

MR. GILBERTO GIL – BRAZILIAN MINISTER OF CULTURE

I ask all of you to allow me to begin my address with an advertisement for myself. Tomorrow I shall be performing here in New York, at Town Hall. It would be nice to meet you there, but it seems that the show is sold out. I don't mention the concert in order to sell tickets, of course. I do it, instead, because it is a special show in my career, and because it has to do with what I would like to talk to you about today.

The concert is a launch party for a novel form of copyright license crafted by the Creative Commons organization. This license allows us musicians and composers to make it explicit to the world – in a manner intelligible to any legal system – that our work, or some of our works, may be sampled in the creation of other artistic works, without the people who sample having to ask us permission or pay anything for the sounds sampled, even if they want to commercially release creations that use elements of **our** own creations.

It sounds complicated but it is not. This licence simply proposes a new way, a much swifter way, of facilitating a practice that already predominates in world popular music since the invention, in this very city, of hip hop. The sampler has become the most powerful engine of the planetary phonographic industry, in nearly all its most innovative styles, from the house music of Chicago to the soundtracks of Hollywood movies.

I am celebrating with Creative Commons tomorrow because I was the first musician in the world to release a song under this licence of theirs. When I learned what Lawrence Lessig and his gang, the Creative Commons team, were proposing to me, I understood it all – including what for many other musicians and artists (and particularly their managers and the companies for which they work), in their zeal to erect increasingly unsurpassable barriers of copyright around their creations, might look like a threat or like the worst sort of subversion – and I couldn't help grinning when I said: "They - Lessig and his crowd – are trying to use us as a laboratory for things they're not able to do in their First World..."

But OK: of course I accept this challenge; I want indeed for the Ministry of Culture of Brazil to be a laboratory for new ideas, capable of inventing new procedures for the world's creative industries, and capable of proposing suggestions aimed at overcoming the present dead ends – I did indeed think that my country should dare and not wait for solutions to come from outside, from societies that would tell us Brazilians which path should be followed for our development, as if our future could only be our becoming a nation such as the ones that exist here or in Europe.

Creative Commons can't know if the idea of this licence will work; we can't either, but what is the cost of trying? The unique partnership between North and South that this project represents was, in itself, enough to encourage me to go forward. The licence was developed by Brazilian lawyers from the Getúlio Vargas Foundation, and it was christened Recombo, in tribute to the Brazilian musical collective re:combo, which makes available all its sounds on the INTERNET for those who want to create other

musical compositions, with the single obligation of also leaving their productions open for new re-creations, and so forth, endlessly.

My path to tomorrow's show was not an easy one. My first idea was to licence three of my greatest hits: "Refazenda," "Refavela," and "Realce." These are three songs whose titles begin with the prefix *Re* – to introduce the idea of the permanent transformation of everything that exists, of the uninterrupted re-making that produces culture, life, and the world. Warner Music, owner of the company that published these songs wouldn't let me go ahead. I thought Warner was making a mistake, even in capitalistic terms. With the sampler, many more people started producing good music, and therefore many more good properties are now available to be sold by recording companies.

But I didn't want to argue, nor did I want to explain my standpoint. There is a time for everything. I don't think recording companies are ready to understand samplers, or Napsters, now. I went and found some songs of mine that belonged to my own recording company [OR 'MY OWN PUBLISHING COMPANY'?] and I decided on "Oslodum," whose lyrics celebrate and encourage the appropriation of Brazilian culture by all the world's peoples, praising the beauty of an Afro-Brazilian Bahia street-carnival group that parades every year on the streets of Oslo, on Mardi Gras, even when it snows. If I have fed so much on the cultures of others and it has been so important for my art, why shouldn't others also propose new uses for what we create in Brazil?

I know that this ravenousness, what Poet Oswald de Andrade so cheerily and violently termed cultural cannibalism, or *anthropophagism*, is not only a Brazilian characteristic, but something we share with all other Latin-American peoples, which includes our foundational enthusiasm for miscegenation, for what is hybrid, trans-cultural, Creole, mestizo, and so many other terms we minted to speak of this aptitude of ours for mixture.

I could quote here so many authors, with quite different ideological positions, from Fernando Ortiz to Carlos Fuentes, going through Angel Rama, Alberto Fuguet or Nestor Garcia Canclini, to prove as well our diversity in this conceptual territory. But I would like, for the time being, to keep on talking about music, and that is why I'm going to mention the Mexican band Café Tacuba, which seems to me (perhaps they will not even like the comparison) to be the embodiment of tropicalismo's best tenets. Far more radical than I was with *Refazenda-Refavela-Realce*, Café Tacuba released an album called simply *Re* (what could be more straightforward?) which displays on the cover the motto "*repetición, reiteración, reciclaje, resistencia*" (it could also be the motto of the Creative Commons recomb licence) and includes the song "El Ciclón," which I hope to sample one day (though that may be difficult, for the song belongs to the same company that controls the rights to *Refazenda*, etc.). Its lyrics begin as follows:

Yo ® (in the song this symbol is sung as "arrow") *flor, polen ® abeja, oso, pez ®
agua sube nube, llueve, árbol ® oxígeno ® pulmón*

And the refrain makes explicit the philosophy of the album:

Gira y da vueltas y rueda girando, gira y da vueltas y rueda y rueda. Quiero hacerla un cuadrado, deformatla en un triángulo pero la vida siempre vuelve a su forma circular.^{T.N.}

It would be a good refrain for a samba! Pity the album was never released in Brazil... We Latin-Americans are very aloof from one another. Brazil is even more closed to Spanish-speaking countries than the remainder of Latin America is to Brazilian culture. This, I repeat, is a great pity. Together we might become the most powerful laboratory of cultural mixture – of *mestizaje cultural* – in the world. Isolated one from the other we may no longer be able to achieve that, since there is an increasing international tendency towards a multi-cultural style that hinders mixture, trying to reinforce borders as a strategy for the preservation of differences.

It remains to be explained how the digital issue can be the most powerful weapon to defend our mestizo way of life and a style of development, uniquely our own, that we might propose to the rest of the world. Am I speaking on behalf of an outdated utopia? I don't think so: whenever I think of the development of digital culture, the more I'm sure that Latin America may avail itself of our contemporary moment, so rich in suggestions for pathways to transformation, to tell the world (paraphrasing the great Bahian songwriter Dorival Caymi) *o que é que o continente tem* – to show the world what our continent has got.

A global movement has risen up in affirmation of digital culture. This movement bears the banners of free software and digital inclusion, as well as the banner of the endless expansion of the circulation of information and creation, and it is the perfect model for a Latin-American developmentalist cultural policy (other developments are possible) of the most anti-xenophobic, anti-authoritarian, anti-bureaucratising, anti-centralising, and for this very reason profoundly democratic and transformative sort.

It is a matter of asserting or not asserting Latin America's capability to be a creative territory, a producer and disseminator of its own audiovisual content, following our own various recipes for cultural *anthropophagies* that form networks linking us both to one another and to the rest of the world.

As Colombian anthropologist Ana María Ochoa Gautier, currently a professor at Columbia University, here in New York, aptly shows in her very interesting ethnography of the Colombian Ministry of Culture in the 1990s: Diversity can not be turned into a spectacle of differences that must exist isolated from one another. If we have differences (and if we want to remain different) it is so that we can exchange among ourselves what makes us different, so that we can surprise each other, so that, through exchanges, we can quicken even more the pace of our cultural lives, producing more differences – and not so that we become hostages of our own identities, understood as museum pieces or as dances for days devoted to the “redemption” (sic) of folklore.

^{T.N.} “I @ flower, pollen @ bee, bear, fish @ water climbs into clouds, it rains, tree @ oxygen @ lung”. ... It turns and revolves and revolves turning, it turns and goes around and revolves and revolves. I want to turn it into a square, to deform it into a triangle, but life always goes back to its circular form”

It is a matter, then, of knowing whether we want or don't want to construct our own images, invent our own new differences, building upon the incredible cultural and natural diversity of this continent, of this place of ours in the World, always interacting, hungrily, with what comes from outside, as well as with what we want to sell to outsiders.

It is a matter, therefore, of knowing whether we want or don't want to create more jobs and generate more income by means of a free, creative, intelligent, sustainable, and clean industry.

These new creative, mestizo [OR 'HYBRID'?] industries have to be flexible and dynamic; they have to be negotiated and re-negotiated, so that they may contemplate the richness, the complexity, the dynamism and the speed of reality itself and of society itself, without becoming impositions.

Industries like these will be able to fight the fascisms so well known in the history, often recent, of each of our countries – the fascism of social exclusion, the fascism of obscurantism, the fascism of the hegemony of one culture, and of its cultural goods, services and values, over the other cultures that make up the great common heritage of humankind. I also speak of State fascism, of the fascism of large corporations and of the fascism of the media; all equally dangerous, equally authoritarian, because they rest upon an immoderate, immeasurable power that places itself above society and above democracy.

I think that the most important political battle that is being fought today in the technological, economic, social and cultural fields has to do with free software and with the method digital freedom has put in place for the production of shared knowledge. This battle may even signify a change in subjectivity, with critical consequences for the very concept of civilisation we shall be using in the near future.

And let me add: The most interesting feature of all this is that this movement emerged from society, and not from corporations, from political parties, from institutions, from traditional modes of representation or organization – and that this implies a deep structural change, not only of content, but of form, of processes, reflected in the things we say, the things we propose, as well as in the way we say those things and the way we propose.

We already have in Brazil, in Ecuador, in Mexico, in Venezuela, in the Dominican Republic, among several other countries, a vast cumulative experience in the field of free software and of digital inclusion (there are 2.600 community tele-centres registered in the Latin-American somos@telecentros network), with hundreds of projects, prototypes, and a profound level of academic thinking, and this broad mobilisation of people, of intelligences, of creativities, now flows full force into the Brazilian Government itself, a government that has taken up the cause and made digital culture one of its strategic public policies.

The initiatives of society itself, of the non-governmental organisations that are driving

forces of the movement, have also attained a new, more mature, more consistent level. It is with optimism and joy that we should greet these initiatives and experiments in digital inclusion and free software, as well as the ongoing debate on the impact of digital culture on copyrights, with its proposals for new forms of content licensing and management – of which the Creative Commons recombo licence is an example – opening entirely new and oxygenated perspectives on themes formerly held captive by the various orthodoxies of the analog.

The Governments of Latin America can and should avail themselves of this favourable moment, in which an increasing number of people are joining the movement, to take concrete, objective steps toward real digital inclusion, which doesn't mean manpower training or creation, but rather the valorisation of citizenship, of people's capacity for self-determination, of autonomy and the quest for knowledge and information.

The issue of free software is also an issue of collective and therefore national sovereignty. It is fundamentally a cultural issue, and for this reason it has to do with the sorts of nations we are building for ourselves, with our autonomy and with our capability to respect differences, whether as individuals or as social groups, as a national society and as a global society.

If Latin America has the courage – and this courage is proving itself, despite all obstacles – then it has the chance to undertake a major campaign, a vast, trans-national mobilisation in favour of digital freedom, thus becoming a worldwide point of reference in the struggle for free software.

Sooner or later, all other governments and all societies will have to face the issues we approach here. We are on the frontline and should be proud of it.

We need, for instance, to get behind Latin America as a center for the creation and development of new programmes, new forms of licensing and managing content, new modes of access to content, putting our creativity to the task of nurturing a free-software production hub capable of globalizing, in the positive sense, our liberating attitudes and conquests.

I would like to go back to one of my first addresses in my capacity as a Government Minister, when I said the Ministry of Culture would be the venue for experimentation with new paths, the territory of popular creativity and innovative languages, a platform – a stage – of readiness for adventure and challenge. (Tomorrow's show is the proof that I didn't forsake this ideal.)

I also said that new and old traditions, local and global signs, languages from all quarters are welcome in this anthropological short-circuit. Culture is to be found, and contemplated, in precisely this playful, permanent dialectic between tradition and invention, in the intersections of often ancient foundations and state-of-the-art technologies, in the three basic dimensions of its existence: the symbolic dimension, the dimension of citizenship, and the economic dimension.

Working with digital culture concretizes this philosophy, which makes room for redefining the form and the content of cultural policies and turns the Ministry of Culture into the Ministry of Liberty, of Creativity, of Daring, of the Contemporary, into the Ministry, in sum, of Digital Culture and of Creative Industries. Digital culture is a new concept. It starts from the idea that the revolution of digital technologies is essentially cultural, the implication being that the use of digital technology changes behaviours. The full use of the INTERNET and of free software creates fantastic possibilities for democratising the forms of access to information and to knowledge, for maximising the potentialities of cultural goods and services, for expanding the values that make up our common repository, and therefore our culture, and also for multiplying cultural production, even creating new forms of art.

Technology has always been a tool of social inclusion, but now this acquires a new profile, no longer merely as incorporation into markets, but as incorporation into citizenship as well, granting access to information and reducing the costs of multimedia through new instruments that increase the creative potential of citizens. We have to invent new uses for the web and to encourage creative co-operation through the web. For example, it is an urgent necessity to produce Latin- American on-line electronic games. Our youngsters already spend a good part of their lives playing on servers located outside of our countries. We cannot become mere consumers of other people's electronic amusements.

We are citizens and consumers, transmitters and receivers of knowledge and information. We are beings at once autonomous and connected to networks, which are the new form of community. The progress of digital technology brought about the convergence of technologies, which allows, for instance, a mobile phone, a "miracle" in itself, to be at the same time a photo and video camera, a pocket computer with access to the INTERNET, a television transmitter and receiver and a console of games played by multitudes worldwide. A cell phone already is a multimedia headquarters. An individual having a mobile phone can be a reporter, producing content that can be broadcast from his or her cell phone.

Programmes of digital culture are aimed at the full use of the new opportunities for digital inclusion by the strata of the population thus far excluded. It is about cultural inclusion beyond mere computer literacy.

The Brazilian Ministry of Culture endeavours to ensure, by means of its policies, the strategic recognition of access to digital culture. We are developing projects that offer possibilities of universal access to information and to knowledge through the full use of digital networks.

In addition to the dimension of access, our projects intend to put in place conditions for the adaptation of digital technologies as tools for an interactive and collaborative cultural production. You certainly know, but it is always worth highlighting: there is a community,

a shared culture, of programmers and thinkers, the history of which goes back to the first experiments with mini-computers.

Those who participate in this culture gave birth to the expression "hacker". Hackers built the INTERNET. Hackers devised and make the World Wide Web. The hacker mentality is not restricted to this culture of software hackers.

There are people who apply the hacker attitude (the new name for cultural cannibalism?) to other things, such as electronics, music and social sciences. As a matter of fact, one can find it at the highest levels of any science or art. Software hackers recognise kindred spirits in other places and people, and are known to call them "hackers" too. The hacker nature is independent of the medium in which the hacker works, but the origin of the hacker movement is software hacking, and so are the traditions of shared culture, which is the philosophical essence of "hacker" ethics.

There is another group of people who call themselves hackers but are no such thing. These are people who amuse themselves invading computers and defrauding the telephone system. Real hackers call these people "crackers". Real hackers believe crackers to be lazy, irresponsible and not very smart. The claim that being able to break security systems makes someone a "hacker" is like saying that being able to hot-wire a car makes someone a mechanical engineer.

The basic difference is this: hackers build things; crackers destroy things. Hackers solve problems and share knowledge and information. They believe in freedom and in voluntary mutual help, to the extent that it is nearly a moral duty to share information, to solve problems and then provide the solutions so that other people can solve new problems.

Here I go back to the four freedoms preached by the GNU/Linux philosophy, the ideological cornerstone of free software [OR SIMPLY 'PREACHED BY RICHARD STALLMAN, THE FOUNDING FATHER OF THE FREE-SOFTWARE MOVEMENT'? 'GNU/LINUX' IS PROBABLY AN OBSCURE REFERENCE FOR YOUR AUDIENCE, NO?]:

- Freedom 0: the Freedom to run a programme for any purpose.
- Freedom 1: the Freedom to study um programme, and adapt it to new needs.
- Freedom 2: the Freedom to redistribute copies and thus help partners and neighbours.
- Freedom 3: the Freedom to improve programmes and to share innovations with the community.

I, Gilberto Gil, Brazilian citizen and citizen of the World, Minister of Culture of Brazil, work with music, at the Ministry, and in all dimensions of my life under the inspiration of the hacker ethic – and concerned with the issues my world and my time present me, such as the issue of digital inclusion, the issue of free software and the issue of

regulation and development of the production and dissemination of audiovisual content, by any means, for any purpose.

Even faced with the momentary incomprehensions that are the inevitable lot of innovations, of attitudes and proposals that are not so much ahead of their time as in tune with it, the Ministry of Culture and I will maintain our public commitment to the questions we and many Brazilian citizens deem strategic and definitive of how our present is and how our future will be.

And we shall follow this path, always ready to transform it as we tread it, always ready to discuss, negotiate, change and mediate everything we may do, because life in society is like that, ever since the world began, and so must politics be. Therefore, I hope to enter into partnerships and networks with other Latin-American governments.

Even though the cultural milieu is among those most affected by everything technology has brought about in the last years, policies for the cultural domain don't even come close to keeping up with this movement.

Today, for instance, audiovisual production already finds itself immersed in an inexorable digital reality. The same applies to musical production. In the digital world, reproducing, plagiarising, recycling ideas and works, the management of rights, all this is mixed and at the same time feeds new creative cycles, and there has not, to date, been any appropriate regulatory response. Developing such responses is the *raison d'être* of the Ministry of Culture [?], and that is why we are trying to do what we are trying to do.

The digital reality responds to a major change in paradigms, to a very broad cultural change. Networking, connecting and sharing are characteristics of this new moment in several domains, and not only in communication technology.

Great artists, like great scientists are extreme examples of the transformative power of individual acts of creation and invention. Such acts are interventions that astonish society's analysts, that subvert their economic, political or historical models and introduce, using their lexicon, "exogenous variables" without which the zigzags of the human saga become incomprehensible.

It is within the universe of culture, after all, that we find the strategic elements necessary for understanding the movement of societies, for re-considering the relationships among people, for the growth and the place in time and in space of each of us, and also for the projection of new utopias. I am speaking here of culture not only as the sum of a society's artistic expressions, but as the whole of its material and symbolic heritage, the heritage of its social groups and individuals as well, in all its multiple expressions: I speak of culture as symbolism, as citizenship, and as economy.

And digital culture multiplies all this, pointing toward a degree of development unheard of for humankind. Thus, when speaking of culture and development, the most important

presupposition is that development itself is a concept that comes to being within a given cultural environment and that changes as time goes by, being, *ergo*, necessarily cultural. "Decipher me or I devour you," the imaginary sphinx of Culture would say to an economist or to a politician. If we don't take culture into account when we think through our plans for development, we risk losing sight of the guiding star, busy as we will be with the pebbles on the road. Just as development is cultural, culture is perhaps the most important of its dimensions, providing ruler and compass to its motive forces.

Culture and development are concepts and processes that are naturally intertwined and shared. We can not conceive of development that is not cultural, just as well as we can not conceive of development that is not shared.

Shared by the United States of America and Latin America, by those included and by those excluded, by core regions and peripheral regions. Shared, so that these terms may lose some day their current sociological sense. Shared too, as a responsibility, by governments and societies, institutions and individuals.

The Universal Declaration of Human Rights clearly defines cultural rights as among the fundamental human rights, of which we are the guardians. It also includes the right to development. The Universal Declaration thus recognizes, at a global level, that each society, social group and individual has a unique cultural heritage, which reflects an individual system of values and an individual way of life, and through which their identities are defined.

It also recognizes that cultural identities exist in dialogue with one another and depend upon this dialogue for their survival. It recognizes that the promotion of cultural identity and diversity and of the tolerant coexistence among societies, social groups and individuals is crucial for democracy and figures among the basic duties of governments. It recognizes, furthermore, that culture is at the same time one of the dimensions of human development, its starting point and its point of arrival. This means, ultimately, that economic growth and trade must be sustainable not only from the environmental but from the cultural point of view.

Currently the creative industries represent, not only for Brazil but for many developing countries, the heart of their chances to succeed in a globalized world. Many people are astonished to read in UN publications that the global market value of creative industries will reach the amount of one trillion three hundred billion dollars as early as the year 2005.

The industries of music, of audiovisual, of design, of publications, of the WEB, of software, of photography, of cultural content in all its various forms -- of entertainment, in sum -- become crucial in several emergent countries that become producers, and not only consumers, of symbolic goods and creative materials.

The great economist Celso Furtado, ex-Minister of Culture of Brazil, used to say that development requires invention and is cultural action. All innovations are cultural. All

knowledge, which is the key to the contemporary economy, able to transform processes and to add value to market goods, re-inventing their uses and customs, is also cultural.

The concern with digital inclusion, for instance, is something that is always on our horizon of action. At the Ministry of Culture we see the INTERNET as a paradigm to be pursued in the understanding of digital culture; broadband as a public policy to be implemented, and, ultimately, interactivity as a necessary condition for all cultural activities.

All this translates into, for example, the creation of multimedia studios throughout Brazil, the starting point [?] of digital inclusion from the cultural point of view -- and one of the programmes of my Ministry. The new approach to digital reality implies that the centre of the world is no longer geographical. Digital globalisation is inclusive.

Another challenge posed by the inexorable reality of the digital is the problem of intellectual property. Being an artist I feel in my skin both the advantages and disadvantages of creation in a world in which digital technology makes copying so easy.

In Brazil, unlicensed copies of my records can be had for R\$5 on any street corner, or for free on the INTERNET. The good side of this is the borderless diffusion and the possibility of creative works that re-invent the original work. The bad side is that someone other than the artist or the supply chain may be making a lot of money, not to mention the aggravating criminal circumstances that a clandestine industry can entail.

The challenge is to resolve the question of author's rights without holding back the process of sharing, exchange, and artistic evolution associated with digital media. How will the industry of music or, increasingly, the film and television industries, survive in the light of the digital reality? Progress in the distribution of cultural goods through digital media is inexorable. What's more, we're not just talking about copying here, but about a sort of cloning, since there is no loss of quality.

To call this a step backward is to limit oneself from the commercial point of view to an analog language. The positive side to all this is universality, the possibility that things get known and played ['EXCHANGED'? TROCADAS OR TOCADAS?] without borders. The crux of the matter is how people and corporations will live within this new reality. It is an issue that still deserves deep thinking and for which there are no ready-made answers.

But there are pathways, such as Creative Commons, created by people like Lawrence Lessig, an outstanding American legal scholar from Stanford University, who recognized early on the problem of copyrights. Lessig's motivation comes from the nearly irrational movement one witnesses in the United States toward, for instance, patenting genetic sequences that are inside all human beings. Or suing films because in the background of a scene there appeared a piece of garment that might have been inspired by an item of someone else designed.

Or suing sixty-year-old ladies because they downloaded unauthorized copies of Doris Day songs.

Copyright today has become an absolute restriction. In the Creative Commons model, which the Brazilian Ministry of Culture fully supports -- as once again my show tomorrow at the Town Hall will prove -- you, as a creator, have the possibility to liberating some rights to your creative work, or all of them, in addition to the possibility of managing the licences you adopt.

This is just an example of what we are thinking and doing right now, whether in our little hacker chat room [?], whether at the Ministry of Culture as a whole or within the government itself, because all this represents a government concern, a priority of President Lula's Government and of my administration.

The French economist Ignacy Sachs has said that, of all wastes, the most serious one is the waste of human life, because it is irrecoverable: you cannot stock human life; it flows. I specifically refer to the waste of human subjectivity. It is important that we be able to re-orient our actions and policies, in civil society and within the State, toward strengthening the development not only of what Marxist literature termed "productive forces", but also of individuals themselves, their intelligence, their creativity, their sensitivity, their capabilities and their possibilities for life in society.

A Latin-American continent concerned with the issues of development and diversity (in other words, concerned with the invention of other possible developments) can decisively contribute to this process by getting involved with the economic dimension of culture and with the cultural dimension of the global economy. We can turn our Continent into a factory of cultural creativity. The production of knowledge, of comprehensive knowledge, of complex knowledge, able to deal with the multiplicity, the fragmentation and the inconsistencies of reality, this is the basis on which to climb to a new threshold, to elaborate a plan for the world that incorporates both traditional planning and management through flow, the management of demands, of what is imponderable, of surprises, what the great samba writer Cartola would call "the sudden turns life takes" or what Café Tacuba call El Ciclón, things that are often intangible, often impossible to plan, yet fundamental. For I am optimistic: no matter how hard fascisms try to make the World square, life comes along and rounds everything up once again. The world keeps going around, taking its turns, just as the circle of the Chinese yin and yang teaches us.

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