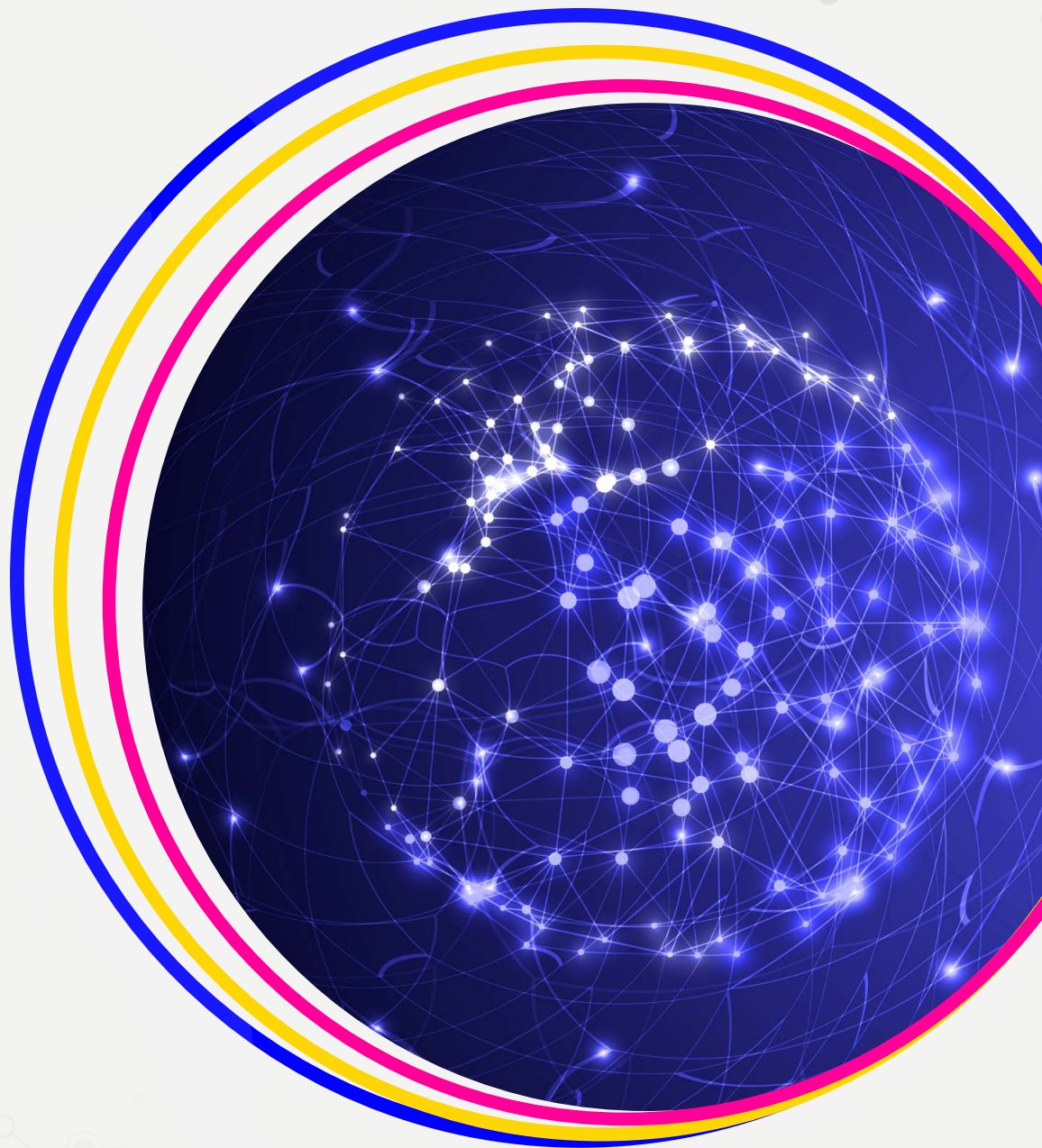# Promoting our Cultures in the Digital Age
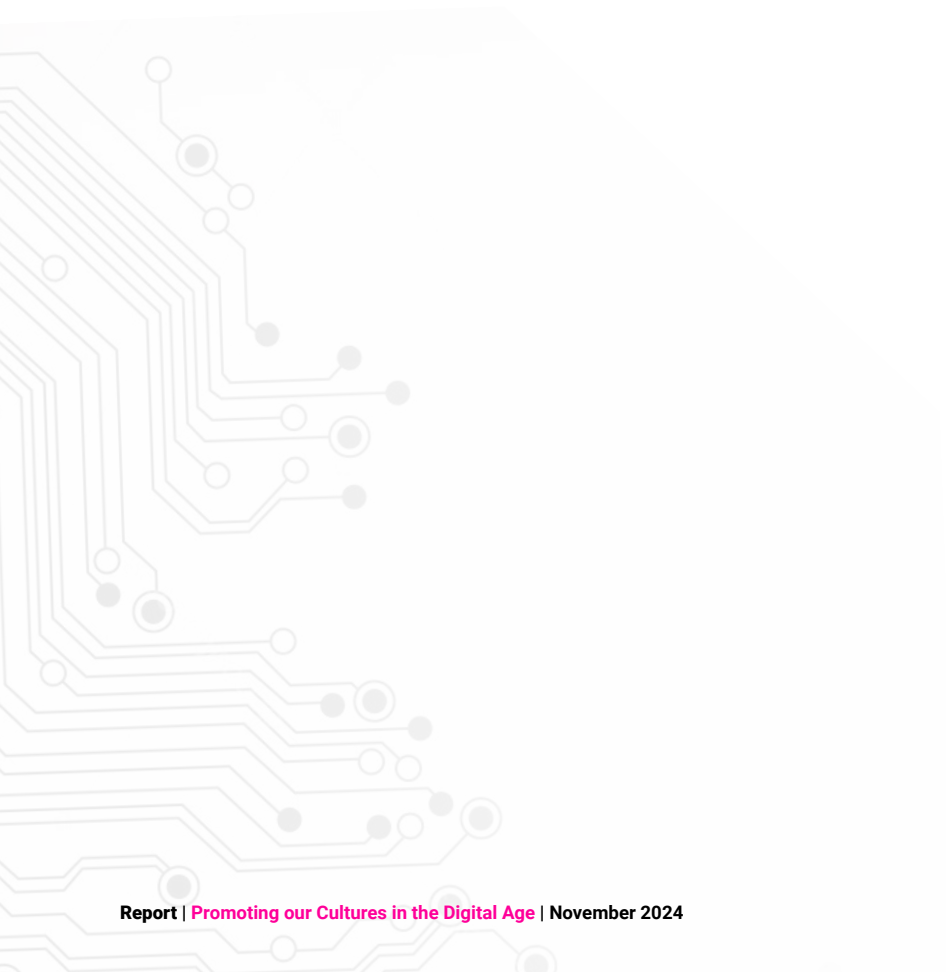
Report on the day of reflection with speakers from the cultural, academic and legal fields in the lead-up to UNESCO's work on the digital age.

INTERNATIONAL FEDERATION OF COALITIONS FOR CULTURAL DIVERSITY

Coalition for the Diversity of Cultural Expressions

We, the IFCCD and the CDCE, recognize that the event from which this report is drawn took place in Quebec City, at the crossroads of the Nionwentsïo of the Huron-Wendat people, the Ndakina of the Wabanaki people, the Nitassinan of the Innu people, the Nitaskinan of the Atikamekw people and the Wolastokuk of the Wolastoqey people, and we honor our relationships with one another.

Le présent compte-rendu relate les échanges tenus lors de la journée de réflexion d'intervenants des milieux culturels, universitaires et juridiques tenue le 27 mai 2024 à Québec. On y rappelle le contexte de l'adoption de la Convention de 2005. Des acteurs ayant tenu des rôles clés dans l'avènement de cette convention ont en effet rappelé ses origines, ses finalités et sa teneur. Le thème de la diversité culturelle est ensuite abordé. Par la suite, ce compte-rendu expose en quoi la protection et la promotion de la diversité des expressions culturelles est une condition du développement durable. Les enjeux que la généralisation du numérique induit à l'égard de la diversité des expressions culturelles sont ensuite abordés. En particulier, sont évoqués les défis redoutables que pose l'avènement de l'intelligence artificielle générative. Enfin, nous passons en revue les principes à mettre de l'avant ou à actualiser pour que la Convention demeure un instrument pertinent et efficace.

Consulter la programmation

Consulter les biographies des intervenant(e)s

This report (also available in English) relates the discussions held during the meeting of experts from cultural, academic and legal circles held on May 27, 2024 in Quebec. It recalls the context of the adoption of the 2005 Convention. Actors who played key roles in the advent of this convention recalled its origins, its purposes and its content. The theme of cultural diversity is then addressed. This report explains how the protection and promotion of the diversity of cultural expressions is a condition for sustainable development. The issues that the generalization of digital technology brings with regard to the diversity of cultural expressions are then addressed. In particular, the formidable challenges posed by the advent of generative artificial intelligence are related. Finally, we review the principles to put forward for an update so that the Convention remains a relevant and effective instrument.

View the schedule

View the speakers' biographies

Pierre Trudel

About the author

Pierre Trudel is a member of the Quebec Bar and Professor Emeritus at the Public Law Research Center (CRDP) of the Faculty of Law of the University of Montreal. He is a regular columnist for Le Devoir newspaper. He is a member of the Committee on Academic Freedom of the Quebec Federation of University Professors (FQPPU). Since 1979, he has taught and researched information law and cyberspace law. He has published several works on information law, including Droit de la radio et de la télévision and Droit du cyberspace. His most recent publications deal with *"La faute journalistique en droit civil"*, the right of the individual to his or her image, freedom of expression, the status of search engines and fake news, as well as social networks. He was a member of the Expert Panel appointed by the Government of Canada to review telecommunications and broadcasting legislation, and in 2022 co-chaired a pan-Canadian expert group on online safety and harmful content.

INTERNATIONAL FEDERATION OF COALITIONS FOR CULTURAL DIVERSITY

At the International Federation of Coalitions for Cultural Diversity (IFCCD), we represent authors, artists and cultural businesses from all five continents. Beyond our differences, we share a deep conviction: the new frontiers of cultural diversity lie at the forefront of the digital world. Every creator, every cultural professional, wherever they may be in the world, knows that AI is a key issue for the future of creation and the creators' income, everyone knows that discoverability is one of the most crucial projects to be undertaken to guarantee the presence and visibility of all cultural expressions, and everyone knows that linguistic standardization would be one of the greatest impoverishments we could suffer.

Faced with these challenges, opportunities and risks, we urgently need to take stock of the digital environment that has become part of our daily lives, and which has revolutionized the economy of culture, its creation and distribution. We also need to think collectively and mobilize all our expertise and energies, particularly from civil society, to find the right answers and act with ambition.

That's why I wanted to salute the success of the CDCE's initiative and the quality of the discussions and reflections that took place throughout this exciting day in Quebec City. I'm well aware of the effort it took for the Canadian Coalition to organize this event, but I truly believe that these moments of exchange between all the players involved in culture in the digital age are essential. Without them, it would be difficult to think about tomorrow's regulations and imagine a desirable future that protects cultural diversity.

Guillaume Prieur
President, International Federation of Coalitions for Cultural Diversity (IFCCD)

Coalition
for the Diversity of
Cultural Expressions

On May 27th, during our event titled "Promoting our cultures in the digital age – Conversations among cultural workers from here and abroad in the lead-up to UNESCO's work on the digital age", key civil society actors and political representatives dedicated to the promotion and protection of the diversity of cultural expressions gathered. The main objective of this event was to initiate the work of the reflection group composed of 18 international experts by highlighting priority issues for the cultural sector. These experts are mandated to produce recommendations for UNESCO aimed at protecting and promoting the diversity of cultural expressions in the digital environment during the intergovernmental committee meeting to be held in February 2025.

This conference day was a valuable opportunity not only to celebrate the historic collaboration that unites civil society and political decision-makers on this issue but also to deeply reflect on the future of UNESCO's 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions. We explored possible actions to strengthen the effectiveness of this Convention in a constantly evolving digital world that presents unprecedented challenges.

It is crucial to remember that this Convention, essential for artists and cultural professionals worldwide, has deep roots in Canada and Quebec, where it originated, thanks in large part to the vision and mobilization of our cultural community.

Today, the Coalition for the Diversity of Cultural Expressions (CDCE) includes more than 50 members representing over 350,000 creators and nearly 3,000 cultural enterprises across Canada. This diversity of disciplines, visions, and interests constitutes a strength that allows us to mobilize effectively to influence national and international cultural policies. Whether it is to ensure a cultural exemption in trade agreements or to modernize essential laws, we work tirelessly to preserve and promote cultural diversity.

We would like to express our deep gratitude to Pierre Trudel, professor at the Public Law Research Centre of the Faculty of Law at the University de Montreal, whose expertise was crucial for the completion of this report. We also thank Canada and the gouvernement du Quebec for their unwavering support, as well as the International Federation of Coalitions for Cultural Diversity and the Canadian Commission for UNESCO for their valuable collaboration. Together, we will continue to face the challenges posed by the digital age for the cultural sector with determination and creativity.

Bill Skolnik
Co-Chair, Coalition for the Diversity of Cultural Expressions (CDCE)

Hélène Messier
Co-Chair, Coalition for the Diversity of Cultural Expressions (CDCE)

We live at a time when digital technologies are transforming every aspect of our lives, including the way we express, share and preserve our diverse cultural expressions. While the digital world offers new opportunities to promote and enrich cultural diversity, it also presents major challenges, particularly in terms of equitable access and representation.

In this context, it is essential to reflect collectively on the impact of digital technologies on the diversity of cultural expressions. Civil society plays a crucial role in this process, bringing diverse perspectives, advocating for under-represented voices, and encouraging inclusive collaborations. Through active engagement, we can ensure that the digital revolution benefits everyone, preserving cultural identities while fostering innovation.

Through its 2005 Convention on the Protection and Promotion of the Diversity of Expressions, UNESCO aims to promote the linguistic diversity of content, the discoverability of cultural content and the impact of artificial intelligence on cultural industries.

The Canadian Commission for UNESCO acknowledges the work of the Coalition for the Diversity of Cultural Expressions (CDCE) and congratulates it on organizing this conference on the theme of "Promoting Our Cultures in the Digital Age". This successful event is a perfect example of the power of collaboration between civil society, governments, and international organizations to advance this crucial dialogue. The enriching discussions and shared experiences will guide us in our future efforts to navigate the complexities of the digital age, while ensuring the sustainability of our rich cultural expressions and the protection of the cultural expression of the most marginalized communities.

Yves-Gérard Méhou-Loko
Secretary General,
Canadian Commission
for UNESCO

UNESCO

Ensuring the flourishing of the diversity of our cultural expressions in the digital environment – this is the colossal challenge we face today. As digital technologies and artificial intelligence develop at an unprecedented speed, the survival of our cultural ecosystems is endangered by the growing imbalance in the exchange of cultural goods and services and the impoverishment of cultural and linguistic diversity online. This structural change calls for a thorough reflection on adapting existing models of cultural governance and implementing appropriate international and national strategies. This is the mission entrusted to the Reflection Group on the Diversity of Cultural Expressions in the Digital Environment, established by UNESCO.

The involvement of civil society in this reflection is essential. Indeed, the expertise and experiences of grassroots actors regarding the challenges related to the protection and promotion of the diversity of cultural expressions in the digital environment are necessary for adopting measures that address identified needs, as well as for their effective implementation. This ensures an informed and participatory adaptation to the evolution of new technologies. The importance of this sustained cooperation with civil society is notably emphasized by the MONDIACULT 2022 Declaration unanimously adopted at the UNESCO World Conference on Cultural Policies and Sustainable Development.

In this context, I wish to emphasize the importance of the conference and exchange day with civil society organized by the CDEC and the FICDC on the sidelines of the first meeting of the Reflection Group. I warmly thank these two long-standing partners for their initiative, which has brilliantly highlighted priority issues, brought forward innovative solutions, and strongly amplified the voice of civil society for the flourishing of culture in all its diversity.

Ernesto Ottone R.
Assistant Director-General
for Culture of UNESCO

How can we promote our cultures in the digital age?

This is the challenge facing Canada and many other countries around the globe. To respond to it, concerted and quick international action is needed. That is what is so commendable about the initiative of the Coalition for the Diversity of Cultural Expressions (CDCE), which has mobilized to stimulate exchanges between cultural professionals here and abroad.

This is illustrated by the success of its day of conferences on May 27, 2024, in conjunction with UNESCO's work on the digital age. The following report reflects the wealth of ideas and solutions put forward throughout this incredibly productive day.

As Minister of Canadian Heritage, I am delighted that we took this opportunity to assess the impact of artificial intelligence on the diversity of cultural expression, to agree on the urgent need to ensure the discoverability of our cultural content, to call for greater transparency of digital platforms around cultural issues, and to affirm wholeheartedly our determination to promote the linguistic diversity of cultural content.

Of course, the Government of Canada has a role to play in making digital economy stakeholders more accountable. It is fully assuming leadership in this area, both nationally and internationally. The stakes are high: we have every interest in protecting the parts of our culture that define us and strengthen our social fabric. Consider the abundance of cultural expressions in French and Indigenous languages.

We can do it if we join forces with our foreign partners who, like us, are keen to shape a digital space that promotes our cultures.

Canada has established itself as a prominent leader in that regard. Canada played a historic role in setting up the UNESCO 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions, which has proven to be just as relevant in the digital sphere. Even today, Canada wields a decisive influence as a member of the intergovernmental committee. Recently, Canada and Quebec organized the very first meeting of the UNESCO Reflection Group on the diversity of cultural expressions in the digital environment.

I would like to thank the CDCE and its partner, the International Federation of Coalitions for Cultural Diversity, for organizing this day of conferences. I would also like to thank the Canadian Commission for UNESCO and the UNESCO Secretariat for their invaluable contributions to protecting and promoting cultural diversity. I would further like to reiterate my willingness to collaborate with the various participants, particularly the Government of Quebec. Finally, I invite anyone who, like me, is concerned about the future of our digital cultural landscape to read this report.

Enjoy!

The Honourable Pascale St-Onge
Minister of Canadian Heritage

We would like to thank the Coalition for the Diversity of Cultural Expressions for organizing the civil society day that preceded the very first meeting, in Quebec City, of the UNESCO Reflection Group on the Diversity of Cultural Expressions in the Digital Environment. The success of this event, held in collaboration with the International Federation of Coalitions for Cultural Diversity and the Canadian Commission for UNESCO, is a testament to your hard work and mobilization.

It was an opportunity to strongly reaffirm the leadership of the Gouvernement du Québec and Québec civil society in the work of the 2005 Convention, and in particular their resolute commitment to implementing the Convention in the digital age.

The event highlighted the consensus between governments and civil society on the urgent need for action to address the issues facing cultural players today. The arrival of digital technology and the development of artificial intelligence are disrupting habits and having repercussions on cultures and languages that are being felt in Quebec and around the world. We are therefore proud to have lent our concrete support to this first stage of the Reflection Group's work. Québec will be carefully examining the group's report and recommendations, which will be available in January 2025.

In addition to its involvement with UNESCO, the main UN body devoted to culture, Québec is also active on the international scene. It is important to advance the themes of linguistic diversity and discoverability of cultural content. To this end, Québec can rely on its representation within the Organisation internationale de la Francophonie, as well as on its relations with other countries, France in particular.

Fully committed to "promoting our cultures in the digital age", the flagship theme of Civil Society Day, Québec will continue to vigorously promote the diversity of cultural expression, both at home and abroad, in the real and virtual worlds.

Martine Biron
Ministre des Relations internationales et de la Francophonie et ministre responsable de la Condition féminine

Mathieu Lacombe
Ministre de la Culture et des Communications et ministre responsable de la Jeunesse

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Introduction

Sponsored by the [Coalition for the Diversity of Cultural Expressions](#) (CDCE) and the [International Federation of Coalitions for Cultural Diversity](#) (IFCCD) with the support of Canada and the government of Québec, the conference preceded the first of two meetings of a [UNESCO think tank on the diversity of cultural expressions in the digital environment, comprised of 18 experts](#). This group was created with the approval of the 153 Parties at the 9th session of the Conference of Parties to the 2005 Convention, held from June 6 to 8, 2023.

The day provided an opportunity for many exchanges between creators and artists, members of civil society and government decision-makers. The discussions were organized around four themes: the impact of AI on the diversity of cultural expressions, the discoverability of national and local cultural content, the importance of digital platform transparency regarding cultural issues and the promotion of linguistic diversity in cultural content.

This report recalls the context of the adoption of the 2005 Convention. Key players in the convention's creation recalled its origins, aims and scope. The theme of cultural diversity is then addressed. The report goes on to explain how protecting and promoting the diversity of cultural expressions is a prerequisite for sustainable development. The challenges that the widespread use of digital technology poses for the diversity of cultural expressions are then discussed, particularly the incredible challenges stemming from the advent of generative artificial intelligence. Finally, we review the principles that need to be emphasized or updated to ensure that the Convention remains a relevant and effective instrument.

The Convention on the Diversity of Cultural Expressions

In 2005, the Member States of the United Nations Educational, Scientific and Cultural Organization (UNESCO) enshrined the principle of respect for the diversity of cultural expressions by adopting the *Convention on the Protection and Promotion of the Diversity of Cultural Expressions*.

The Convention recognizes that the free expression of culture is how peoples share their knowledge and vision of the world. Every people's ability to express their culture strengthens social understanding and helps forge bonds. This capacity is a prerequisite for developing sustainably and coexisting peacefully.

The Convention aims to promote and protect the diversity of cultural expressions by guaranteeing that States are able to create or maintain conditions conducive to culture. It invites States to put in place measures to support the creation and ensure the legal protection and existence of spaces where people belonging to minority or Indigenous groups can assert and cultivate their cultural expressions.

The Convention emerged from the proactive action of civil society and political and cultural leaders. The contributions and involvement of artists, creators and members of civil society played a decisive role in its adoption and implementation.

The Convention stems from a desire to prevent international trade rules from restricting the ability of States to define and implement cultural policies. It is part of a search for balance between the logic of international trade and the temptation to treat cultural products in the same way as any other merchandise. The Convention has also been the driving force behind governments' efforts to embed the duty to ensure the diversity of cultural expressions in international texts.

We have kept in mind that culture cannot be equated with any other good or service. Cultural expressions reflect the differences that enrich and help cultivate the diversity of human experience. Therefore, cultural objects cannot be equated with substitutable objects or services governed solely by the laws of the market. Thus, it is essential that trade agreements reflect these considerations. This is one of the main goals of the 2005 Convention.

We have drawn a parallel between cultural diversity and biodiversity. Far too many crops are in danger of disappearing and it is likewise catastrophic that living species are disappearing at the cost of reduced biodiversity.

By emphasizing the right of all cultures to defend their existence, the Convention calls for concerted action, not retreat. It is more important than ever to value and celebrate differences and diversity.

One of the Convention's legacies is its facilitation of the sharing of experiences and the legislative instruments needed to implement this. To ensure the effective implementation of mechanisms designed to safeguard the diversity of cultural expressions, the exchange of experience and the search for instruments capable of providing bridges among different national contexts are both invaluable assets.

All agreed that the Convention's relevance is not in question. However, we insisted that the Convention be updated to respond to the changes brought about by the widespread use of digital environments.

Using the experience of the first 20 years of the Convention's application, we can identify courses of action, as well as ways and means of preparing for the future.

Necessary updates

In a global digital space, the question of how to ensure diversity in a world dominated by English is becoming increasingly important. The changes brought about by the digital revolution over the last two decades suggest the need for updates to the Convention.

From the outset, participants agreed on the urgent need to update the Convention and promote concerted action by both States and civil society alike. Being laissez-faire is not compatible with promoting diversity, especially if we agree that such diversity embraces all differences.

Balances within societies depend on these ingredients from the rich imaginations of diverse cultures that contribute to the global dialogue, which is now accessible thanks to the promises of digital technology.

Digital technology offers countless opportunities to bring different cultural expressions to life—but it also brings up certain concerns. As such, it must be governed by rules that ensure a balance is reached between innovation and the effective promotion of diversity.

The nearly ubiquitous use of digital environments creates a power relationship and market principles between government bodies, commercial companies and the creative community. However, these principles are not necessarily compatible with the need to maintain the diversity of cultural expressions.

Thus, the shift toward large social networking platforms and search engines that can capture the attention of users interacting online has served to weaken the media, creating a breeding ground for misinformation.

Governments are playing catch-up with digital technology. Everyone agrees that we urgently need to act. The States' chronic delays in bringing their cultural laws up to date can lead to setbacks that may make bridging the gap difficult in a fast-moving digital world.

As digital spaces become more widespread, the challenges of diversity take on global dimensions and concerted approaches to address these are more necessary than ever.

Culture plays a significant and essential role in building peace. Diversity is also a bulwark against oversimplification and polarization. It strengthens the very fabric of societies. All cultures must be preserved, because each one makes our world richer. Every culture has the right to defend its existence and the conditions necessary for its growth. Defending our cultures means ensuring that everyone can promote their own culture.

Culture defines and strengthens the social fabric. The diversity of cultural expressions is essential for the cohesion of human societies. In Indigenous societies, culture provides the conditions for essential cohesion.

We must not lose sight of the fact that the digital environment offers great opportunities for creators and audiences alike. However, culture—particularly minority cultures—cannot rely on the practices of dominant online platforms. While Indigenous nations value diversity in their cultural practices, the digital environment often tends to homogenize this richness. Every culture's right to tell its own stories—on its own terms and timeline—is a fundamental aspect of protecting cultural diversity. True diversity cannot thrive if we allow practices rooted in the exploitation of knowledge and artifacts.

Culture is vital, but it's also vulnerable. The growing trend toward homogenization undermines the essential conditions needed for activities that support the creation and dissemination of minority cultures to thrive. Measures to implement the Convention must now reflect the challenges posed by digitization.

The 2005 Convention is an emblematic example in that it creates the conditions for concerted action within an international network.

Protecting freedom of creation and expression

Defending the rights tied to the freedoms of creation and expression forms the cornerstone of the Convention's principles. To safeguard diversity, it is essential to establish the conditions necessary for cultural expressions to thrive. This pertains to the rights of both creators and citizens, who are entitled to respect for their culture and for the integrity of their attention.

Promoting the diversity of cultural expressions presupposes recognizing and effectively implementing the right to communicate put forward by the McBride report. The authors of this report, published long before the advent of the Internet, insisted on the need to assert the rights required for genuine "communication." The report focused on the right to communication, which it defined as follows:

"Everyone has the right to communicate: the components of this comprehensive Human Right include but are not limited to the following specific communication rights: (a) a right to assemble, a right to discuss, a right to participate and related association rights; (b) a right to inquire, a right to be informed, a right to inform, and related information rights; c) a right to culture, a right to choose, a right to privacy, and related human development rights." (McBride Report, p. 216)

Communication rights concern creators and transmitters as well as receivers and audiences. Measures to promote the diversity of cultural expressions are seen as mechanisms to fulfill the rights of individuals and communities.

With digitization, the need to protect attention is attracting renewed interest. In a hyper-connected world where people's attention is a scarce resource, we need to ensure and recalibrate the protection of freedom of expression. This effort is essential not only to safeguard creative freedom but also to ensure that communities have the right to access and engage with works originating from their own culture.

The growing ability to manipulate technical tools to exploit or divert individuals' attention has become one of the main threats to effectively exercising expressive freedoms in digital environments. The erosion of the integrity of pluralist information spaces undermines individual and collective rights to expression and access to works from different cultures.

Respecting the rights of individuals and communities to communicate involves providing the means to effectively exercise the right to receive and broadcast, while respecting the differences and the safety of each person.

Platforms whose business models generate profits by monetizing people's attention online should be subject to obligations to responsibly manage the risks this poses for humans and communities.

We therefore need to regulate the results that processes fed by the algorithms and artificial intelligence produce, and that govern the circulation of information within networks.

Promoting linguistic diversity

Promoting linguistic diversity means making it feasible to carry out all activities in languages other than English.

We need to promote access to opportunities to learn, transmit and revitalize languages, and these opportunities must be available in the languages of all peoples.

Ensuring linguistic diversity means promoting initiatives to make works available in languages other than English. Yet there is a great need to express oneself through multiple layers of identity, even among those who share a common language.

Many languages are in danger of disappearing. Defending diversity therefore requires support for projects, including those from communities, to ensure the transmission, revitalization and use of Indigenous languages.

Measures that support and encourage the creation of works and corpora repositories are an example of what must be done to make languages more visible in digitized spaces as well as those that are in the process of being adopted by artificial intelligence technology. However, this must be done with respect for rights holders.

The opportunities offered by machine translation technologies are also one of the elements that can be used to enhance the value of languages and promote linguistic diversity.

We reported on initiatives to build and experiment with the use of corpora and other tools to make available productions in Indigenous or minority languages. There are major challenges in promoting the development of quality repositories in minority languages.

We need to adopt an approach to technology that is not solely defensive. Several technologies can provide significant opportunities to make languages more visible and ensure their existence or revival in networked environments.

Ensuring the discoverability and promotion of national and local cultural content

There's a clear link between discoverability and the availability of works: for a work to be discoverable, it must first exist. This requires, above all, implementing measures to encourage the creation and production of local and national content. There's a link between discoverability and the availability of works, because to be discoverable, a work must first exist, which means above all putting in place measures to encourage creating and producing local and national content. The digital environment highlights the close relationship between the discoverability of works, their consumption, and the access to resources that stems from their relationship with audiences. The digital environment highlights this close relationship between the discoverability of works, their actual consumption and access to resources arising from their relationship with audiences. Discoverability is an ingredient in the essential link between creators and their public.

It is important to distinguish between discoverability and findability. It's not a question of having an index or a search engine capable of locating a work by queries and keywords. Discoverability refers to issues of enhancement and recommendation, and not simply of availability.

Connected environments work by harnessing the attention of users. Mechanisms designed to promote the diversity of cultural expressions are inherently part of the process of valuing attention.

We must beware of regulations applied without regard to for transparency requirements. Technical devices are not neutral; they operate according to business logic. As these systems impose choices, they are, by default, regulatory systems. State regulations must ensure that the operations of these objects, which are regulatory by default, are transparent. Since business logic may encourage the use of technical processes that exclude, the operational logic of these systems must be transparent and visible.business logic may encourage the use of technical processes exclusions, the operating logic of technical devices must be known and visible.

The challenges of discoverability differ from one cultural product to another. Different requirements can be set according to the characteristics of the cultural objects concerned.

We emphasized the essential role of legislation in identifying obligations relating to enhancement promotion and discoverability. The report *La souveraineté culturelle du Québec à l'ère numérique* on the discoverability of cultural content puts discoverability at the top of the list of requirements we need to introduce as part of cultural policies.

For example, in Canada, the Online Streaming Act stipulates that online undertakings that provide the programming services of other broadcasting undertakings should must "ensure the discoverability of Canadian programming services and original Canadian programs, including original French language programs, in an equitable proportion." It also stipulates that "online undertakings shall clearly promote and recommend Canadian programming, in both official languages as well as in Indigenous languages, and ensure that any means of control of the programming generates results allowing its discovery."

To ensure the discoverability of works in French, we need measures to control the production and use of data associated with content production and consumption. Regulatory mechanisms must focus on resources to document discoverability, as well as the presence, visibility, enhancement and recommendation of cultural products offered online.

The mechanisms governing that govern the discoverability of works are largely dependent on the mastery of the data generated by users concerning their habits, tastes and preferences.

France and Quebec have set up a joint committee on discoverability to identify ways of increasing the findability and discoverability of digital works in French. The group's mandate also includes bringing together members of the Organisation internationale de la Francophonie (OIF) and UNESCO to protect and promote the linguistic diversity of cultural content in a digital environment. In addition, the group will actively implement the *Franco-Québec mission for online discoverability of Francophone cultural content* and develop joint actions on the discoverability of Francophone cultural content, artificial intelligence and digital sobriety.

In order to meet the need for legal certainty and predictability, we have highlighted how useful legislative and regulatory tools are in promoting discoverability and enhancement. Sharing experiences can be a

fruitful way of fostering the adoption of national legislation that can be adapted to local challenges, while at the same time maintaining opportunities for dialogue with foreign jurisdictions. These are just some of the measures that can be deployed when states work together as a network.

Ensuring the transparency of algorithmic processes and AI

By default, algorithms determine what is possible and impossible to do within a technological environment. They also determine the content that is suggested and the content that's more difficult to come across. In short, algorithms regulate, so they must be accountable. Laws need to be updated to impose transparency obligations on companies that use algorithms and other technical processes.

Discoverability requires a regulatory framework that is commensurate with the stakes involved in decision-making processes based on algorithmic procedures. Taking action to ensure discoverability means that companies using algorithms must demonstrate that they are operating in compliance with legal frameworks. This requires the ability to transparently verify the public regulatory processes in which members of civil society participate.

Accountability

In a digital economy characterized by the value of attention, States must possess the necessary means to act on the technical processes and business practices that influence visibility, enhancement and discoverability.

In this respect, cultural policies must ensure that they operate with respect for basic rights. By default, technical configurations impose their own rules and conditions, which are not necessarily compatible with the objectives of protecting the diversity of cultural expressions.

The discoverability of content differs according to the characteristics and types of creations. It is likely biased by certain effects of content popularity (popularity bias). Other biases may stem from content or creator characteristics.

Algorithms are not neutral. Many analyses have shown that they can promote or obscure content.

In addition to well-documented linguistic biases, there are, among others, biases that may reflect gender, racial or ethnic prejudices. For example, there is evidence that racialized women are not "seen" by certain recommendation algorithms. Other studies have revealed gender bias.

The quality of the recommendations generated by algorithms also differs depending on the user group. User groups receive different quality recommendations.

In general, it has been observed that algorithms fail to promote content that challenges users' existing beliefs.

Regulatory mechanisms need to address resources to document discoverability, as well as the presence,

visibility, enhancement and recommendation of cultural products online.

Emphasis was placed on the need for rules to guarantee accountability, particularly regarding the negative externalities that digital technologies may generate. There is a need for transparency concerning explanations of how the system works, as well as inferences and the ability to correct biases.

When dealing with algorithmic processes, we must pay attention to the rules governing metadata and content classification.

The measures we should put in place to promote diversity include transparency requirements, particularly concerning the consumption of works and their provenance. Transparency requirements must extend to audience-measurement data, advertising transparency and recommendations.

Policies on discoverability must ensure that reliable information is available on content, metadata, indexing methods, classification methods and payment distribution.

Platforms use algorithms and compile vast amounts of data to maximize their revenue. The discoverability of content therefore depends on the data used to identify, locate and position documents in a networked environment. Creators and producers need access to this data—currently monopolized by major platforms—to identify trends and detect changes in audience tastes and habits.

The mechanisms governing the discoverability of works are largely dependent on the mastery of the data generated by users concerning their habits, tastes and preferences. To ensure the discoverability of works, we need measures to regulate the production and use of data associated with content production and consumption.

A comprehensive framework for artificial intelligence

AI offers great opportunities. It has the potential to lower entry barriers for creators. But the shock generated by the advent of ChatGPT has helped raise awareness about the scale of the challenges that AI poses to creators and to all parties concerned with the conditions for the viability of creative activities.

The responsible development of AI can bring far-reaching benefits. This offers the promise of lower entry barriers for many creators. These technologies also promise to take creators even further. But everyone loses if creativity is sacrificed in the name of innovation.

AI raises confidentiality issues. Using these devices, one can generate works, but also fake objects that can be misleading (deepfakes).

The need to promote the creation of databases featuring content from various cultural origins has been emphasized. When founded on respect for the will of creators, these tools can help ensure the presence of works from minority cultures in data repositories used to drive generative AI devices.

The dangers of manipulating repositories must be taken into account. Some fear that the intervention of

State bodies will generate bias, while others observe that business logic can also induce bias. We have emphasized the need for regulatory processes that leave the door open for intervention in practices that have yet to emerge, as we are only just beginning to perceive the risks of practices such as deepfakes.

Generative AI feeds on existing works. To develop in harmony with the needs of diversity of cultural expressions, it must necessarily involve full recognition of creators' rights.

Respecting the rights of creators

One of the features of many artificial intelligence (AI)-powered devices is their ability to draw on large repositories of text and images. There's significant potential here to undermine the business models of many cultural industries.

Process operations based on generative AI require access to large repositories of pre-existing material. Generative AI systems make use of deep learning models capable of generating content based on copyrighted works from which the systems have been trained. Such systems perform text and data mining, i.e. they reproduce and analyze large quantities of data and information. Using this massive extraction, generative AI systems can determine trends and make predictions, and even generate text, images, sound recordings and videos from what they analyze.

Some of this information is extracted from copyrighted content. The texts, sounds, images, sound recordings and videos that exist in public spaces are generally the work of creators.

Most copyright laws require developers to seek explicit permission from copyright holders before using their works to train AI tools. Those who produce new content thanks to AI cannot assume that rights holders have consented to using their works to feed systems that generate other content.

With the development of generative AI comes increasing pressure from players in the technology sector. It is argued that the use of works in text and data mining activities should not require the permission of rights holders. This led to calls to amend laws so that data-mining operations are exempted from seeking permission from copyright holders.

The way rights holders are remunerated will have to be reviewed in order to guarantee fair sharing between creators and technology developers who draw directly or indirectly on existing repositories.

Opinions differ on approaches based on a supply-and-demand licensing market. Yet a consensus is emerging that creators should be able to exercise their right to expressly consent to the use of their works to train AI.

Some are calling for AI developers and copyright holders to negotiate free-market licences for the use of copyrighted works to train or develop AI devices.

Others feel that the conditions are not ideal for real negotiations between rights holders and the international companies involved in AI development.

But in all cases, we insist on the need for strict regulations to guarantee transparency and accountability.

We insisted on the need to review remuneration models for creators in AI environments.

All these issues require international responses. Due to its online and networked deployment, AI entails risks that are transnational, and therefore require international solutions.

The dynamics of AI development in a commercial context present States with major challenges. Competition issues have been raised, as has the tendency for "forum shopping" as players seek to place themselves under the jurisdiction of States with less restrictive legislation.

However, all agree that public authorities need to work in a network with civil society players.

The sensitive nature of data

Online distribution platforms use data to generate value. In a variety of ways, audio and audiovisual content platforms collect, compile and process masses of user data. This enables them to feed the algorithms that produce the parts lists distributed to users, and to sell targeted advertising.

In connected environments, the ability to measure and maximize attention is crucial. Attention is measured through data collection and analysis. Data are pieces of information resulting from the observation of the actions of everything connected to the network. Analyzing this data, using analytical processes applied to mass de-identified data, is a prerequisite for creating value.

It has been pointed out that data is an object of State sovereignty. Every State can legitimately claim the right to control what happens to data generated by the actions of those who operate in whole or in part on its territory. With the transfer of several activities to the network space, the conditions under which national sovereignty is exercised is changing. Once based on control of what happens on the physical territory of the State, sovereignty now depends on the ability to control what happens on networks.

In the digital world, data is not only a matter concerning each individual but also a resource with a collective character. While data directly linked to an individual is governed by privacy laws, mass de-identified data used to generate value in companies involved in broadcasting and distributing audiovisual content falls within the scope of legislation governing the activities of companies such as those in the audiovisual sector.

Citizens' personal data must be protected, but the mass de-identified data through which value is now created is a resource that concerns both individuals and communities living on national territories.

When data circulates on networks that are not sensitive to territorial borders, State sovereignty is undermined. States must equip themselves with the means to ensure that choices based on the values held by their citizens prevail and impose rules consistent with these values. Data are objects of national sovereignty. As such, they can be seen as an essential resource for producing and disseminating cultural events. The assertion of the interest of States and local authorities in exercising a right of oversight over the use of mass de-identified data generated by their populations appears increasingly to be a condition of the effectiveness of measures designed to guarantee cultural sovereignty.

Conclusion and recommendations

The principles of the 2005 Convention are more relevant than ever. Defending our cultures means ensuring that everyone can promote their own culture. We must therefore continue to demand the systematic inclusion of a general cultural exemption in international trade agreements.

However, the Convention needs to be updated to reflect the developments of the past twenty years, particularly the importance of ensuring that Indigenous peoples have the necessary means to cultivate and protect their languages and cultures. The vitality of Indigenous languages is essential to the existence of a diversity of cultural expressions.

Now more than ever, we need to provide States with clear principles to guide their actions in strengthening all forms of dialogue and promoting cooperation.

Civil society has a crucial role to play in protecting and promoting cultural diversity, which is an existential issue for everyone, particularly in minority Francophone communities.

We need to support the access, promotion and recommendation of local and national cultural content, beyond simple discoverability, even if this content doesn't always meet economic criteria. Culture has immense social impacts that are essential to highlight.

Diversity of cultural expression is intrinsically linked to linguistic diversity. Action is needed to protect and promote languages in the digital environment.

The imperative of algorithmic transparency is one of the updates to consider for the 2005 Convention. The Convention must promote the adoption of laws recognizing the sensitive nature of algorithmic data and processes and impose consequent obligations on those who use them.

Transparency means sharing the usage data produced and used on digital platforms. Data is generated from the actions of all those operating within connected environments. It is important to recognize that data is a resource in which individuals and communities have a legitimate interest. Laws must regulate the collection and use of data, particularly to enhance the value of people's attention and ensure a balance of power between creators, civil society and commercial enterprises.

The Convention must also continue to encourage States to adopt national cultural policies that protect and promote the diversity of cultural expressions.

This includes, among others:

* laws and regulations that recognize that the risks to which minority cultures are exposed must be taken into account when deploying and using technical devices, particularly online platforms

* legislation requiring the implementation of measures to promote the discoverability and discovery of local and national content on online platforms

* copyright laws free of exceptions that allow the use of protected works to feed artificial intelligence (AI) systems without authorization, remuneration or credit

* copyright laws that protect human creation

* laws requiring companies operating generative AI systems to disclose the copyrighted works used to feed them

- laws to protect performers from the proliferation of deepfakes
- laws requiring transparency on the part of companies operating AI systems when distributing purely AI-generated productions
- laws protecting linguistic diversity.

It is more necessary than ever to stimulate partnerships between civil society and major artificial intelligence research centres to foster the development of AI for the benefit of all.

Digital challenges are cross-functional and transnational. To be agile and effective, governments need to avoid working in silos, and instead create alliances and synergies, particularly on an international scale. In our interconnected world, withdrawal is not an option. Dialogue is essential. The fragmentation of state jurisdictions calls for networked interventions, as major online platforms operate on a network logic and are not sensitive to state borders.

It is also necessary to promote open, transparent, distributed, and inclusive governance with a strong focus on public service and collaboration.

Above all, there is a need for regulatory systems capable of quickly adapting to changes in usage and in the availability of rapidly evolving technological devices.

As we are dealing with phenomena that operate at the speed of light, whereas State regulations too often operate at speeds suited to the 19th century, we need to promote modes of intervention that are consistent with the velocity of connected digital environments. States must adopt regulatory systems and methods that are sufficiently versatile and collaborative to be able to intervene in a timely manner and ensure the effectiveness of their regulations.

As such, we emphasized the importance of sharing and emulating experiences of law enforcement and other modes of intervention between States, their State bodies and within civil society in all nations.

We must recognize that technological environments generate risks, not only for individuals but also for communities, especially with regard to respecting the diversity of cultural expressions. It is therefore essential that regulations provide a framework governing the operation of technical devices. These regulations must consider the risks to the development of the diversity of cultural expressions, as these risks concern communities..

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Speakers list

The CDCE and the IFCCD would like to thank all the speakers who contributed to this report through their their participation in this day of reflection:

- Master of Ceremonies, **Yves-Gérard Mehou-Loko**, Secretary-General, *Canadian Commission for UNESCO*

- Moderator for the day, **Catalina Briceño**, Professor, *École des médias de l'UQAM* and Associate, *La Société des demains*

- Guest artist, **Christian Laveau**, Wendat singer

- Guest artist, **Steve Gagnon**, Actor, writer and director

- **The Honourable Sheila Copps**, Former Minister of Canadian Heritage

- **Louise Beaudoin**, Former Minister; Chair of the Board, *Regroupement des événements majeurs internationaux (RÉMI)*

- **Bill Skolnik**, Co-Chair, *Coalition for the Diversity of Cultural Expressions*

- **Hélène Messier**, Co-Chair, *Coalition for the Diversity of Cultural Expressions*

- **Véronique Rankin**, Executive Director, *Wapikoni mobile*

- **Casey Chisick**, Partner and Chairman, Entertainment, Media & Sports Group, *Cassels Brock & Blackwell LLP*

- **Ibán García Del Blanco**, former Member of the *European Parliament*, Group of the Progressive Alliance of Socialists and Democrats

- **Renaud Lefebvre**, Executive Director, *Syndicat National de l'Édition (SNE)*

- **Jérôme Payette**, Executive Director, *Association des professionnels de l'édition musicale (APEM)*

- **Carol-Ann Pilon**, Executive Director, *Alliance des producteurs francophones du Canada (APFC)*

- **Claire Pullen**, Executive Director, *Australian Writers' Guild Authorship Collecting Society (AWGACS)*

- **Pierre Trudel**, Professor, *Centre de recherche en droit public (CRDP), Faculty of Law, Université de Montréal*

- **Sara Bannerman**, Professor, *Canada Research Chair in Communication Policy and Governance, Department of Communication Studies and Media Arts, McMaster University*

- **Dr. David Ifeoluwa Adelani**, Senior Research Fellow, *University College London*

- **Peter Kurzwelly**, Chief Operating Officer, *AI Sweden*

- **Marie−Philippe Bouchard**, President and CEO, *TV5 Québec Canada*

View the schedule

View the speakers' biographies