

Prof. Dr. Rainer Kuhlen

Department of Computer and Information Science at the University of Konstanz,
Germany

URL: www.kuhlen.name; Email: rainer.kuhlen@uni-konstanz.de

Member of the German Commission for the UNESCO; Member of the Committee for
Communication and Information; UNESCO Chair for Communication in Germany

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Connection between cultural heritage and open access

The Convention emphasizes repeatedly the importance of free flow of information, prominently in the preamble:

“Being aware that cultural diversity is strengthened by the free flow of ideas, and that it is nurtured by constant exchanges and interaction between cultures” and again in Art. 2, No.1: “Cultural diversity can be protected and promoted only if human rights and fundamental freedoms, such as freedom of expression, information and communication, as well as the ability of individuals to choose cultural expressions, are guaranteed ...”

To achieve this goal of free exchange, measure 1, e art. 6 is particularly important:

“measures aimed at encouraging non-profit organizations, as well as public and private institutions and artists and other cultural professionals, to develop and promote the free exchange and circulation of ideas, cultural expressions and cultural activities, goods and services, and to stimulate both the creative and entrepreneurial spirit in their activities”

We would like to support any means to achieve this goal. We believe that this can be fostered by combining the concepts of freedom and free with the concepts of openness and open, in particular in combination with access. Whereas “access” is intensively used in the Convention, “open” or “openness” is mentioned only a few times and if so, not in the specific way which is closely related to the concept of open access.

There are many good reasons to assume that following the widely accepted principles of open access is an appropriate means for making the cultural heritage, both of the past and the present, publicly available. Cultural diversity is not a means in itself, but produce societal value only if all citizens can access cultural workin as

free and unrestricted a way as possible, while at the same time respecting intellectual property rights.

Open access is a world-wide broadly accepted principle for the free exchange of knowledge of all kind. In Germany, open access has won public attention because of the Berlin Declaration, which has been signed, among many other national and international institutions and individuals, by the German members of the so-called Alliance of science organizations: Fraunhofer-Gesellschaft, Hochschulrektorenkonferenz, Leibniz-Gemeinschaft, Deutsche Forschungsgemeinschaft, Max-Planck-Gesellschaft, Helmholtz-Gemeinschaft Deutscher Forschungszentren, Wissenschaftsrat.

In the follow-up conferences to the Berlin Declaration, these organizations, highly influential in scientific and cultural life in Germany, have expressed their desire to encourage and indeed, if possible, to require everyone in science and culture to make their knowledge and their cultural products openly accessible to everyone – “open” in the open access paradigm meaning free, unrestricted, also free of cost.

Although open access is of particular relevance for the dissemination of knowledge in science, the Berlin Declaration is not restricted to scientific knowledge, but embraces cultural products in general:

“The Internet has fundamentally changed the practical and economic realities of distributing scientific knowledge and cultural heritage. For the first time ever, the Internet now offers the chance to constitute a global and interactive representation of human knowledge, including cultural heritage and the guarantee of worldwide access“ (Preface of the Berlin Declaration 2003¹).

In order to facilitate gradual transition to a society where access to the world cultural heritage in the open access paradigm can be provided for everyone, the Berlin Declaration (and its signees) recommends encouraging

“the holders of cultural heritage to support open access by providing their resources on the Internet”.

The close connection between open access and cultural heritage is stressed even more by the European Cultural Heritage Online (ECHO) initiative, funded by the EU Commission within the Fifth Framework Program of the EU. Its objective is to develop an open-access infrastructure which will bring essential cultural heritage online. The main objectives of ECHO are outlined in the “Charter of Echo”²:

“ECHO shall undertake all efforts to make cultural heritage accessible and understandable to the general public across national, cultural, and linguistic barriers. All ECHO content shall be made freely available on the Internet in the most technically adequate and feasible way possible. ... ECHO shall support the preservation, exploration, and dissemination of content belonging to shared

¹ <http://oa.mpg.de/openaccess-berlin/berlindeclaration.html>

² <http://echo.mpiwg-berlin.mpg.de/home/documents/charter>

cultural heritage. ... ECHO does not support work on content which, due to property right restrictions, cannot be made freely available on the Internet.”

In Germany, the Max-Planck-Institut für Wissenschaftsgeschichte (Prof. Renn) is a project partner in ECHO³, which supports open access. Prof. Renn:

“The resources of our cultural heritage need to be made publicly openly available”⁴.

Finally, it should be mentioned that the open-access principle is also included in the „Declaration of Principles - Building the Information Society: a global challenge in the new Millennium“ and also in the Plan of Action of the UN-World Summit on the Information Society (WSIS I 2003 in Geneva, WSIS II 2005 in Tunis). The Declaration of Principles and the Plan of Action were signed unanimously by all governments which took part in the WSIS, Germany included.

„We strive to promote universal access with equal opportunities for all to scientific knowledge and the creation and dissemination of scientific and technical information, including open access initiatives for scientific publishing“ - „Encourage initiatives to facilitate access, including free and affordable access to open access journals and books, and open archives for scientific information“ (WSIS Plan of Action, C3)⁵.

Conclusion

Although the Convention seems to be fully compatible with the general principles of open access, it would be helpful if the connection between preserving and furthering our cultural heritage and the means of achieving these goals could be made more explicit in the follow-up process of implementing the Convention by making open access the default principle for cultural goods in general.

We are fully aware that many cultural goods are available as commercial products on international information and culture markets and that these products are often protected under existing copyright regulations. Therefore, if open access cannot be directly applied to the publication of cultural goods – which should be encouraged (and perhaps even made obligatory) for the production of such goods in publicly financed institutions and by publicly financed people – it is the obligation of our governments to provide open access to cultural goods for everyone through public institutions such as museums, archives, and libraries and to provide these institutions with the appropriate resources to cover the costs for buying or licencing commercial cultural products of any kind. It is not acceptable for the public to be excluded from enjoying the rich cultural heritage of our past and present through restrictive usage costs or prohibitive technical protection such as digital rights management.

³ <http://www.mpiwg-berlin.mpg.de/en/index.html>

⁴ Source: Statement Prof. Renn in: Deutschlandradio/Kultur - http://ondemand-mp3.dradio.de/podcast/2007/02/03/dkultur_200702031630.mp3

⁵ Cf. <http://www.itu.int/wsis/index.html>

Finally, the public has become increasingly aware that our cultural heritage is in danger of being irrecoverably lost in particular when represented in digital form. Also in the Berlin Declaration, open access is irrevocably connected with the preservation and long-term archiving of cultural objects. Market mechanisms are not likely to be compatible with achieving these archival and preservation goals, although commercial providers of cultural goods are, of course, welcome partners in long-term archiving projects. But long-term archiving is primarily a public duty. Therefore publicly financed institutions which commit themselves to the principles of open access must be provided with the necessary means to carry out this important public task.