

*Implementing cultural rights  
Nature, issues at stake and challenges*

**Seminar organized by the Office of the High Commissioner for Human Rights, in partnership with the International Organization of La Francophonie and UNESCO, in collaboration with the Observatory of diversity and cultural rights**

**Panel on  
Relationship between cultural rights and cultural diversity**

**Topic - “Cultural rights and globalization of exchanges and of information”**

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## **A. How do we understand the Intersections between the Information Society and Cultural Rights**

A1. The Internet is now a major force of social change, an aspect generally understood and discussed in its impact on globalisation, business, media and governance. It is also well studied as an incipient cultural phenomenon, but its implications for cultural identity and diversity is an area not very well understood. The emerging social paradigm shaped by the Internet (and digital technologies) is often referred to as the information society. The wider challenges to cultural rights and diversity are embedded in and reproduce through an interaction with this techno-social reality and grasping this mutating global cultural context is critical to the discourse of rights, especially of the marginalised.

A2. The implications of the digital ecology being shaped by the Internet for cultural diversity and cultural rights can be discussed in three parts.

- One relates to Internet as a boundless territory for cultural contact, which is quite unlike anything we have seen hitherto. The geo-coordinates of cultural practices and their evolution are destabilised through an ongoing multi-directional, mass communication in the digital environment, that deterritorialises cultural phenomena. The Internet shapes mass cultural contact towards homogenisation through an economics of increasing scale that has to be interpreted through a political economy lens in the context of neo-liberal globalisation.
- Second, is the manner in which the Internet helps develop counter forces and spaces that have created / are creating a peer-to-peer ethos that challenges the typical tendency of control and homogenization through the Internet and thus, the exploitation by capitalist globalisation and statist authority of the proclivities of the 'network society' for consolidating power.
- Third, is the Internet itself as an ecosystem spawning new cultures. There is a need to develop conceptual frameworks around the practices, modes of interaction and the new community constellation that the Internet has given birth to. Towards this, there is a need to understand how rights and freedoms actualise in digital spaces, how they may be constrained, and the challenges for inclusion of the marginalised into these new cultures. On a related note, is the important issue of 'digital natives' – people of the younger generations – and how they transact in the digital environment. The cultural practices of digital natives needs new categories of analysis for a more contemporary interpretation of the notions of cultural rights and freedoms.

The normative and action frameworks around cultural rights need to be relooked at and nuanced in light of the above.

## **B. Internet, Corporate Globalisation and Dominant Culture**

B1. Corporate and political domination today are mediated by cyberspace as a tool of global coordination and communication. Computer networks are the technological foundation of what is often referred to as global network capitalism, that is, regimes of accumulation, regulation, and discipline that help to increasingly aggrandise economic, political and cultural power..

B2. Five years ago, Internet traffic was distributed among tens of thousands of networks, while today only 150 networks control some 50% of all online traffic. What this means is that when we are on the Internet, we are increasingly likely to be within privately governed spaces of a few mega digital corporates. This heralds a major departure from the earlier 'commons' nature of the Internet.

B3. Global capital deploys the current technological paradigm towards a neo-liberal individualism. The dominant ideologies and practices shaping culture instrumentalise difference and diversity, through commodification of culture. The increasing normalisation of the culture of neo-liberalism in and through cyber-space poses challenges to the discourse around marginalised collectives and endangered cultures.

B4. Collaboration and cooperation are also being instrumentalised by global corporations in the Internet economy, which make use of the gift economy, free access, and free distribution in order to expand user base that then allows them to charge high advertisement rates and drive up profits. Web 2.0 platforms make use of this model of rent seeking, wherein, users are commodified and their labour appropriated in the new online communities, whose structures and rules are controlled by corporates.

### **C. The Internet as a Space for Alternate Cultures – Possibilities and Threats**

C 1. For hitherto marginalised groups like women, digital spaces are emancipatory – opening up new forms of 'being and doing'.

C2. The global, decentralized, networked character of the Internet also undermines the possibilities for the control of resources by specific dominant classes through cooperative cyberculture. Aspects of cooperative cyberculture - virtual communities like Wikipedia, the open source software movement, critical online journalism, high-quality cyberscience, participatory cyberart - are thriving examples of counter hegemonic forces.

C3. Perhaps the greatest threat to the Internet today is that peer to peer (p2p) applications are being discriminated in various ways and targeted by powerful vested interests in the name of intellectual property (IP) violation. While p2p transactions encourage collaborative (non-competitive) cultural exchanges, and thus link to the critical agenda around access to knowledge and public domain spaces currently being discussed at WIPO, the threat to non- copyright exchanges on the Internet comprises a dangerous trend that can cut out the radically new possibilities for majority of communities world wide to participate in contemporary cultural and social life.

C4. Alarmist reactions to and control over Internet content, including citizen media, by authoritarian governments also poses challenges to the rights of marginalised citizens and the possibilities of their inclusion in the political discourse of nation-states.

### **D. Democracy and Cultural Action in the Information Society**

D1. In political theory, the public sphere has been understood as a space for the generation of public opinion with moral-political validity . In deterritorialised space, we have dispersed subjects of communication, disjoint and overlapping visual cultures , and the addressee of communication for the citizen is not the state, but a curious mix of public and private transnational powers.

D2. Today, online publics, signify sites of massive private consumption in public; they are essentially an apolitical public. This 'compromised public', invariably working within non-transparent, private domains controlled by digital corporates, displaces the public sphere in its traditional connotation of public discourse with moral political validity. Thus, while cultures online recognise specific forms and experiences of exclusion and difference, they may not generate deliberative democracies. Difference thus gets suppressed in crucial political terms, even as it becomes visible in neo-liberal, subjective terms.

D3. The array of communication possibilities and platforms for 'voicing' thus lacks a corresponding political agora in digital space; freedom of expression does not imply participation in political decision making. So while new technologies may provide spaces to expand individual freedoms, they seem to do little to build a democratic discourse for constructing alternative, emancipatory social structures.

D4. While at one level, a massive homogenising global public sphere is being further strengthened, the multiple counter publics are now 'public spheres of choice', aligning along class, ethnic and other narrow segments, causing deeper exclusions that strike at the very root of political deliberation and a negotiation around differences across social categories. Cultural diversity and solidarity are thus not automatic in the anarchic tendencies of digital culture.

## **E. Recommendations and Points for Further Action**

The Internet and other digital media including mobiles, which are the building blocks of the contemporary techno-social order, are not just transmitters of cultures but a new space embodying new cultures and allowing counter-cultures. It is important to recognise the Internet as a dynamic dialectical system - in which technological structures and social structures/human practices produce each other. A mobile, complex, shifting subjectivity is here to stay and needs reinterpretation to account for the aspirations and possibilities for the cultural expression of all people, especially marginalised groups like women, whose rights and freedoms encounter radical possibilities for transformation in the emerging information society. Progressive discourse on cultural self-determination and rights needs to keep pace with the rapid changes in the wider, global ecology of techno-social and -cultural practices.

### **Action Area 1. Internet Governance and Cultural Rights**

Since the Internet - with the convergence of TV, radio, telephony and even print media onto it - is emerging as the principal mode of cultural exchange and transmission, it is important that it be governed appropriately with respect to its implications for the cultural rights of all individuals and communities.

At present, the governance and regulation of the Internet proceeds almost entirely from its economic aspects. Regulation addressing cultural rights is ad-hoc, anachronistic in relation to the rapidly changing media context, and mostly in the nature of 'censorship' or content controls. A more nuanced framework of governance of the Internet with respect to its increasingly central cultural role has not begun to develop, even at conceptual and 'basic principles' levels. The problem is made more difficult by the fact that the Internet is essentially a trans-national phenomenon, whereas political institutions at the transnational, global level are rather weak. It is important to (1) develop norms for Internet governance at the global level that address cultural rights, and (2) coordinate implementation of necessary policies and regulation within national boundaries.

In the above context, two urgent tasks face the world community with respect to protection of cultural diversity and cultural rights in the emerging information society paradigm. One is to shape a discourse and research agenda for framing connections between information society developments and cultural rights. Secondly, the human rights system needs urgently to engage with current global and sub-global arenas of Internet governance – a principal one at present is the UN Internet Governance Forum – to provide perspectives of cultural rights and diversity with regard to the shaping and evolution of the new techno-social paradigm of the Internet.

Development of Internet governance regimes along the principle of 'commons' management and governance, rather than on private economic contracts, is a key overarching issue in these formative stages of institutional development in this area. Specifically, protection of the principle of 'net neutrality' or openness of the Internet equally to all content, applications and appliances – which is under great threat – is an issue requiring urgent attention from cultural rights perspectives.

It is also important that allocation of critical Internet resources like domain names and addresses take into account linguistic and cultural issues – for instance, in terms of preferential allocation as well as protection vis a vis semantic terms that have cultural implications.

### **Action Area 2. Public Support for Culturally Diverse and Local 'Content' Production**

Networked digital systems allow cultural domination and homogenization at unprecedented levels. The possibilities for pluralism and counter cultures against the homogenizing forces in the digital environment are not guaranteed. Therefore much more needs to be done over and above protecting the basic nature of the Internet as a technically open and 'equally available' resource to all. Strong positive measure need to be taken to ensure that all cultures are proportionately present and active in the digital space. Going beyond negative rights, proactive steps and policies to support and provide public finance for community generated cultural

content need to be taken. However, the concept of public service broadcast or content as it exists now is by far totally anachronistic. It needs to evolve considerably in the context of the Internet.

Community generated content obviously presupposes a universalistic public provisioning model – for connectivity, basic hardware and software and capacities. Just as the discourse of community radio and video have enabled a bottom-up appropriation of these media by communities, a community Internet discourse is also needed.

However, it is necessary that in addition to publicly funded content, the new context requires urgent support for building platforms to support alternate networks. We are used to thinking of public financing of cultural products, but the network logic in its potential for democratisation is not so much about products, but more about cultural processes, spaces and systems. In the same way as public funds support cultural commons in the real world – libraries, educational institutions, arts and culture centres, museums, even parks and such public spaces - digital commons need to be supported, but through a different paradigm, that stimulates and enables community activity over publicly funded and minimally-regulated platforms. The imperative is for setting up the broader technical, regulatory and governance architecture for triggering and nurturing community commons activity for producing content, applications and networks.

The newly set up cultural diversity fund of UNESCO should also be used for supporting digital commons; digital platforms and systems are the need of the hour and policy should create these so that community ingenuity can self-organise around such scaffolds. Similar funds and strategies at national and sub national levels are needed.

Some examples of such commons are Wikipedia and Sourceforge (open source software repository). However, while being significant milestones in our digital development, these North-based initiatives, funded through voluntary effort, do not adequately meet the need to protect global cultural diversity and rights. Global public support for similar 'digital commons' in the global south is required, without duplicating and by building on existing effort. It is important that international and national public agencies also develop the capabilities to support such commons. Such 'digital commons' can use the unlimited potential of volunteers from local communities to develop cultural content, applications and networks on the scale that these are needed and indeed, possible today.

Countries like Canada which had a cess on TV content, now also have a similar cess on Internet content to fund cultural content. Such useful practices not only in the policy domain but also in local community commons need to be collated and adapted.

### **Action Area 3. Educational Content and Information and Communication Technologies in Schools**

Media today has made deep incursions into the traditional role of educational systems as the chief form of socialization and acculturation. The introduction of digital educational resources - which are often poorly regulated, if at all - into school environments without public debate and appropriate regulation is further accentuating this problem. It is important to understand the nature and impact of digital content and processes of pedagogy in order to develop appropriate guidelines for digital content in educational systems. Digital systems enable production of local and peer-production based content, which should be used as a primary mode of developing educational content, that is sensitive to local cultures, and involves children and teachers in constructivist modes of education. Studies have shown that a laissez faire approach to digital content in schools tends to produce even greater homogenisation of educational content than was prevalent in the case of print based content. This is due to the earlier discussed feature of increasing economies of scale in a digital environment.

### **Action Area 4. Engagement with 'Digital Natives'**

Not enough is understood about the relationship that young people have with digital spaces. The experiences and perspectives of digital natives are vital for an insight into the ways in which social and cultural phenomena are evolving and being defined in and through online spaces. Questions around culture and

community life in the emerging socio-technical paradigms therefore needs an ongoing dialogue with younger generations.