

**10<sup>th</sup> Session of the Conference of Parties to the Convention on the Protection and Promotion of the Diversity of Cultural Expressions: Position of the Coalition for the Diversity of Cultural Expressions (CDCE) on Agenda Items 8.a and 8.b**

June 18 to 20, 2025, UNESCO Headquarters, Paris, France

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**Summary of the CDCE's Position on Agenda Items 8.a and 8.b Presented at the 10th Session of the Conference of Parties**

*Item 8.a – Implementation Plan for the Recommendations Adopted by the Committee*

- The CDCE supports the implementation of the current Action Plan and encourages Parties to ensure that the Secretariat has the necessary resources to carry it out effectively.

*Item 8.b – Comparative Analysis of the Effectiveness of the Various Legal Options Considered by the Reflection Group, Including the Technical and Legal Aspects of a Protocol*

- The CDCE maintains its support for the adoption of an Additional Protocol to the Convention, while expressing disappointment that the revised timeline now envisions adoption in 2029 rather than in 2027, as had been proposed under the scenario presented during the 18<sup>th</sup> session of the IGC.
- In addition to this long-term action, which is both a priority and a necessity, the CDCE therefore supports the prompt adoption of a general declaration by the Conference of Parties.

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**1- Presentation of the Coalition for the Diversity of Cultural Expressions (CDCE)**

The [Coalition for the Diversity of Cultural Expressions](#) (CDCE) brings together more than 50 cultural organizations in Canada, across both official language markets. These organizations represent over 350,000 creators and nearly 3,000 micro, small, and medium-sized cultural enterprises working in a wide range of disciplines, including audiovisual, music, publishing, visual arts, and performing arts.

For over 25 years, the CDCE has been committed to defending the economic health of the cultural sector and the vitality of cultural creation. It advocates for the recognition of the dual value, both economic and identity-based, of cultural goods and services. Building on this commitment, it promotes the exclusion of cultural goods and services from trade negotiations and pays particular attention to the impact of the digital environment on the diversity of cultural expressions. Its work is grounded in the [2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions](#) (hereinafter “the Convention”), a key international instrument whose relevance in safeguarding the cultural sovereignty of States, including in the digital environment, is well established and recognized.

## **2- Canada, the Government of Quebec, and the CDCE: Collaboration and Leadership in Advancing the Protection and Promotion of the Diversity of Cultural Expressions in the Digital Environment**

Canada and the Government of Quebec, both of which played a leading role in the establishment of the Convention, continue to act as key leaders in its implementation, particularly within the digital environment. Their commitment and leadership are evidenced by the adoption of legislation to regulate digital platforms, the development of discoverability strategies, and the funding of structuring programs aimed at the digital development of cultural and creative industries.

This leadership has become increasingly evident in recent years. During the 9<sup>th</sup> session of the Conference of Parties in June 2023, Quebec and Canada supported the creation 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 the Group. This session took place 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 (CCUNESCO), organized a major [conference](#) to inform and enrich the experts' discussions, with a focus on the civil society perspective. This side event led to the publication of a [report](#) summarizing key discussion points and presenting recommendations that were widely endorsed by its members, who are highly representative of the Quebec and Canadian cultural sectors.

One year after these landmark events, the Government of Quebec, in partnership with the Organisation internationale de la Francophonie (OIF), hosted the [5<sup>th</sup> Conference of Francophonie Ministers of Culture](#). At this event, the CDCE delivered a [keynote address](#) to all participants, presenting the key messages that emerged from the inaugural Cultural Forum on AI and the Francophonie, which brought together civil society and academic stakeholders ahead of the ministerial meeting.

The Conference culminated in the adoption of a [Declaration](#), in which the ministers of culture from Francophone states and governments committed notably to:

- Develop, implement, and adapt cultural policies and legal and regulatory frameworks to the digital environment at the national, regional, and international levels; and
- Promote cooperation and dialogue at the multilateral level by advancing a common Francophone position on discoverability and access to a diversity of Francophone cultural content in the digital environment.

The CDCE welcomed this Declaration and hopes that it will give positive momentum to the discussions to take place during the 10<sup>th</sup> session of the Conference of Parties.

### **3- Reaffirming the CDCE's Position at the 18th Session of the Intergovernmental Committee of the 2005 Convention, February 11–14, 2025**

On December 16, 2024, the CDCE members took great interest in the recommendations issued by the group of experts. These recommendations are structured around four areas of action:

- Normative action;
- Information sharing and exchange of good practices;
- Awareness-raising and advocacy;
- Capacity building.

In January 2025, the CDCE published an [official position](#) on these recommendations, welcoming the outstanding work accomplished by the Reflection Group. While reaffirming the continued relevance of the 2005 Convention—including in the digital environment—the experts emphasized the urgent need to implement a series of measures to strengthen its effectiveness. **In this regard, the CDCE endorsed all of the Group's recommendations and encouraged the Parties to work closely with civil society to begin their implementation as soon as possible.**

By repeatedly highlighting the urgency of acting to protect the diversity of cultural expressions in the digital environment, **the CDCE explicitly called for the adoption of an additional protocol to the Convention, as well as the implementation of an action plan based on the other recommendations.**

To share its position and foster dialogue among all stakeholders around the Reflection Group's recommendations, the CDCE and the IFCCD organized a [side event](#) at UNESCO Headquarters during the 18<sup>th</sup> session of the Intergovernmental Committee of the Convention, with support from the CCUNESCO and the UNESCO Chair in Communication and Technologies for Development. Ernesto Ottone R., UNESCO Assistant Director-General for Culture, opened the event and took part in the discussions. Representatives of organizations from Canada, France, and Colombia shared the perspectives and concerns of their respective cultural sectors regarding digital challenges. In addition, a female and a male expert from the Reflection Group presented the rationale behind their work and the key orientations underlying the recommendations.

### **4- CDCE's Position on the Recommendations Regarding the Digital Environment Ahead of the 10th Session of the Conference of Parties (Items 8.a and 8.b)**

The CDCE welcomes the adoption of Recommendations 2 to 11 by the Intergovernmental Committee in February 2025 ([Decision 18.IGC 7](#)) and supports the implementation plan presented by the Secretariat in document [DCE/25/10.CP/8.a](#). The CDCE also emphasizes the importance for Parties to provide the Secretariat with the human and financial resources required to successfully carry out this action plan.

With respect to the comparative analysis on the effectiveness of the various legal options examined by the Reflection Group (document [DCE/25/10.CP/8.b](#)), the CDCE wishes to reaffirm its confidence in the work accomplished, which has already led to the conclusion that an additional protocol to the Convention is the preferred path forward.

In light of the comparative analysis conducted for the Conference of Parties, **the CDCE remains convinced that normative action is necessary** “to complement, strengthen and enhance the principles, rights and obligations set out in this treaty, so as to promote the achievement of its objectives in the digital environment, in particular given the growing challenges posed by artificial intelligence (AI) systems”.

### **Impact of AI on the Diversity of Cultural Expressions**

At the outset, the CDCE acknowledges that generative AI systems have the potential to combine the diversity of cultural expressions with technological progress. However, their rapid and currently unregulated development raises serious concerns.

Generative AI is “a type of artificial intelligence that generates new content by modelling features of data from large datasets that were fed into the model. While traditional AI systems can recognize patterns or classify existing content, generative AI can create new content in many forms, including text, image, audio, or software code. One class of generative AIs that have seen significant improvement in recent years are large language models (LLMs)”<sup>1</sup>.

This definition highlights that generative AI not only requires large quantities of data, but also high-quality data in order to generate content. These high-quality data are often the raw material that forms cultural expressions. They are also a vital source of value that enables artists to make a living from their work. Moreover, these data are then used by generative AI companies to create unfair competition with the works of artists and rights holders.

Several issues, critical to the diversity of cultural expressions, are thus intertwined: professions are under threat, value chains are being destabilized, the socio-economic conditions of artists are deteriorating, and homogenizing dynamics are intensifying. As emphasized by the experts of the Reflection Group in their work, the uniqueness of human creativity is being undermined and must be protected. The principles of transparency and remuneration to ensure decent socio-economic conditions for artists and the professionals who support them must be clearly affirmed and backed by concrete commitments.

### **The Importance of an Instrument to Promote Discoverability**

The imbalance in the exchange of cultural goods and services, exacerbated by disruptions in the digital environment, favours the prominence of content from a handful of dominant large markets. In this context, discoverability is a key lever for encouraging a greater diversity of works accessible online.

Paragraph 16 of the [Operational Guidelines on the implementation of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions in the Digital Environment](#) clearly states that the measures adopted by Parties, at the distribution and dissemination stages, should strive to ensure the discoverability of national and local cultural content. This paragraph

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<sup>1</sup> Government of Canada, Canadian Centre for Cyber Security, “Generative artificial intelligence (AI) - ITSAP.00.041W”, online : <https://www.cyber.gc.ca/fr/orientation/lintelligence-artificielle-generative-itsap00041>.

highlights the crucial role that Parties can play in preventing local and national works from being overshadowed in the global cultural offering.

For example, the European Audiovisual Media Services Directive ([AVMS Directive](#)) imposes minimum discoverability obligations for on-demand video services on all EU Member States. This directive specifically requires platforms to highlight European works, thereby ensuring their visibility to both national and European audiences. In Canada, the [Online Streaming Act](#) (Bill C-11) grants the Canadian Radio-television and Telecommunications Commission (CRTC) the authority to impose discoverability and promotion requirements for Canadian content on digital platforms. This measure aims to prevent Canada's cultural wealth from being drowned in the global sea of content, and to ensure that local creators can reach their audiences.

In Quebec, a specific [bill](#) on the discoverability of Francophone cultural content was tabled in May 2025. If adopted, it will require digital platforms to ensure the availability, visibility, and promotion of Francophone works, including films, series, music, and podcasts.

However, the implementation of such instruments faces major challenges. Large streaming platforms are contesting these measures, citing technical, legal, or economic constraints. The publication of a memorandum by the United States government last February, targeting national legislation affecting online platforms, has raised significant concerns, underscoring the need for coordinated and normative international action.

### **Ongoing Shortcomings of Recent International Processes on Digital Issues and AI**

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 calls on signatories to “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.

The [Council of Europe Framework Convention on Artificial Intelligence, Human Rights, Democracy, and the Rule of Law](#), opened for signature in September 2024 and [signed by Canada in February 2025](#), 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.

Similarly, the [Statement on Inclusive and Sustainable Artificial Intelligence for People and the Planet](#), adopted in February 2025 as part of the Summit on AI for Action, emphasizes “the need for a global reflection integrating inter alia questions of [...] respect of international laws including

[...] linguistic diversity, protection of consumers and of intellectual property rights” but fails to clearly address the challenges related to the diversity of cultural expressions.

Lastly, it should be noted that the World Intellectual Property Organization (WIPO) is also an international forum where issues specifically related to copyright and artificial intelligence can be addressed. That said, while copyright issues are of critical importance, generative AI raises much broader concerns, and the 2005 Convention is an essential complementary tool for addressing them in a comprehensive manner.

### **For the Development of a Binding International Instrument in Support of the Diversity of Cultural Expressions**

Recently, the CDCE published [recommendations](#) concerning the development of AI, emphasizing the need for “a comprehensive ethical framework, specifically tailored to the use of AI in the cultural sector.” The Reflection Group’s recommendation to add a protocol to the Convention is even more ambitious in both scope and effectiveness, particularly because of its binding nature.

At this pivotal moment in AI development, it is important to adopt a clear normative approach to ensure that the development of distribution platforms and AI serves human creativity. The orderly development of an inclusive, open, safe, and secure digital environment 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 each stage of their life cycle is essential. Promoting creative freedom and enabling a wide diversity of content to be created and discovered by audiences is a necessary condition for maintaining healthy social fabrics.

In this regard, the adoption of an Additional Protocol to the Convention in the digital environment, adapted to the use of AI in the cultural sector, to guide all strategic decisions of public and private actors, strengthen the respect for human rights—including copyright—and implement the tools necessary for their enforcement in order to support the economic development of the cultural sector while fostering innovation, appears to be the way forward.

The CDCE is fully aware of the challenges, particularly political ones, posed by the creation and ratification of such an instrument. However, the mobilization of Québec and Canadian 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 illustrates the power of collective action, and the CDCE is confident that by joining forces once again, we can take strong and effective action to equip States with the means to safeguard their cultural sovereignty over the long term.

We are witnessing a similar mobilization today. On June 9, 2025, for instance, six Québec trade unions representing over 25,000 artists, creators, performers, artisans, and audiovisual and music technicians published [Art is Human! A Manifesto for the Protection of Authentic Creation](#). The manifesto highlights the core principles they consider essential to ensuring a responsible and cautious development of artificial intelligence tools.

Among these principles is a clear call to “unequivocally support the development of an additional protocol to the 2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions. We believe this is the most effective way to reinforce the Convention’s relevance in the digital age and in the face of challenges posed by AI”.

It is also worth noting that during the 18<sup>th</sup> session of the Intergovernmental Committee, several major international organizations, including the International Confederation of Societies of Authors and Composers (CISAC), the International Affiliation of Writers Guilds (IAWG), the International Authors Forum (IAF), and the IFCCD, all expressed unequivocal support for the addition of a protocol to the Convention.

### **5- The CDCE in Favour of a General Declaration in the Short Term**

According to the documentation presented by the UNESCO Secretariat, the scenario for adopting a protocol would lead to the start of the ratification process in 2029. As early as February 2025, the CDCE emphasized that while the adoption of a binding instrument must remain a medium-term priority, it is essential to also act in the short term.

For this reason, while awaiting the establishment of the first truly binding international instrument on the diversity of cultural expressions in the digital environment, **the CDCE encourages the adoption of a general declaration by the Conference of Parties.** As 2025 will mark the 20<sup>th</sup> anniversary of the 2005 Convention, such a declaration would send a strong symbolic message: it would reaffirm the international consensus on the urgency to act in the face of challenges posed by the digital environment, while also setting out clear principles and guidelines for the implementation of the Convention in this constantly evolving context.

The CDCE believes that this declaration should include the following elements:

- A principle for the protection and promotion of the diversity of cultural expressions;
- A principle on assessing the impact of algorithmic and editorial recommendations;
- A principle of transparency regarding the use of data by generative AI systems;
- A principle recognizing the uniqueness of human creativity;
- A principle of equitable and inclusive access;
- Principle of the right to fair remuneration for creators and rights holders
- A principle aimed at improving the socio-economic conditions of creators and the financial viability of local and independent cultural ecosystems.

The CDCE emphasizes the importance of concrete commitments to transparency and the financial viability of cultural ecosystems. These two aspects are particularly important in the current context, where growing access to cultural content via the Internet has profoundly transformed the business models of cultural industries. Recent technological and health-related disruptions have also highlighted the vulnerability of these ecosystems, as well as the ongoing precarity of artists, creators, and cultural workers in non-dominant markets, a situation further exacerbated for minority or marginalized groups.

## **6- Short- and Long-Term Action in the Digital Environment: The Essential Role of Civil Society**

The 2005 Convention provides for a central role for civil society. As the digital environment has developed over the past 20 years with little regard for the rights and working conditions of creators and the enterprises that support them, it is essential to ensure effective collaboration with civil society in the continued work on this topic.

In this regard, the CDCE advocates for the integration of civil society consultation mechanisms in accordance with Articles 11 and 23.7 of the Convention at every stage of the process. It also reaffirms its commitment to remain actively engaged in order to foster the broadest possible support for such a project within the international civil society community.