs of “Culture in the Cloud”.

The Council of Europe and Ministries of Culture could avail themselves of this array of digital public policies to bring positive outcomes in terms of human rights as fundamental elements to support development as there is no creation without freedom of expression, access to information and public education. Culture in the cloud needs to be human-rights based and to ensure self-empowerment of young people as well as enlightened netizens or netroots. This implies to interconnect human rights education with media education and digital literacies or trans-literacies. It would be aligned with new competences and performances for creation, creativity and cooperation, as encouraged by many international entities (OECD, PISA...).