

**18th session of the Intergovernmental Committee for the protection and the promotion of the diversity of cultural expressions : CDCE's Position of Item 7, to the Attention of the Government of Canada and the Government of Quebec**

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**Item 7 – Recommendations of the Reflection Group on the diversity of cultural expressions in the digital environment : The CDCE Commends Remarkable Work and Encourages Canada to Support and Adopt the Recommendations**

**Introduction**

For over 25 years, the Coalition for the Diversity of Cultural Expressions (CDCE) has been committed to defending the economic health of the cultural sector and the vitality of cultural creation, emphasizing the dual economic and identity-based value of cultural goods and services. Building on this commitment, the CDCE advocates for the exclusion of cultural goods and services from trade negotiations and focuses on the impact of the digital environment on the diversity of cultural expressions. Its work is grounded in UNESCO's 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions (hereafter referred to as "the Convention"), **a key international instrument whose relevance for safeguarding state cultural sovereignty, including in the digital environment, is well established.**

Canada and Quebec, which played leading roles in the establishment of the Convention, act as true leaders in its implementation, particularly in the digital environment. Their commitment and leadership are evidenced by the adoption of laws regulating digital platforms, the development of discoverability strategies, and the funding of structural programs for the digital development of cultural and creative industries.

This leadership has been particularly evident in recent years. At the Ninth Session of the Conference of Parties in June 2023, Quebec and Canada supported the establishment of a Reflection Group tasked with formulating recommendations to strengthen the implementation of the Convention in the digital environment. They also offered to host the first working session of the 18 independent international experts comprising this Group. This meeting was held in Quebec City from May 28 to 30, 2024.

Ahead of this working session, the CDCE, in partnership with the International Federation of Coalitions for Cultural Diversity (IFCCD) and the Canadian Commission for UNESCO, organized a major [conference](#) to inform the experts' reflections by emphasizing the perspective of civil society. This parallel event produced a [report](#) containing a synthesis of the key issues discussed, as well as consensus recommendations from its members, who are broadly representative of Quebec's and Canada's cultural sectors.

## **CDCE's Position**

The CDCE members enthusiastically reviewed the experts' recommendations, which were made public on December 16, 2024. These recommendations are structured around four areas of action:

- Normative action
- Information exchange and best practices
- Awareness-raising and advocacy
- Capacity-building

From the outset, the CDCE commends the remarkable work accomplished by the Reflection Group on the Diversity of Cultural Expressions in the Digital Environment. While reaffirming the relevance of the 2005 Convention, including in the digital environment, the experts emphasize the urgent need to implement a series of measures to enhance its effectiveness.

The CDCE supports all the Reflection Group's recommendations and encourages the Parties to collaborate closely with civil society to begin their implementation as quickly as possible.

This document focuses primarily on the first recommendation: adopting an Additional Protocol to the Convention in the Digital Environment. This recommendation is particularly notable for its normative nature, requiring a significantly more complex technical, legal, and political process than the others. Despite its complexity, the CDCE believes that adopting this recommendation would uniquely contribute to the development of an international normative framework aimed at protecting and promoting the rights of creators, particularly in the rapidly evolving context of artificial intelligence (AI), including generative AI.

The CDCE recognizes that AI and generative AI systems hold the potential to combine the diversity of cultural expressions with technological progress. However, their rapid and currently unregulated development raises significant concerns. While international instruments aimed at regulating these technologies are emerging, one clear observation emerges: issues related to the diversity of cultural expressions and cultural rights are either absent or mentioned without any binding measures.

## **Key International Processes**

At the Summit of the Future held in New York on September 22-23, 2024, heads of state and government adopted the Pact for the Future and its annexes, including the Global Digital Compact, with the ambition of reviving multilateralism and achieving the Sustainable Development Goals.

The [Pact for the Future](#) includes the following statement: "Ensure that culture [...] can [...] contribute to more effective, inclusive, equitable, and sustainable development, and integrate culture into economic, social, and environmental development policies and strategies, and ensure adequate public investment in the protection and the promotion of culture" (PPA, Ch. I, M11, para. 30, a)).

Meanwhile, the Global Digital Compact acknowledges the importance of international cooperation to “support linguistic and cultural diversity in the digital space.”

While these declarations are encouraging, they remain insufficient to ensure coordinated state action. Similarly, the [Council of Europe Framework Convention on Artificial Intelligence, Human Rights, Democracy, and the Rule of Law](#), opened for signature in September 2024, affirms that fundamental international law applicable to the legal governance of AI systems is grounded in human rights. However, it does not explicitly address cultural rights.

### **Towards a Binding International Tool for the Diversity of Cultural Expressions**

Recently, the CDCE published [recommendations](#) on AI development, emphasizing the need for a “comprehensive ethical framework, specifically designed for AI use in the cultural sector.” The Reflection Group’s recommendation is even more ambitious in its scope and effectiveness due to its binding nature.

At this pivotal moment in AI development, it is critical to adopt an unequivocal normative approach to ensure AI development serves human creativity. The orderly development of an inclusive, open, safe, and secure digital space that respects, protects, and promotes human rights must be an international priority.

Unequivocally recognizing the human nature of creativity and empowering states to demand transparency in AI systems at every stage of their lifecycle is essential.

In this context, adopting an Additional Protocol to the Convention in the Digital Environment tailored to AI use in the cultural sector would guide all strategic decisions by public and private actors, strengthen respect for human rights, including copyright, and establish the tools necessary to enforce them. This would support the economic development of the cultural sector while fostering innovation.

### **Challenges to Overcome**

The CDCE is aware of the political challenges posed by the creation and ratification of such an instrument. However, the mobilization of Quebec’s and Canada’s civil society, in close collaboration with committed and visionary decision-makers at the turn of the millennium, led to the establishment of a key international normative instrument: the 2005 Convention. This achievement demonstrates the power of collective action, and we are confident that bringing together these same dynamic forces can enable us to take bold action that will ultimately equip states to safeguard their cultural sovereignty effectively.

In this regard, the CDCE advocates for integrating civil society consultation mechanisms aligned with Articles 11 and 23.7 of the Convention at every stage of the process. It also reaffirms its commitment to remaining actively engaged to promote broad international civil society support for this initiative.

Moreover, given the urgency, it is essential not to wait for the Protocol’s adoption and ratification to act. The immediate implementation of additional recommendations formulated by the experts

is critical. These actions are indispensable levers for addressing the pressing challenges posed by technologies to the diversity of cultural expressions in the digital environment.