

Fair Music

Basic musical rights

- The right for all children and adults to express themselves musically in all freedom;
- The right for all children and adults to learn musical languages and skills;
- The right for all children and adults to have access to musical involvement through participation, listening, creation, and information;
- The right for musical artists to develop their artistry and communicate through all media, with proper facilities at their disposal;
- The right for musical artists to obtain just recognition and remuneration for their services.

(excerpt from the statutes of the IMC—International Music Council, an advisory body of UNESCO)

We have never before had it this good! As music fans, we all remember the days when the longing for new records had us rummaging through dusty boxes and enthusiastically schlepping heavy loads of plastic back with us from far-flung cities so that we could finally hear the music that had been touted by our magazines of choice. Cellphones, notebooks, Web platforms—today, every new electronic communication channel is chock full of music. On the streets you hardly see an ear anymore that is not literally wired for sound. But do we really know where the music we are enjoying in such abundance comes from? Besides the artists that are so close to our hearts, there are also numerous other people and companies involved in making sure we can finally hear what we want to hear. But we don't even know about them!

As a music fan, I have a right to hear exactly the music I want to hear. As a creative artist, I have a right to expect recognition and payment for my performances and my ideas. As a listener, I assume that the money I pay for my music goes to the artists of my choice. But can I really be sure that the artists receive their fair share of what I spend and that—as a fundamental principle—they can produce their music freely and under fair conditions?

When I purchase music on storage media via the traditional music distribution channel, I pay about 17 Euros. Of this amount, the artists receive one to two Euros, depending on the quality of their contract. The rest goes to the retail outlet, distributor, record companies, etc. In the digital world—despite a variety of models and significantly lower distribution costs—the artist's share has barely increased. But that's not all I should be concerned about as an aware listener. Just as the working conditions in the production of textile or agricultural goods I purchase are a matter of concern to me, as a music fan I should also want to know whether my band is suffering under an oppressive contract that leaves them little artistic freedom and hardly awards them financially for their work.

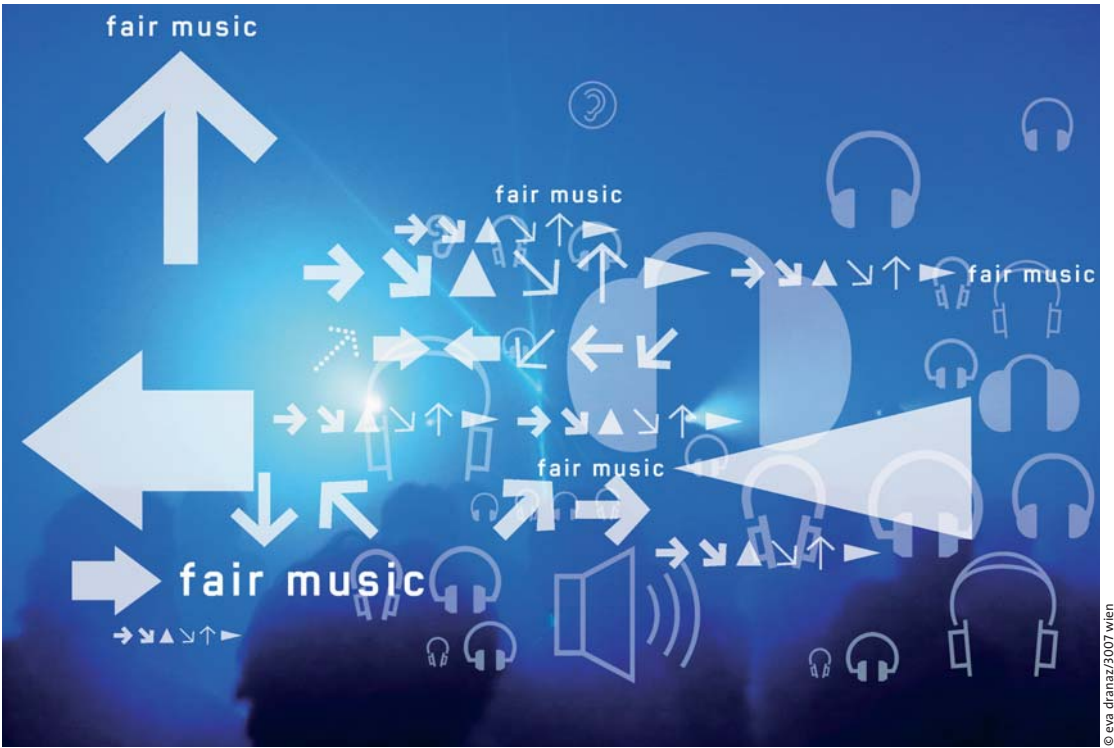
Digitization led to structural change in the music sector, giving rise to competition between an entertainment industry undergoing a process of extreme market consolidation and the access providers, such as Internet Service Providers and telecommunication enterprises. Lobbyists on both sides have been successful—in the name of the music fans or the artists, but actually primarily out of self-interest—inducing legislators all over the world to obey their whispered suggestions. Technical protection mechanisms and the suspension of music purchasers' right to a private sphere were thus incorporated into many national laws. Hardly anyone stopped to ask whether the earnings gleaned from modern advances—triggered by the aforementioned structural change—were being distributed justly. There is therefore still no contract law regarding

copyrights anywhere in the world that would safeguard artists from being compelled to sign disadvantageous contracts. Also still to be addressed is the issue of unjust distribution between North and South in the field of world music. Hence, many artists still pursue their careers with great enthusiasm, but hardly see a penny of the money pocketed in their names by the above-named industries.

It's time we finally addressed this issue. Digital music by now plays a significant role in the industry. The process of globalization necessarily leads to the reconsideration of traditional strategies. Since its last round of talks, the WTO has now added the liberalization of cultural goods and services to its agenda, and UNESCO has recognized in its "Convention on the Protection and Promotion of the Diversity of Cultural Expressions" the special necessity to safeguard cultural products due to their dual character as commercial goods and non-material expression of cultural values, enshrining this protection in international law. Worldwide, there is a "Justice in Trade Movement" for many industries, and the idea of fair trade that has been evolving for decades in the agricultural field is today just as universally accepted as the moral and ethical responsibility involved in managing business enterprises, articulated as Corporate Social Responsibility. It is time to call into question the distortion of the market caused by outsized marketing investments for just a few entertainment industry products, to the detriment of cultural diversity. It is time to question why the rich cultural traditions of southern countries can only be conveyed to the ears of deep-pocketed listeners in the North by way of Western-dominated music companies. It is time to ask why copyright systems are designed to make it even harder for countries in the South to access cultural goods and services than it already is under prevailing economic conditions. It is time to analyze where the considerable sums circulating on the worldwide music media market are actually ending up, and how many creative talents really profit from this windfall, and in which countries. And it is time to finally give politically aware consumers the opportunity to obtain information on these issues—issues that are negotiated outside the visible field of traditional music media.

The "fair music Initiative" was launched in Austria by "mica—music austria," a non-profit organization founded by the Republic of Austria to promote better exposure of, and better access to, music from Austria. In the last few years, the music sector has been able to recruit a whole series of international NGOs and umbrella organizations in civil society to join in a campaign for cultural diversity and more fairness in the music business. Transnational culture agencies as well, such as UNESCO or the European Union as financing partner during Mozart Year 2006, contribute to this nascent alliance, which has the aim of strengthening the position of the artists and music fans in order to foster cultural diversity in the present-day modernization processes. What might sound abstract is actually very closely tied to the music itself. The theme of fairness and justice forms a thread running through the musical history of the 20th century. The emancipation of black musicians through jazz and blues, the positioning of many rock bands in the alternatives "indy versus major," punk, hippie, techno—a key characteristic of all these pop-culture manifestations is a close connection between production conditions and musical expression. As a fan, I would even go so far as to say that I have rarely heard good music that does not deliberately tackle this issue. Fairness and justice go both ways here: as a listener I have the right to fair treatment of the artists that I value, and also the duty to behave fairly myself. With the steady series of legitimate offerings becoming available on the Internet, the excuses for free downloads against the will of the artists are becoming increasingly tenuous.

What will be the next steps taken by the "fair music Initiative"? In order to bring the questions being addressed by a small circle of experts out into the broader public, an online platform was



Fair Music Initiative of Mica-Music Austria

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launched to put up for discussion ideas of what is fair and unfair, case studies, ideas and impulses for action. Anyone can take part here, from fans to music artists to high-ranking politicians. “fair music awards” are bestowed on businesses and initiatives that behave in an exemplary fashion as partners of artists and listeners. Despite many negative examples, many of those in the music business are true music lovers who give their life’s blood for their music and their artists and without whom there would be no chance of musical variety. In “stakeholder consultations,” standards are developed for awarding both music products and sales channels the fair music seal of approval. What’s different here from previous undertakings is that the actual “stakeholders” are able to have their say instead of lobbyists paid large amounts to represent them. Concrete projects that address primarily the inequality in access to markets and cultural goods between the countries in the South and North are the next step.

The debate on the access to music already echoes many of the changes that are making inroads in other cultural arenas. The “fair music Initiative” introduced by “mica—music austria” and its partners can be regarded as a pioneer and pilot of a much more wide-ranging “fair culture Initiative.” UNESCO’s “Convention on the Protection and Promotion of the Diversity of Cultural Expressions” with its focus on the culture industry demands that these views be put into practice. The “fair culture Initiative” sees itself as just such a concrete implementation emerging from the spirit of civil society. We are appealing today to the transnational communities to support and breathe life into this large-scale project. The many people active today in literature and the performing arts, all of us, will need a new “social contract” between artists and the rest of society to pave the way for the knowledge society of the future.

We would welcome any ideas and suggestions you might be able to contribute to the “fair music Initiative” of “mica—music austria”: www.fairmusic.net

Translated from German by Jennifer Taylor-Gaida