

# Five Music Rights – More Than Ever!

*Silja Fischer*

*Secretary General of the International Music Council*

The COVID-19 crisis has revealed shortcomings in the world of arts and culture – weaknesses that were already there but have been exacerbated by the crisis. All artistic activities, from workshops to residencies to live events, have suffered as a result of lockdown or other restrictive measures. There is a wide-spread fear among cultural professionals that the longer their recovery is delayed, the more lasting the effects will be on these activities.

Let's have a look at how the core values of the International Music Council, embedded in the Five Music Rights, hold up in the crisis and the response to it.

# 5 Music Rights



- THE RIGHT FOR ALL CHILDREN AND ADULTS**
- 1 To express themselves musically in all freedom
  - 2 To learn musical languages and skills
  - 3 To have access to musical involvement through participation, listening, creation, and information
- THE RIGHT FOR ALL MUSICAL ARTISTS**
- 4 To develop their artistry and communicate through all media, with proper facilities at their disposal
  - 5 To obtain just recognition and fair remuneration for their work



*The Right for all children and adults to express themselves musically in all freedom*

This right echoes the explicit provisions protecting the freedom of artistic expression and creativity that are to be found in article 15 of the International Covenant on Economic, Social and Cultural Rights as well as article 19 of the International Covenant on Civil and Political Rights.

In May 2020, IMC expressed its deep concern at the increase of attacks on freedom of artistic expression on a global scale, as documented in the Freemuse's recent report "State of Artistic Freedom 2020", which offers an in-depth analysis of 711 acts of violations of artistic freedom in 2019 in 93 countries. We continue to be alerted by reports from colleagues all over the world pointing to the COVID-19 crisis exacerbating the situation as global nationalist populism continues to restrict expression and emergency procedures are enacted that sometimes silence dissident voices.

The exceptional situation of the pandemic should not and will not distract our attention from the brutal reality that artists are extremely vulnerable in a world dominated by oligarchies of power and money.

### ***The Right for all children and adults to learn musical languages and skills***

The crisis affected those who teach and those who learn at equal levels, in classrooms, music schools and higher music education institutions.

The challenging shift to online teaching was mastered by teachers at varying levels but with equal willingness and enthusiasm. As with anything that relates to the digital realm, issues such as digital literacy, access to hardware and software, broadband availability etc. impacted teachers' and learners' capacity to cope with the situation.

We learned from IMC member Music Crossroads Academy Zimbabwe that they offered teaching programmes in WhatsApp format during the lockdown but had to face dropouts by students due to their incapacity to follow through. It is therefore with great relief that they opened the doors of their school for physical teaching again after the first lockdown.

In many countries, when schools started to open again, music lessons were among the first cut out of school programmes in 2020. Making music was out of all of a sudden, branded with a stigma. Many scientific studies tried to offer answers to the many questions raised as teachers and learners wanted to return to the rehearsal halls. Thanks to the fundraising efforts of its member, the National Music Council of the United States, IMC was able to contribute financially to a study launched by an international alliance of 125 performing arts organisations to examine aerosol rates produced by wind instrumentalists, vocalists, and even actors, and how quickly those aerosol rates accumulate in a space. While the insights seem to have allowed for some collective teaching activities to resume, the next question is about audiences being allowed back into performance spaces, which brings us to the next Right.

***The Right for all children and adults to have access to musical involvement through participation, listening, creation and information***

The COVID-19 pandemic has accelerated the shift toward digital technologies beyond even the most ambitious forecasts. The roll-out of 5G, artificial intelligence and big data was always going to trigger more change and upheaval over the next five years than any other technology in the last 30 years. Already in May 2020, McKinsey Digital estimated that “The COVID-19 recovery will be digital” and shared a plan for the first 90 days of this discovery.

The worldwide lockdown has driven our social interactions and our consumption of culture almost entirely into the digital space. The cultural and creative sector has thus become the testing ground for exceptions and limitations on intellectual property regimes in order to facilitate access – albeit in certain circumstances and conditions – to creative content.

Streaming of, and access to, creative content has become indispensable in dealing with the adverse conditions of lockdown imposed in response to the COVID-19 crisis. Internet access has become an essential service despite the fact that approximately 46% of the world's population do not have access to an Internet connection.

This being said, we have to acknowledge that not all artistic expressions are fit for streaming, and that the "virtual choirs" are but an illusion of collective singing as the readers of the International Choral Bulletin will be the first to flag.

***The Right for all musical artists to develop their artistry and communicate through all media, with proper facilities at their disposal***

According to a UNESCO publication[1], the most widespread measure (other than direct financial aid) taken by governments has been the creation of fee-based platforms for streaming artistic content. The authors suggest that, perhaps without fully realizing it, public authorities, through financial support to these platforms, have in practice done what numerous analysts had been suggesting as a response to the growing domination of major online multinationals with their opaque algorithms: setting up a public portal giving access to national content. The question is whether these measures will indeed mean a transposition to the digital world of actions taken by public institutions such as national theatres, or broadcastings of major festivals on public holidays.

Governments have accelerated plans to develop broadband Internet in rural and remote areas, which have become critical for businesses and the education system in particular. Many artists throughout the world have deliberately chosen to offer free access to vast quantities of creative content during the

crisis. However, as the World Intellectual Property Organization (WIPO)[2] points out, it is important to ensure that these kinds of flexibility, in the context of the COVID-19 crisis, are targeted on the demonstrated lack of access and limited to the objective of remedying that lack of access for the duration of the crisis. Because art is work and needs to be remunerated...

### ***The Right for all musical artists to obtain just recognition and remuneration for their work***

The crisis has revealed gaps in the social and economic protection available to those at the heart of the cultural and creative industries, the artists and cultural workers who are often freelancers with multiple employers, placing a strain on the schemes that already existed.

The crisis has also sped up the digital transformation, raising real questions about the financial viability (without State support) of cultural enterprises, the media and non-profit organisations and about the working conditions of artists and cultural workers.

We have noted that the measures adopted to cope with the crisis are mainly of two kinds: either they aim to respond to urgent needs, such as wage support, compensation for losses, social insurance contributions, holidays and fast-tracked aid payments, or they are the same as found “in normal times”, but with changed parameters to fit the circumstances, such as aid for skills development, investment in infrastructure, market development etc. To a very large extent, these intervention mechanisms are not specific to the arts and culture sectors.

However, we have also noted that many levels of government – national, regional and local – have come to the aid of creators, bodies and enterprises, acknowledging the fundamental role of these actors and institutions in the

wellbeing of communities, a role that has come into even sharper focus in lockdown.

In Africa and Latin America especially, measures aimed at meeting basic needs such as delivering meals or providing social assistance to the poorest households have emerged, bearing in mind that these measures benefit the many artists and creators in the informal sector. Certain collective management organisations also quickly mobilised by paying royalties in advance to authors, composers and performers, many of whom fall between the cracks of the safety net of government aid as they do not meet the criteria for assistance programme dedicated to freelancers or small or medium-sized enterprises.

### ***In conclusion...***

The arts and culture community is a fragile ecosystem to which governments have devoted years, if not decades, of patient and methodical support, through cultural policies and major public investment, in many countries. All these efforts could be for naught unless something is done. Artists will no longer exercise their talents. Creators will no longer be able to practice their trade. Whole swathes of the value chain could go under (think of concert venues), which would have a devastating effect both on people's right to take part in cultural life and on the diversity of cultural expressions.

Faced with the globalisation of markets and the digital shift, the cultural and creative industries and the cultural sector as a whole are left with no choice but to adapt by developing new skills, practices and business models.

More than ever, we need to stand united as we strive for a healthy global musical ecosystem and a world where every child and adult can learn, experience, create, perform and express themselves through music and where artists receive recognition

and fair remuneration.

*Edited by Mirella Biagi, UK/Italy*



Silja Fischer grew up in East Germany and studied in Berlin, Moscow and Hamburg. She joined the General Secretariat of the International Music Council in 1993 where she occupied several positions before her appointment as Secretary General in 2009. In this capacity, she is in charge of official representation, cultural policy matters, membership relations, fundraising as well as programme implementation. Since the International Music Council is an NGO official partner of UNESCO, Silja also liaises with the UNESCO Secretariat as well as with diplomatic representatives of the UNESCO Member States. Silja strongly believes in strategic collaborations for effective and efficient advocacy work. Besides her passion for music and its transformative power, she likes to discover places, meet and connect with people, drink wine, enjoy the sea breeze and nature.

[1]

<https://en.unesco.org/creativity/publications/culture-crisis-policy-guide-resilient-creative>

[2] Francis Gurry, "Some Considerations on Intellectual Property, Innovation, Access and COVID-19", WIPO, 24 April, 2020,

[www.wipo.int/about-wipo/en/dg\\_gurry/news/2020/news\\_0025.html](http://www.wipo.int/about-wipo/en/dg_gurry/news/2020/news_0025.html).