



Joint Advocacy for Operational Guidelines under the 2005 Convention that Fully Protect Human Creativity in the Age of Generative Artificial Intelligence

This advocacy document aims to present, in a concise manner, the main concerns as well as the general recommendations that have reached consensus among the civil society organizations that are signatories to the letter. These are considered essential to achieving the objectives of the 2005 Convention and should guide the Proposal for the revision of the Operational Guidelines for the implementation of the Convention in the digital environment, as set out in the annex to document DCE/26/19.IGC/7.b Rev.

At the outset, we wish to reaffirm that these Guidelines should be technologically neutral (i.e. all the principles adopted should remain valid irrespective of any possible technological change or evolution) and should primarily aim to foster the flourishing of human creativity in a context where artificial intelligence (AI), particularly generative AI, is playing an increasingly prominent role. **In this regard, we consider that the Operational Guidelines fulfill their purpose when they contribute to protecting and promoting human creativity in the digital environment, rather than when they encourage or incentivize the adoption of AI tools or systems.**

In this context, the signatory organizations wish to bring the following elements to your attention:

- 1. The policy framework governing the use of AI in the cultural sector should be anchored in clear conditions that ensure respect for copyright and related rights and the protection of human creativity¹**

The revised Guidelines should clearly affirm the principles of authorization, remuneration and transparency (ART), in particular by ensuring that:

- the use of protected works for the development and operation of AI systems is subject to prior authorization from rightsholders;
- creators are remunerated where their works contribute to the functioning and outputs of such systems; and

¹ It is essential to clarify that the notion of “cultural expressions” explicitly includes intellectual property rights, the importance of which is recognized in the preamble of the 2005 Convention. This notably includes copyright and related rights, whose protection must be ensured by UNESCO Member States, in line with the commitments reaffirmed in the Outcome Document of Mondiacult 2025.

- transparency obligations are placed on those developing and deploying AI systems, including regarding the protected content used, the modalities of use, and the value generated. Transparency is a precondition for both, as it enables creators and right holders to identify how their works are used and to exercise their rights effectively.

These conditions should be clearly set out from the outset in the Operational Guidelines, in order to ensure that the development of AI systems remains consistent with the protection of human creativity and the objectives of the Convention.

2. Major concerns regarding Principle 1.2 on a “right to use AI”

Principle 1.2, which establishes a “right [...] to use AI in the name of artistic freedom,” does not respond to an identified need and appears to be inconsistent with the purpose of a text aimed at implementing the 2005 Convention in the digital environment, whose objective is notably to protect and promote artists and cultural professionals, as well as to strengthen the diversity of cultural expressions. Moreover, such a provision could, conversely, undermine the freedom of artists and cultural professionals not to use AI, particularly in contexts where its use could be imposed for reasons such as efficiency, including economic considerations. **This principle should therefore be removed from the Operational Guidelines.**

3. Inclusion and Bias Reduction: Focus on Governance and Models Diversity Rather Than Supporting the Development of LLMs Without Adequate Safeguards

Whether from the perspective of inclusion, bias reduction (priority domain 2), or cultural exchange (priority domain 6), the Operational Guidelines should not “support the development” of specific language models, and, by extension, specific business models, such as large language models (LLMs) (2.2.1). It should be recalled that LLMs are controlled by a small number of very large private companies, often in monopolistic positions.

Encouraging the inclusion of high-quality data (2.1.1, 6.1.4) in lightly regulated companies that develop according to market rules is not the way to address issues of homogenization or discrimination, which indeed deserve Parties’ full attention.

4. Remove Measures That Encourage the Replacement of Creative Professions

The Operational Guidelines must not include provisions that could encourage or legitimize the replacement of creative professions by generative artificial intelligence systems, for example in areas such as dubbing or translation (2.2.3). Professional translators and audiovisual adaptation specialists are essential to the protection and promotion of a diversity of cultural expression and linguistic integrity. As drafted, provision 2.2.3 risks promoting their replacement by AI without sufficient respect for their copyright and related rights and undervalues human expertise and cultural nuance. Therefore, the provision should not be included.