



II CONFERENCE “CULTURAL DIVERSITY AND NEW TECHNOLOGIES” May 19, 2016

Rapporteurs: Lilian Richieri Hanania and Giuliana Kauark

Introduction (original in Portuguese)	<i>Dra. Lilian Richieri Hanania</i> (video) (CEST/USP, University of Rouen, University Paris 1)
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In introducing the event, Lilian Hanania recalled that the UNESCO Convention on the Diversity of Cultural Expressions (CDCE), with 144 Parties (143 States + European Union) in June 2016, approaches culture and the objective of cultural diversity from an economic viewpoint, focused on the creation, production, dissemination, distribution and access to cultural expressions conveyed through cultural goods and services. The CDCE deals with cultural and creative industries, as well as the market of cultural goods and services. It responds appropriately to what we call today “creative economy”.

The negotiation of this convention was initially put forth to allow for discriminatory cultural policies - for protection of local culture, or according specific countries a preferential treatment based on a historical and/or cultural link, for example - to continue being adopted and developed, assuring a marketplace for national production and a greater diversity of goods and services offered. Diversity exists when consumers have effective access to a diversified content offer, originating both in and out of their country. The 2005 Convention offers support in this sense. It reaffirms and legitimates the States’ right to adopt and maintain cultural policies and offers a framework for “policies and measures adopted by the Parties related to the protection and promotion of the diversity of cultural expressions”. Through appropriate policies based on this convention, it aims at greater diversity and balance in the exchange of cultural goods and services. With the same objective, a second facet of the CDCE consists in the promotion of international cooperation in the cultural area, including in favor of development. It reaffirms the role of culture as part of sustainable development and recognizes the necessity of integrating culture into all development policies.

Moreover, the 2005 Convention is technologically neutral: the diversity of cultural expressions is taken into consideration whatever means and technology used. However, from the perspective of the diversity and balance in cultural content :

- On the one hand, new technologies bring in opportunities, among which are the limitless space to make cultural content available on the Internet (bigger quantity of goods and services) and greater potential for cooperation and collaboration among different cultures.
- But, on the other hand, challenges for cultural policies are brought in, too:
 - How to promote the diversity of origins of films, music, books or other forms of artistic expression on the Internet?
 - How to transpose, for example, the logic of “national content quotas” for TV, cinema or radio into this new reality?



- Internet naturally seems to help by making a bigger amount of varied cultural goods and services available; but, are these products and services visible? Are they easily spotted by the consumer?
- How to act on the online diversity in consumption?

Before launching the presentations and debates, Lilian Hanania highlighted the topicality of the matter within UNESCO: the Convention implementation in the digital age is presently being discussed at UNESCO in order to prepare specific operational guidelines to promote the implementation of the CDCE in the digital environment.

PANEL I (original in Portuguese)	9:30 – 11:00 – Panel I - Diversity of cultural expressions on the Internet Moderator: <i>Piatã Kignel</i> (Cultural manager, U40) - <i>Prof. Dr. Luis A. Albornoz</i> (IIGG, UBA/CONICET, Argentina) - Audiovisual on the Internet: homogenization or cultural diversity? - <i>Prof. Dr. Carlos Affonso Souza</i> (ITS Rio) – Freedom of speech, Internet neutrality and cultural diversity on the Internet. - <i>Prof. Dr. Demi Getschko</i> (CGI) – Which technical measures to measure and promote diversity on the Internet?
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SUMMARY OF THE PRESENTATIONS

- *Audiovisual on the Internet: homogenization or cultural diversity? – Prof. Dr. Luis A. Albornoz (IIGG, UBA/CONICET, Argentina)*

Luis A. Albornoz organized his speech around three central ideas related to homogenization or audiovisual diversity on the Internet.

At first, he recalled that the homogenization issue regarding culture and communication is not new. In his view, it is directly related to the internationalization processes of cultural industries, especially in cinema and broadcasting, both developed in the last century. To exemplify his assertion, Albornoz presented some historical facts related to the communication and culture fields, as follows: the inauguration of screen quotas systems by Great Britain as a way to protect its domestic market from the expansion of North-American movies in 1927; the organization of intergovernmental conferences on cultural policies between 1970 and 1980 by UNESCO, with the purpose of discussing the control of information flows by central countries in opposition to the protection of diversity and national identities, against culture commodification; the proposal, also within UNESCO in the years 1980's, of a New World Order of Information and Communication that, all in all, was not implemented.

Afterwards, Albornoz mentioned the 2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions as a valuable tool for contemporary cultural policies, mostly by recognizing the specific nature of cultural goods and services



and reaffirming the States' sovereign right to protect and promote cultural expressions. When presenting such legal instrument, the researcher highlighted its origin in the “cultural exception” debate in commercial agreements and negotiations within the World Trade Organization. Ten years after the convention was approved, continued Albonoz, a plurality of elements to assess its impacts were made available, such as: catalogs of good practices; quadrennial implementation reports; projects funded by the International Fund for Cultural Diversity; Operational Guidelines on articles of the Convention; among others.

Finally, Professor Albonoz highlighted that the new digital ecosystem is one of the major challenges that the 2005 Convention has to face. According to the lecturer, a *technodeterminist* discourse is now in vogue, in which it is stated that “more digital technologies automatically generate more cultural diversity”. Contrary to this view, Albonoz asserts that such a discourse disregards the relevance of new digital intermediaries. The latter have the power to restrict access and content disseminated through the Internet and have a huge economic and political power in the current information society – among the most profitable corporations in the world are Google (in second place), besides Apple, Facebook, and others. In closing his speech, Professor Albonoz highlighted the position of the United States as an example of an issue regarding homogenization and cultural diversity on the Internet, since the country that most concentrates the main world producers of digital cultural services and promoters of digital commerce strongly refused to sign the 2005 Convention.

- *Which technical measures to measure and promote diversity on the Internet?* – Dr. Demi Getschko (CGI)

Demi Getschko, of the Brazilian Internet Management Committee (*Comitê Gestor da Internet – CGI*), started by highlighting that the Internet generated a rupture in many areas, yet not properly measured. In his view, it affects all countries, breaks legal barriers, allows for the survival of cultural expressions and will still have several other consequences, difficult to foresee.

Getschko argued over the idea that the Internet homogenizes everything. In his opinion, the tools allowed by the Internet at the international level may be used by local communities and cultures, mostly small ones. In relation to the intermediaries, Getschko believes that it is possible to work with them, provided that the most diverse products are favored.

The Lecturer believes that it is necessary to strengthen concepts, such as: the diversity of the network, innovation and, most of all, network neutrality. For such, the CGI, composed equally of government and civil society representatives, created the so-called “Decalogue” in defense of the Internet – Principles for the Governance and Use of the Internet (www.cgi.br).

As a private institution, the CGI does not have regulation power. However, for ten years it has been developing statistics related to how Brazilian Internet works (*e.g.* research about the Brazilian user's profile) that on its turn contributes to establishing priorities for public policies. Closing his speech, Getschko announced that research related to culture dissemination on the Internet will be published biannually (“TIC Cultura”).



- *Freedom of speech, Internet neutrality and cultural diversity on the Internet – Dr. Carlos Affonso Souza (ITS Rio)*

In introducing his speech, Carlos Affonso Souza explained that the notion of “Internet freedom” does not mean the inexistence of laws that regulate it. On the contrary, it is exactly by means of regulations that freedom on the network is assured. In this context, the laws must protect the freedom allowed for by technologies, preventing it from being destroyed by new business models.

Several principles of governance on the Internet in Brazil found in the CGI “Decalogue” (mentioned in the previous lecture) were incorporated into the Brazilian Internet Civil Framework. And, in the Professor’s view, if there is a fundamental right that appears clearly and repeatedly in this legislation, it is the freedom of speech. In fact, freedom of speech is asserted in five situations along the Civil Framework, which are: Art. 2; Art. 3; Art. 8; Art. 19; in the Caput; and in Paragraph 2.

Bringing the issue of freedom of speech into more technical debates about the Internet, Souza infers that the idea of network neutrality - that is, of no discrimination of what travels on the web, of equal treatment of the whole *datagram* -, is a way to deal with freedom of speech in a technical manner. By referring to the Constitution of the United States, the lecturer considers the discussion regarding network neutrality as a discussion on the 1st Amendment in the 21st Century.

Parallel to the issue of freedom of speech on the Internet, Souza also strengthens the right to oblivion. According to such concept, Internet content providers are obliged to remove contents upon request by a third party. Real examples were presented, involving search tools, such as Google, and indicating that removals sometimes should be applied not only in the applicant’s country, but in searches made in other parts of the world.

The lecturer closed his speech by suggesting that legal means should be formulated in order to guarantee freedom, neutrality and diversity. If the Internet is neutral, with no intermediaries interfering with access to data, it has potential to generate positive impacts upon cultural diversity.

SUMMARY OF THE DEBATE (original in Portuguese)

The following points were debated: neutrality and freedom; reterritorialization of the Internet by copyright; and neutrality within apps and social networks.

On the first point, neutrality was stressed as the basic principle of the Internet governance. From a technical viewpoint (Demi Getschko), Internet providers should not at all interfere with the content they offer – both in the sense of discriminating or filtering contents (clearly negative), and of improving web browsing for their users (supposedly positive).

Concerning the second topic, Professor Luis Albonoz explained that, in fact, services are not all present in all markets. There remain national markets and international markets in



the digital world, and such separation results mostly from the copyright operating models, since, and so far, there have been no transnational or multiterritorial licenses. Contributing to the debate, Professor Carlos Affonso Souza asserted that copyright is the driving force of Internet fragmentation. It is possible to analyze it, therefore, from a copyright contractual viewpoint, according to which what is available on the Internet is fragmented, since an author's work may be available in one country, but not in others. Finally, the lecturer pointed out that to guarantee due respect towards global flows of Internet data, it is imperative that national laws incorporate the IT concept of “interoperationalization”.

Relating to neutrality within apps and social networks, the third topic brought the three lecturers into the debate. Firstly, Getschko explained that apps themselves should not be neutral. According to him, neutrality must exist in the access to all apps by users. In agreement with this viewpoint, Souza stressed that instead of neutrality in apps and social networks, we should be attentive to principles of diversity. In the case of apps, diversity strengthens creation and innovation; regarding social networks, diversity prevents the formation of bubbles, through filters that provide users with their own mirror (same ideas, same tastes, etc.). Finally, Albornoz's contribution highlighted that the major issues refer to commodification, control, and surveillance of the Internet, through data provided by all users in exchange of services free of charge (they exchange their privacy for such services). On the one hand, there are users that are unfamiliar with the digital services terms and States are absent from an effective regulation on the use of digital data; on the other hand, new key values appear in the current digital economy, which are the users' data and profiles that are now commercialized.

FINAL COMMENTS (Lilian Hanania – original in Portuguese)

The changes brought by new technologies into the market of cultural goods and services are profound – the Internet brings in major ruptures, as Demi Getschko said. The whole cultural sector value chain has been affected by digital technologies in the last years, and technological evolution will certainly bring in even more transformations. These transformations imply opportunities for the diversity of cultural expressions, but obstacles and new threats/new risks as well. Among the latter, the economic and political power of multinational companies and the reintermediation within the digital scenery, as Luis A. Albornoz mentioned, as well as market concentration in the hands of the big platforms (see also Octavio Kulesz in panel II).

A big problem concerns the visibility of the contents available on the web (the “invisible long tail” – Luis A. Albornoz). The questions to be faced are whether people are familiar with what exists on the Internet, with the abundance of contents online; and how often they come across content they enjoy, but they were not aware it existed. This is a dynamic, moving process that requires appropriate public policies, able to react fast to transformations and also guide them towards diversity.

PANEL II (original in English)	11:20 – 12:40 – Panel II: The role of private companies providing cultural content online in fostering the diversity of cultural expressions Moderator: <i>Mario Magalhães</i> (CEST/USP) - <i>Octavio Kulesz</i> (Teseo) (video) - <i>Dr. Heritiana Ranaivoson</i> (iMinds-SMIT, Vrije Universiteit Brussel) (videoconference) - <i>Me. Lucas Lago</i> (CEST/USP)
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SUMMARY OF THE PRESENTATIONS (original in English)

- *Octavio Kulesz (Teseo)*

Octavio Kulesz provided in his video an overview of the impact of digital technologies on cultural industries. He presented the opportunities and challenges (obstacles and threats) brought by digital technologies regarding cultural diversity:

Opportunities:

- lower costs,
- easier distribution,
- new (cheaper and easier) business models,
- possibility to take advantage of the “*long tail*” of products on the market.

Obstacles:

- infrastructure (connectivity, availability of hardware and software),
- lack of know-how and necessary skills for cultural industries, particularly SMEs – training is needed in the future.

Threats:

- the behavior of web-giants, i.e. platforms having a huge impact today (Apple, Amazon, Alibaba, etc.). These companies choose a specific starting point in the value-chain and expand towards the sides, becoming the chain itself. There are “marketplaces” like Android, Apple Store, Amazon, etc., where the player becomes the market, thus resulting in market concentration. This may represent in the future a serious risk for diversity, since diversity is needed in the supply of products but also among suppliers; otherwise, there is a sustainability problem, with supply eventually shrinking.

- *Dr. Heritiana Ranaivoson (iMinds-SMIT, Vrije Universiteit Brussel)*

Heritiana Ranaivoson addressed via videoconference the economic impact of digital technologies on cultural industries. All sectors are impacted, one of the first being the music sector. Specifically, regarding the diversity of cultural expressions, he focused on online platforms and started by explaining the Stirling model, according to which diversity is composed of 3 elements - variety (number of product categories), balance (the way



products are spread among categories) and disparity (difference among products available). He then used the Theories of Superstars and analysis of the Theory of the Long Tail (decreasing importance of superstars and increase of products in the “tail”) in order to reframe it.

The impact of the Long Tail may be seen in the possibility of access to more content and the existence of new services with innovative business models. The greater beneficiaries are, nevertheless, online platforms, which compete with traditional intermediaries and have a negative impact on the latter. But the real question is: does the Long Tail really exist? Is there an increase in supplied diversity? Theories of Long Tail and Superstars say “yes”. But usually studies on the subject look at variety, balance, but rarely at disparity.

Moreover, opposite conclusions exist regarding consumed diversity. Technology certainly helps reducing costs of production, distribution and also allow for a virtually unlimited amount of information. But do we have access to it? Filters can lead either to superstars (like recommendations of algorithms have been doing, according to research on this aspect) or to the tail (search functionalities could contribute to this). But measurement of the tail still does not take “disparity” into account; there are no tools to measure that aspect, which is fundamental though.

Online platforms have a competitive advantage that should be explored: they are able to provide larger diversity. However, research is still lacking on the long-term role of platforms on diversity, and how they reconfigure cultural industries. And there is a need for researchers and policy-makers to have access to data relating to those platforms, which is hardly available. Maybe an obligation to make such data available could be a useful step.

• *Me. Lucas Lago (CEST/USP)*

Lucas Lago started his presentation by explaining Heuristics and Cognitive Biases. Heuristics are algorithms, filters by our brains, allowing us not to be overwhelmed by data received from the environment. However, they may have undesirable effects, i.e. cognitive biases: deviations from what would be logical conclusions, by ignoring or interpreting wrongly the information provided.

The huge amount of information available on the Internet requires ways to filter it and algorithms serve that purpose. They are used to determine which information is actually relevant for us. One of the most famous algorithms was Edge Rank, created by Facebook, and based on only three key criteria (current Facebook algorithms are way more complex): i. Age of the information; ii. Popularity of the information; and iii. Similarity of the information to what was marked with a “Like”.

Other examples are found in the following platforms:

- Google: personalizes search results. In more than 90% of searches, people never click on the second results page.
- YouTube: has an initial page with recommendations and “related videos”. The “related videos” option is responsible for about 30% of video traffic.



- Netflix: creates a personalized initial page with suggestions based on previously watched movies; 75% of the movies/series watched on Netflix result from these recommendations.
- Yahoo news: creates a front page that uses past news clicked on and a personalized front page with what the reader might like, instead of more objectively considered “relevant news”.
- Spotify: creates a personalized playlist with songs chosen by an algorithm, even if apparently it does not influence search results.

The importance of algorithms in the visibility of online content leads to the “Filter Bubble Theory” by Eli Pariser, who suggests that the extended use of filters would result in the creation of a “bubble of information” where we are never challenged by controversial topics and everyone has its own version of Internet – everything is customized; so the Internet is not the same for everybody.

Applied to cultural diversity matters, one may ask the following questions:

- would the fact that someone knows nothing about French movies make Netflix assume the person would not want to watch one?
- would the fact that someone enjoys Led Zeppelin make Spotify hide music from other genres?
- if someone watches a Donald Trump interview on YouTube, would the latter hide videos with/on other candidates?

He then quoted Walt Whitman, recalling that “we contain multitudes” and this is not understood by algorithms. They create biases that need to be avoided or at least contained in their effects.

In order to allow for more diversity:

- transparency in the use of algorithms on the internet is necessary;
- we should be allowed to opt-out of these filters, in order to easily use internet tools without filters (in Google there is no way to access a search page without such customization, except by using a private mode in the browser);
- we should be able to see what would be our search results without such customization (and see how Internet is “for everybody”);
- and we need to write algorithms that have both the capacity of filtering noise and unwanted content, while still being able to allow for novelty and serendipity in the filtered web.

SUMMARY OF THE DEBATE (original in English)

The panel brought in a rich debate. The questions asked and the discussions that followed are summarized below.

1st question (Lilian Hanania) Lucas Lago talked about algorithms that would allow for novelty and serendipity – how hard would it be in practice to create such algorithms from an engineering and software development viewpoint?

- (Lucas Lago) it is very hard to even comprehend algorithms used today (a hundred thousand parameters are presently on Facebook), even for engineers;



- (John Sydenstricker-Neto, CEST) thinking about statistical models, we would need a lower number of parameters to explain a phenomenon; filters are definitely necessary; but using the 3 elements pointed out by Heritiana Ranaivoson might help change the way we look for information.

2nd question: Should there be regulation, parameters, to control the outcome of social media? Or should it be left to private companies?

- (Lucas Lago) algorithms are invisible; we can only see their results. So even if we had a law that determined that they should increase discoverability, there is practically almost no means to check compliance; online platforms would need to show how their search is done, but they would never accept to do it. In any case, any choice of algorithms would take us to a certain kind of bias.
- (Heritiana Ranaivoson) the first important thing is that people need to realize that filters exist. Moreover, policy-makers could act on this matter through competition policy.
- (Lucas Lago) the paradox of choice is that no matter how great the choice we have is, we keep choosing the same thing to be “on the safe side”. A good technical way to change it would be an algorithm that proposes diversity; this would lessen the effect of that paradox.

3rd question (Edson Perin) It seems that platforms with their algorithms and policies are not talking to each other – how to improve the link between the two?

- (Lucas Lago) lawyers and engineers need to work together.
- (Rodrigo Filev, CEST) we need access to the database of companies (“deep web” – not available on Google or other browsers) – but a question remains: how to create such access?
- (Heritiana Ranaivoson) this is a big policy issue – policy makers need information on those algorithms.

4th question (Lilian Hanania) How to better involve private companies and particularly big internet platforms in the promotion of the diversity of cultural expressions? We may ask for more transparency of algorithms or the creation of algorithms that allow for greater diversity and the “discoverability” of diverse content, leading the consumers to a wider range of cultural contents. But options could maybe be found in “prominence” tools on those platforms to promote national production, through advertising and identification of works (as defended by Mira Burri in her article to be published in L. Richieri Hanania & A.-T. Norodom (dir.), *Diversity of cultural expressions in the digital era*), or “diversity” labels, for example using the brand of a specific cultural institution, and/or as a tag to facilitate search (Mira Burri, same forthcoming article).

- (Lucas Lago) Netflix in Brazil already has a “Brazilian tag” and it did not really work; to increase consumption of Brazilian content, Netflix is investing in national content / series. An issue (raised by Heritiana Ranaivoson also) is the fear of things we do not know.

5th question (Lilian Hanania) There seems to be a need for awareness-raising among companies but also the public at large, as well as for “creation of public” for diverse cultural content. Economic advantages deriving from making diversity an objective to be pursued in corporate social responsibility should be highlighted (an interesting example is



Vivendi's experience on this matter). Investing in diversity improves not only the image of a company before consumers and investors, but also trust in the media company concerned regarding the quality of the content, its independence and authenticity (Mira Burri, same forthcoming article).

- (Lucas Lago) this is something doable, that could indeed be “sold” to those companies.
- (Heritiana Ranaivoson) cultural diversity has an economic value; but there remains the need to check such diversity and this requires having more data than we presently have.
- (Mario Magalhães, CEST) we should pay attention to “reversal censorship” – allowing something to be seen that is not your choice – we should not force the consumer to watch anything.
- (Piatã Kignel, U40) it is however necessary for the consumer to know what exists outside (things that we do not know and that we might actually enjoy). We are living an interesting movement of the cultural sector in Brazil with the extinction (and then rehabilitation) of the Ministry of Culture – it is an opportunity for mobilization and to influence companies' profits (and therefore decisions) through changes in our consumption behavior.

FINAL COMMENTS (Lilian Hanania - original in Portuguese)

Legislators and policy makers need to be creative, open to future transformations, and at the same time attentive to and committed to the principles and objectives wished for by society, and pursued before these transformations. In the case of today's subject: the objective of the diversity of cultural expressions. For policies aiming at diversity within the digital environment to be properly re-thought, it is necessary to:

1. Determine and evaluate such diversity, through:
 - o Collecting pertinent statistic data about the market of digital cultural content and the visibility of such content – the publication “TIC Cultura – Supply and demand of cultural content on the Internet” will certainly be extremely useful for Brazil and for the work carried out around the 2005 Convention.
 - o Developing mechanisms to measure “disparity”, as presented by Heritiana Ranaivoson; and
 - o Having access to data referring to cultural content consumption on the big platforms online.
2. Involve all the participants in the market of digital cultural content, guiding their actions towards the objective of diversity:
 - o In the first document outlining the operational directives that will be examined in December 2016, the 2005 Convention Secretariat recalls that protection to human rights implies freedom of speech, information and communication on the Internet, including artistic freedom and access by citizens. The principle of universality of the Internet requires that everybody, including private sector companies (as the new intermediaries



- of the Internet), respect the principles of the Convention, and, in a more general manner, human rights recognized by the United Nations (CE/15/9.IGC/7 – page 8 §9).
- We have seen some proposals for measures and mechanisms that might be useful in this sense (see debates in Panel II above).
 - We have to find means for having larger access to data on cultural consumption online – could we think of an obligation to make these data available?
 - It would be interesting if these companies were more directly involved in preparing the operational directives by the CDCE Secretariat.
3. Mobilize civil society, which has a very important role to play, both in developing concrete projects for cultural diversity and by its capacity of supervision and coordination at the national and international levels.
 4. At the international level, foster coherence when acting within international organizations working on digital-related cultural questions, but also, in a more general manner, on the sustainable development issue.
