

**DOCUMENT PREPARED BY THE INTERNATIONAL FEDERATION OF COALITIONS FOR
CULTURAL DIVERSITY**

**Proposed Revision of the Operational Guidelines for the Implementation of the
Convention in the Digital Environment**

The [International Federation of Coalitions for Cultural Diversity](#) (IFCCD) wishes to reiterate its strong commitment to UNESCO's work related to the implementation of the 2005 Convention in the digital environment. Beyond the initiatives carried out with the coalitions it brings together, the IFCCD continues its ongoing work in collaboration with cultural organizations worldwide, with a view to ensuring the protection and promotion of the diversity of cultural expressions in international fora and within the instruments developed therein.

The IFCCD would like to express its appreciation for the opportunity to contribute, alongside the Parties to the Convention, to the consultation process on the proposed revision of the Operational Guidelines on the implementation of the Convention in the digital environment, presented in the annex to document DCE/26/19.IGC/7.b Rev. This process reflects the fundamental role recognized for civil society in the implementation of the Convention.

The rise of digital technologies, generative artificial intelligence (AI), and online platforms is profoundly transforming the conditions for the creation and circulation of works, posing serious challenges to the diversity of cultural expressions. In this context, civil society plays an essential role in defending the Convention's founding principles in light of contemporary challenges, drawing on the realities expressed by artists and other cultural professionals on the ground.

As you are aware, recent developments in AI, particularly generative AI, are raising major concerns among artists and cultural professionals worldwide. In this regard, the latest edition of the Global Report Re|Shaping Policies for Creativity indicates that 79% of creators perceive AI as a threat to their livelihoods, notably due to the unauthorized use of copyright-protected content and the potential devaluation of human creativity. Furthermore, the harmful effects of the rapid and insufficiently regulated development of generative AI, such as increased job precarity, lack of respect for intellectual property, and absence of remuneration, are also being highlighted. These findings illustrate the scale of the ongoing transformations and their impacts on cultural ecosystems, which may weaken creative capacity and ultimately undermine the diversity of cultural expressions.

The operational guidelines include several positive elements. However, we wish to emphasize certain aspects that could be improved to enable this essential document to fully fulfill its mission: promoting human creativity in the age of generative AI.

We present below the key principles that guide our comments regarding the Proposal for the Revision of the Operational Guidelines (OGs) on the Implementation of the Convention in the Digital Environment:

- The ART principles (Authorization, Remuneration, and Transparency) must be fully integrated into the OGs. We also wish to be reassured that "cultural expressions" explicitly include intellectual property rights, which are expressly recognized in the preamble of the 2005 Convention as essential to supporting those who engage in

human creativity, including copyright and related rights, the protection of which must be ensured by UNESCO Member States under the final Mondiacult 2025 document.

- The OGs should be technologically neutral and aim to foster the flourishing of human creativity in a context where artificial intelligence (AI) is present. These OGs are useful insofar as they seek to defend and promote human creation in the AI environment, **and not to encourage the use of AI tools, which are already developing. However, the document presents several guidelines rooted in a stance that encourages adoption.**
- Principle 1.2, which enshrines a “right to use AI” in artistic creation, appears to be a misinterpretation in a text aimed at implementing the Convention in the digital environment, whose purpose is to protect artists, strengthen cultural diversity, and regulate the use of generative AI. Given the numerous issues raised, we suggest deleting principle 1.2 in its entirety.
- The OGs should not include measures endorsing the replacement of creative professions by generative AI.
- The concept of “ethical” or “responsible” AI, even based on UNESCO’s 2021 Recommendation on the Ethics of AI and the Outcome Document Mondiacult 2025, is not adequately defined and does not constitute a sufficient guarantee to authorize certain uses.
- We encourage the use of **defined and consistent** terminology throughout the document. For example, mentions of value chain, training, collection, etc.—we believe that the term “AI lifecycle,” in line with the 2021 Recommendation and the Council of Europe’s Framework Convention on Artificial Intelligence and Human Rights, Democracy, and the Rule of Law, would make the document clearer and more coherent. Similarly, the distinctions between terms such as “creators,” “cultural actors,” “actors in the cultural sector,” “creative ecosystem,” or “AI actors,” “local technology actors” should be clarified. Finally, we note that at times the document refers to using “AI tools,” other times to “AI systems,” or simply “using AI.” We also note that creators increasingly use AI themselves, giving rise to “hybrid” works that combine human creativity and AI intervention, though not all works are hybrid at present. It is up to creators to use innovative tools such as AI, but its use is not universal.

Priority area 1. Protecting human creativity and the individual

Principle 1.1. Preserving the uniqueness of human creativity

Amended text	Explanations
Parties shall endeavour to preserve the uniqueness of human creativity by adopting measures aimed at: 1.1.1 affirming the need to distinguish between human cultural expressions protected by intellectual property rights, copyright, and related rights,	It seems necessary to us to remove any ambiguity regarding the scope covered by “cultural expressions” in order to ensure that works protected by intellectual property are fully included in these OGs.

and synthetic content generated purely by artificial intelligence (AI) systems;	
1.1.2 clarifying the status of synthetic content, which cannot receive the same protection as human cultural expressions; 1.1.2 Affirm that synthetic content cannot and should not receive the same protection as human cultural expressions;	It is not for UNESCO to issue guidelines to clarify the status of synthetic versus human content, nor to label content as “purely,” “exclusively,” “mainly,” or “only” generated by AI systems, nor to define “substantial human involvement” or “significant human creative direction.” We therefore prefer to use the general terms “synthetic content” and “AI-generated content.” It is, however, important for the Parties to assert that content recognized as synthetic should not receive the same protection as human cultural expressions.
1.1.3 implementing public policies to promote human cultural expressions over synthetic content including by reserving public support for works resulting from a human creative process;	The question of how public support is directed must find its place in these operational guidelines, given that threats to creative jobs are already a reality for many creators and are scarcely addressed in the current draft. In this context, reserving public support towards human creation is as much an issue for creative employment and cultural diversity as it is for the legitimacy of public policies.

Principle 1.2. Recognizing the right of creators to use AI, in the name of artistic freedom

Following several consultations with the international civil society and given the many issues raised below regarding Principle 1.2, we suggest deleting it in its entirety.

Should this section be retained, it is recommended to:

- Revise the wording “when expressing their creativity”;
- Link the notion of human cultural expressions to originality;
- Include explicit references to intellectual property;
- Remove references to artistic freedom.

Amended text	Explanations
Parties shall recognize the right of creators to use AI in the creative process in the name of artistic freedom, by taking measures to:	No such right exists under international law, and we do not consider this framework to be the appropriate place to introduce new rights. The establishment of a “right to use AI” in artistic creation appears to be a

	misinterpretation in a protective text, whose objective is to safeguard artists, strengthen cultural diversity, and regulate the use of generative AI. Introducing an article explicitly recognizing a right to use AI in creative processes raises several issues: • It diverts from the very purpose of the text, which should focus on protecting artists and promoting human creation in a technological environment marked by massive asymmetries (models used without consent, unfair competition from synthetic content, weakening of human labor). • It legitimizes AI as a full participant in the creative process, whereas in its current state, AI is merely a generative tool producing outputs based on preexisting corpora, largely derived from copyrighted works. • It creates a risk of legally normalizing the use of AI, which de facto weakens creators, artists, and cultural professionals who choose not to use it or who defend strictly human creation. To ensure artistic freedom, conversely, a right to refuse the use of AI should be granted. The expression recommended by the 2005 Convention is “artists and other cultural professionals.” For the sake of consistency, it would be important to standardize all formulations (the draft operational guidelines also use “creators,” “cultural actors,” and “cultural professionals”).
1.2.1 preserve the status of artists and creators who use AI systems when expressing their creativity;	The intent to automatically preserve author status for individuals using AI (an imprecise term, moreover, since the notion of “tool” is not mentioned) poses a risk of diluting the very concept of authorship, and Article 1.2.1 implies that the use of AI, <u>even in a substantial way</u>, should not call into question the status of author or artist. This provision:

	• Blurs the fundamental distinction between human creation and algorithmic production. • Could open the door to abuses, with content that is mostly or entirely generated being claimed as “works.” • Would create an unfair advantage for economic actors substituting synthetic content for artists.
1.2.2 recall that the use of an AI tool to assist the creator of a cultural expression does not call into question the cultural status of the expressions created;	The openness to possible <u>cultural and economic</u> recognition of works produced with AI represents a significant risk of drift. Article 1.2.2 appears to envisage: • The possibility that a work <u>largely</u> generated by AI could be considered a “cultural work”; • Access to protection under intellectual property rights; • And even access to remuneration or cultural support mechanisms. These points are highly problematic: • Cultural recognition of synthetic works weakens the role of human creators. • Granting intellectual property rights would be contrary to international practices. • The possibility of remuneration would divert public resources intended for human creation. • It would validate the massive and unauthorized capture of protected content. In short, we observe a contradiction between <u>clarifying the status of synthetic content</u> and recognizing the cultural status of AI-assisted works, as well as a contradiction between valuing human expressions and preserving the status of artists using AI. The coherence of principles is essential to protect human works and the rights of creators. Creators are already protected by copyright and can use tools. This provision does not address an existing need but poses several collateral risks.

1.2.3 facilitate creators' access to AI tools.	We express a reservation regarding the inclusion of an objective to facilitate access to AI tools, as this is not aligned with the purpose of the 2005 Convention. As it stands, generative AI tools are owned by private interests, often have the effect of reinforcing homogenization, do not respect intellectual property rights, do not remunerate creators, and dramatically disrupt the value chain in several sectors, threatening to reduce the number of voices heard. We understand that this document includes recommendations to mitigate these effects (and we also have comments in this regard), but it does not seem to us to be the role of UNESCO to encourage the adoption of such measures at this stage.
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Principle 1.3. Strengthening the protection of the moral and material interests of creators

We welcome this principle and hope that it will be highlighted as a priority.

Amended text	Explanations
1.3.1 confirming that any use of a cultural expression protected by copyright and related rights by an AI system constitute an act of exploitation that should be authorized by the creator;	It seems necessary to us to remove any ambiguity regarding the scope covered by “cultural expressions” in order to ensure that works protected by intellectual property are indeed included in these Operational Guidelines.
1.3.3 promoting the individual or collective negotiation of licenses between, on the one hand, the holders of rights related to cultural expressions and, on the other hand, the AI actors;	No rights over cultural expressions are recognized under international law. We therefore suggest broadening this notion to include related rights.

Priority area 2. Inclusion and participation

We recommend **moving this section so that it is presented immediately after Priority Area 3, which addresses transparency and accountability**, in order to ensure that all protective measures (Authorization, Remuneration, Transparency) are clearly and logically stated before addressing the issue of inclusion and participation.

It would also be appropriate to preface this section with a paragraph stipulating that any measure related to inclusion and participation, such as those aimed at reducing bias and

discrimination, must be implemented in accordance with the principles set out in the sections on the protection of human creativity and individuals (Priority Area 1) and on transparency and accountability (Priority Area 3), and must be based on the informed consent of the groups being included.

Principle 2.1. Ensuring fair and inclusive access for cultural actors to data and AI tools

What data is being referred to?

Amended text	Explanations
2.1.1 encouraging ethical practices in the collection, development and annotation of datasets for training AI models throughout the AI systems' lifecycle , which guarantee respect for intellectual property rights, copyright, and related rights, (if the proposed preamble above is not adopted) promote inclusiveness and are representative of a diversity of cultural expressions;	The term "ethical" is not adequately defined and remains abstract. We do not wish for the OGs to limit ethical practices to certain stages of technical processes, such as training, in order to ensure that ethical principles are applied consistently and in respect of copyright and creators' rights, from data collection through to data use and model deployment.
2.1.2 promoting the provision of AI tools that are accessible and adapted to the diversity of actors in the cultural sector, including small and medium-sized enterprises, civil society organizations, minority groups and Indigenous Peoples, while ensuring access to the necessary connectivity and infrastructure and equal access and opportunities for women creators.	We express a reservation regarding the inclusion of an objective to provide and facilitate access to AI tools, as this would not align with the purpose of the 2005 Convention as long as AI systems do not respect intellectual property rights and do not remunerate creators (see our comment on 1.2.3).

Principle 2.2. Promoting linguistic diversity in the development and use of AI systems

Amended text	Explanations
2.2.1 supporting the development of large language models in a plurality of languages, in particular by promoting the creation of high quality data sets in the languages of minority groups and Indigenous Peoples, in partnership with the linguistic communities concerned;	We believe that UNESCO should not encourage Parties to support the development of specific models of private companies operating in oligopolistic contexts, whose business models do not respect the diversity of cultural expressions.
2.2.1 Support the development of initiatives by the public and private sectors, as well as civil society, in a plurality of languages, conditional upon respect for the rights of linguistic communities and based on their free, prior and informed consent, with particular attention to the languages of minority groups and Indigenous peoples;	This wording is not technologically neutral and therefore should not be included in the operational guidelines. If this provision is to be retained, at a minimum the term "large" should be removed and reference made instead to "language models" in their diversity, or more broadly to AI systems, in order to remain neutral with respect to future technological developments and to ensure greater normative durability of the wording

	(What comes after LLMs? The next wave in generative AI TechTarget). Moreover, the consent of linguistic communities is essential, beyond mere partnership.
2.2.2 encouraging collaboration between the research community, the private sector and the linguistic groups concerned in order to develop large language models adapted to their cultures and linguistic specificities; 2.2.2 Encourage collaboration between the research community, the private sector, and the linguistic groups concerned, taking into account their cultures and linguistic specificities;	Once again, the notion of LLMs is not appropriate.
2.2.3 promote an ethical and responsible use of AI for translating, dubbing or subtitling cultural expressions.	This provision promotes the replacement of cultural and creative professions – how could this be ethical? We call for the deletion of this provision, as translation, dubbing, and subtitling of cultural expressions are no less creative professions. Furthermore, respect for intellectual property rights, copyright, and related rights is not mentioned.

Principle 2.3. Supporting the discoverability of national and local **original human cultural expressions, in a plurality of languages and for the benefit of a diversity of audiences**

Amended text	Explanations
2.3.1 ensuring the availability, accessibility, enhancement, recommendation and discoverability of original human national and local cultural expressions, both on platforms that use recommendation algorithms and on conversational tools regardless of the technology;	It would be more appropriate to add the notions of promotion and recommendation to those set out in this point. The reference to original cultural expressions is intended to avoid the promotion of synthetic productions and to recall copyright criteria. This principle is not technologically neutral.

Principle 2.4. Preventing all forms of discrimination and ensuring the ethical use of AI systems in the cultural sector

Amended text	Explanations
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2.4.1 ensuring gender equality through initiatives to reduce gender discrimination in the development, access and use of AI tools and systems in the cultural sector, to mitigate gender bias and all forms of technology facilitated gender-based violence in order to secure safe and inclusive creative environments, provided that these tools respect intellectual property rights, copyright, and related rights;	This provision appears to suggest facilitating access to AI systems, which is not consistent with the objective of cultural protection (see comment 1.2.3).
2.4.2 supporting the fair representation of minority and marginalized groups in the governance of AI systems and in the creation and dissemination of diverse cultural expressions;	We question how AI systems represent minority and marginalized groups. We prefer to refer instead to the “fair representation of minority and marginalized groups in the governance of AI systems.”

Priority area 3. Transparency and accountability

Principle 3.1. Enshrining the principle of transparency

Amended text	Explanations
3.1.1 requiring transparency from AI actors at all stages of the value chain, particularly with regard to the cultural expressions used by AI systems throughout their lifecycle , the recommendation and moderation algorithms and the value-sharing criteria;	This provision is not technologically neutral. We seek to ensure that transparency requirements are applied consistently and in compliance with copyright and related rights.
3.1.2 supporting the development of AI tools to promote transparency, in particular synthetic content recognition tools; (to be moved to Principle 3.2)	We question whether it is the responsibility of the Parties to support the development of these tools. We suggest including this provision under Principle 3.2, “Holding AI actors accountable.”

Principle 3.2. Accountability of AI actors

Intellectual property should not be omitted from this section. We recommend clarifying the notion of cultural actors (creators, authors, etc.) and their rights.

Amended text	Explanations
3.2.5 encourage require AI actors to identify synthetic content that diminishes the quality of information and affects democratic processes.	We find that this issue is addressed too lightly in the document, as it appears only once. The wording is weak (“encourage”).

Priority area 4. Training and awareness raising

Principle 4.1. Strengthening local AI capacities

Amended text	Explanations
Parties shall participate in building local AI capacities particularly to understand the risks related to value distribution when a cultural expression/work is used to train AI systems or its creation is AI-assisted , and undertake in particular to:	We support the benefits that AI can bring to creation, but AI training must also include a preventive component addressing the risks to the diversity of creative and cultural expressions.
4.1.1 set up new training programmes for artists and other cultural professionals, focusing on AI technologies, with a particular emphasis on generative AI, while strengthening their understanding of the risks associated with AI, particularly regarding intellectual property, copyright, and related rights , and ensuring digital training and capacity building for women artists, entrepreneurs and creatives in these fields;	Same as above.

Priority area 5. Sustainable development **and creative jobs**

Principle 5.1. Supporting the viability and resilience of the creative sectors in the AI era

Amended text	Explanations
5.1.1 encouraging policies to safeguard artistic employment and providing support and social protection to people whose jobs have been most affected by the deployment of generative AI;	The stated principle is too timid in light of the disruptions caused by AI. Stronger measures that commit public authorities are needed.

Priority area 6. Cultural exchanges and international cooperation

While preferential treatment is the most binding article in the Convention, this area appears late in the document. It shares points in common with the Inclusion section. We also share similar concerns and recommendations as in the Inclusion section.

Principle 6.1. Introducing AI-related issues into international cooperation initiatives

Amended text	Explanations
6.1.2 supporting the funding, through the International Fund for Cultural Diversity (IFCD), of cultural projects that integrate AI in an ethical and responsible manner;	We oppose this provision. A contrary movement is currently underway in several countries: developing new criteria that favor human creativity in funding programs, for example. The IFCD already has very limited

	funds. As we have mentioned several times in this document, it is not UNESCO's role to hasten the adoption of AI, while in its current form it poses problems for the protection and promotion of the diversity of cultural expressions. We would be open to wording stating that when projects integrating AI are supported through the IFCD, this must be done in an ethical and responsible manner. The expression "the integration of AI in an ethical and responsible manner" is too abstract.
6.1.4 encouraging the inclusion of a diversity of cultural expressions from developing countries in the training datasets of AI systems.	This provision implies a copyright exception for developing countries. We oppose this reference, as it would weaken copyright protection and encourage massive data appropriation (see our comments in Priority Area 2: Inclusion and Participation).