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Equitable Digital Transformation and International Cultural Relations: Which priorities?

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8 years ago, after attending a pitch for AI in animation, this is what Hayao Miyazaki replied: "I feel like we are nearing the end of times. We humans are losing faith in ourselves." [2]

We are in the era of the 'data race' in which companies, countries, and regions scramble for digital supremacy. The digital age allows us to interact and work virtually, artificial intelligence (AI) can write books and compose music, and augmented realities are more accessible. We can protect natural and cultural heritage through digital preservation and reconstruction. However, data is not benign if it incorporates unjust practices and biases. Moreover, the gaping divide between countries and people with the means to invest in innovation and exploit data and those that are less resourced is stark and highlights an alarming injustice. Digital literacy, intellectual property concerns, and limited infrastructure are ways in which digital transformation can leave some behind. How, then, can culture and creative professionals advocate for an equitable age?

Context

At culture Solutions' dialogue #2, members and friends dived into the tentacular topic of opportunities and challenges for International Cultural Relations (ICR) brought about by digital transformations and asked themselves how they impact the work of cultural networks and how ICR can contribute to building ethical digital practices. This was a timely dialogue in light of the Trump administration's aggressive economic policy[3] and brings to the fore that the EU should act fast in

1. Special thanks to Lilian Richieri Hanania and Damien Helly for their review.
2. Meek, A., This clip of Studio Ghibli's Hayao Miyazaki railing against AI is more relevant now than ever, BGR, 2 April 2024.
3. Since taking office, President Trump has made highly unpredictable decisions on tariffs, sparking concerns among longtime trade partners and creating uncertainty in financial markets. Sherman, N., Race, M., Trump expands exemptions from Canada and Mexico tariffs, BBC Business reporters, 7 March 2025.

preparation for intense competition in the private sector. Just a few days in office, President Trump announced a $500 billion AI infrastructure investment in Stargate, a new company created by the three top tech firms (OpenAI, SoftBank and Oracle) to grow artificial intelligence infrastructure in the United States.[4]

This policy brief highlights key insights from the discussion held by culture Solutions, including **how AI is transforming creativity and impacts arts and culture, the social contexts in which digital tools are used, and the intended and unintended consequences of the digital age.**

The data race and AI governance frameworks

We must beware business models that can possibly harm creatives and their process or livelihood. As things stand, the technology sector is "marked by conspicuous **lack of diversity**".[5] This stems from a market largely controlled by a few dominant companies, along with a **data monopoly** driven by American, European, or Chinese sources. Together, these factors pose a risk of unequal data representation and limited access to local cultural works, and hence, diversity online.[6] Ultimately this could lead to unfair revenue distribution for artists and lead to a lack of diversity in future creations. In 2024, the South African Cultural Observatory, on a report on the initial impact of AI on South Africa's creative work and workers warned of the commercial logic of large platforms that "may lead to an increased concentration of cultural supply, data and income in the hands of only a few actors, with potentially negative implications for the diversity of cultural expressions more generally, including the risk of creating a new creative divide and increasing marginalisation of developing countries".[7]

This concentration of economic power threatens collective bargaining and a **just future**. The unethical use of artistic creations to train AI models without crediting creators remains a challenge in a sector that relies, to some extent, on self-regulation. The **opacity of powerful models** and the inputs they are trained with causes concern begging the question of whether regulations can keep up in this rapidly changing landscape. The discussions in the UK around the Data Use and Access Bill opposes two views: one favouring easy access bypassing copyright for CCIs' British productions,[8] and one where copyright is promoted, not degraded.[9]

US research and innovation strength

American digital companies currently dominate the global data market. The United States' market-oriented tech ecosystem benefits from substantial investment in research and innovation. As global demand for data infrastructure grows, new commercial opportunities are emerging in the construction of data centres. In this area too, the US leads,

4. Duffy, C., Trump announces a $500 billion AI infrastructure investment in the US, CNN? 21 January 2025.
5. Kulesz, O., Artificial Intelligence and International Cultural Relations. Challenges and Opportunities for Cross-Sectoral Collaboration, Studies, 7102, ifa Edition Culture and Foreign Policy, 2024.
6. Chloé Goupille, Arthur Barichard, A Race for AI: But Which One?, CIRSD, Horizons Spring 2025.
7. South African Cultural Observatory (SACO) (2024). Artificial Intelligence – Rushed Revolution or Holy Algorithmic Grail?: The Initial Impact of AI on South Africa's Creative Work and Workers, p.34, referring to UNESCO 2022 Recommendation on the Ethics of Artificial Intelligence.
8. Shariq, A., Asking Permission from Artists Would 'Kill' the UK's AI Industry: Says Ex-Meta Executive Nick Clegg, All about AI, 27 May 2025.
9. Association of Learned and Professional Society Publishers, Baroness Kidron's Copyright And AI Amendments: Creative Rights in AI Coalition Backs Policy Solutions That Will Promote, Not Degrade Copyright, ALPSP, 27 January 2025.

hosting approximately 45% of the world's data centres, which collectively number over 11 800.[10] France is seeking to capitalise on this demand, placing strategic emphasis on AI and data infrastructure over the summits for Artificial Intelligence in February and "Choose France" business summit held in May 2025.[11] In the US, there are private-public partnerships, with calls for more public involvement in AI to diffuse the power that is wielded by the tech sector. The Biden administration issued the Executive Order on the Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence[12] and the Executive Order on the Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence outlining standards and requirements for transparency. We await further developments.

Evolution of Chinese policy framework

China's vast population, combined with strong state backing through strategic policy initiatives and a robust research ecosystem, has positioned the country as a major player in the global tech industry. Following the unveiling of the first version of Deepseek, Bloomberg noted that "US dominance in the AI race was clearly under threat".[13] The strength of Deepseek lies not only in its **efficiency** — it outperformed the leading players in several widely used standardised AI performance tests — but also in its **affordability**, with costs estimated at just 5% of those associated with GPT-4, the model underlying OpenAI's ChatGPT.[14]

Interesting to note that the same public concerns have grown around issues of **privacy** and disinformation among the Chinese population. In 2019, a face-swapping app triggered widespread alarm after it was revealed to be collecting users' facial data without consent in order to generate synthetic images. Celebrities and public figures have also been targeted by deepfake campaigns, sparking scandals and fuelling intense debate within Chinese society about the potential of such technologies to undermine political stability or disseminate false information.

From 2020, the Chinese administration began to engage more actively in a policy for content, data and algorithms. Analysts describe this shift as **"both supportive and prudential",**[15] reflecting a careful balance between encouraging the development and use of AI, while introducing safeguards to mitigate potential social and economic harms.

A distinctive feature of China's regulatory approach has been its decision to regulate specific AI technologies vertically—rather than imposing broad, sector-wide rules—in order to avoid stifling innovation. This approach has favoured the **development of national standards rather than binding regulations**. This reflects a broader, experimental regulatory philosophy, in which Chinese officials collaborate directly with industry players and academic experts to shape future guidance and frameworks for implementation.

A more assertive phase of state oversight began around 2021, marked by the introduction of three mandatory AI regulations, signalling a clearer

10. Fleck, A., Which countries have the most data centres?, Statistica, 20 September 2024.
11. Le Télégramme, Data centers, investissements... Quelles sont les principales annonces du sommet Choose France ?, Le Télégramme avec AFP, 19 May 2025.
12. Federal Register, Executive Order 14110 of October 30, 2023: Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence, Daily Journal of the United States Government.
13. Bloomberg Business Week, Inside China's Plan for AI Supremacy, June 2025.
14. Courrier international, L'intelligence artificielle en Chine est-elle en route vers une suprématie mondiale ?, 29 May 2025.
15. Bloomberg Business Week (op.cit)

commitment by the government to actively steer the development of AI technologies within defined boundaries. Another distinctive feature of China's AI governance framework is the recognition of algorithmic management as a separate area of regulation. Central to this is the requirement for organisations to ensure that the algorithms they design and train are **secure, ethically sound, and transparent in their functioning.**

The EU policy framework

The EU bloc has a significant population, and thus, data. AI research thrives with different funding instruments such as the **Digital Europe programme (DIGITAL)**, the central programme for digital in the multiannual financial framework (MFF) (€ 8.1 billion) or the **Horizon programme with a dedicated budget for "Digital, industry and space"**.[17] In the Horizon 2025 programme, the overall investment in topics that encourage the development of AI in 2025 is estimated at € 1.6 billion in 2025, to be complemented by "amounts deriving from projects that chose to develop AI-based approaches to conduct their research and innovation activities". [18] There is a strong emphasis on **open-source and innovation as opportunities**.

The EU has shown it was on the forefront of **regulation and conception of societal risks and disruptions** contained by new technologies by adopting the Directive on Copyright and Related Rights in the Digital Single Market that seeks "to achieve a fair balance between the rights and interests of authors and other rights holders, on the one hand, and of users on the other",[19] as well as the AI Act,[20] the world's first comprehensive AI law, addressing different threat levels.[21] But now that the - still imperfect - regulatory framework is in place, the private sector and investors are asking for investment and a European digital industrial policy approach to reduce digital dependencies and create a resilient, autonomous, and socially inclusive digital framework.[22] Innovation and production in the EU will be the safest way to safeguard values and make sure the Digital Services Act and AI act can be respected. Last but not least, gigantic investments will have a serious environmental cost, a consequence that has still yet to be adequately assessed.[23]

International framework

On a global scale, UNESCO's member states have adopted the Recommendation on the Ethics of AI in light of its use in the manipulation of behaviours. It focuses on the promotion of human rights and "anticipates moral obligations yet to be codified"[24] while addressing the needs of countries at different phases of digital development. The policy covers all stages of the AI lifecycle from research and design to termination. At the latest MONDIACULT conference, policy makers also recognised persistent challenges "in ensuring equitable access to digital resources and preserving cultural authenticity in the digital realm."[25]

17. European Commission, Funding for Digital in the 2021-2027 Multiannual Financial Framework.
18. European Commission, Horizon Europe Work Programme 2025, Decision C(2025) 2779 of 14 May 2025.
19. DIRECTIVE (EU) 2019/790 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC.
20. EU AI Act: first regulation on artificial intelligence, European Parliament, 8 June 2023,
21. Kulesz, O. (op.cit)
22. Bria, F., Ryan, J. et al. Time to build a European digital ecosystem. Recommendations for the EU's digital policy, Policy Study, Foundation for European Progressive Studies and Friedrich Ebert Stiftung, December 2024.
23. Data centers et intelligence artificielle : la course au gigantisme, Le Monde, 1 May 2025.
24. UNESCO, Recommendation on the Ethics of Artificial Intelligence, 2023, p.1.
25. UNESCO, UNESCO Survey on Mondiacult: Declaration, Follow-Up, Actions, Findings, October 2024.

The World Trade Organisation's Enhanced Integrated Framework policy series, Trade for Development, provides a strategy for the **Global South's leveraging of digital transformation**.[26] The Global South can improve its bargaining power with more digitally advanced countries by using the substantial data that it generates and taking advantage of new markets that digital platforms provide. The authors, Dan Ciuriak and Maria Ptashkina, point out that the data-driven economy "builds on the intellectual property-driven knowledge-based economy" in which countries in the Global South are more likely to be rent payers despite producing significant data. Countries in the Global South can improve their competitiveness by **providing niche products and services**.[27]

What does it all mean for ICR?

New technologies and the digital age brings both opportunities and challenges alike for arts and culture. Knowing the inherent risks it contains is essential in navigating the convergences of tech and culture.

Opportunities

The first generation of digitalisation with e-commerce, e-ticketing, easier communication brought positive **novelty for access and remuneration** to the arts and culture sector, going in the sense of democratisation of culture. It also helped **systematise control over circulation** to ensure respect of copyright.

Digitisation of (in)tangible heritage has also rapidly led to unprecedented access to culture. Participatory digital cultural creation empowers us to experience and contribute to stories that are not bound by borders. Inclusion and respect of different perspectives, international cooperation, and a commitment to addressing digital disparities are key as vulnerable people's stories are often not told, are distorted, and appropriated.[28]

In the fields of creation nd media, AI can empower self-taught artists and young cultural professionals by enabling them to **create and distribute content more easily**. Virtual reality (VR) and augmented reality (AR) are already prominent in the video gaming industry, and they are increasingly finding their place in the cultural sector. Museums, in particular, are constantly exploring ways to attract younger audiences and enhance visitor experiences.

Digital technologies, AI, and data are increasingly recognised for their transformative role in protecting cultural heritage, creating job opportunities for youth in the CCIs through data-driven innovation,[29] and increasing revenues for artists.[30] In the cultural heritage field, innovative initiatives such as **HeritageWatch.AI**,[31] founded by Aliph, Iconem, Microsoft, and Planet, use artificial intelligence to assess the condition of heritage sites and anticipate potential threats. Similarly, **Data4UA**, a project co-funded by the EU and focused on "Capacity Building for Data-Driven Cultural Heritage eManagement in Ukraine," represents a positive example of bridging business and

26. Ciuriak, D. and Ptashkina, M., Leveraging the Digital Transformation for Development: A Global South Strategy for the Data-Driven Economy, Centre for International Governance Innovation, 24 March 2019.
27. Ibid.
28. Wagner, A., de Clippele, MS. Safeguarding Cultural Heritage in the Digital Era – A Critical Challenge. Int J Semiot Law 36, 1915–1923, 2023.
29. Hata Hub, Linkedin Post, March 2025.
30. CNBC Africa, The Rise and Influence of African Music on the Global Stage, 21 December 2023.
31. Lemut, O., HeritageWatch.AI, nouvel acteur de la sauvegarde du patrimoine, Le Journal des Arts, 10 March 2025.

academia to foster data ecosystems for cultural preservation.

Technology **can also enhance and valorise cultural works**. An outstanding example of this is the new "auras" vitrines surrounding the African artefacts in the Muséum du Quai Branly's new gallery in Paris. Designed by Jean Nouvel, these vitrines apply a glowing halo around the artworks, marking a technical achievement and a world first. As the Museum's President, Emmanuel Kasarhérou, explained: "This technique marks a new age in museography, giving the artwork its full physical and spiritual dimensions, contrary to the illusions of a purely digital world."[32]

Challenges

The study by the journal New Media & Society from 2019 entitled "Culture is digital: Cultural participation, diversity and the digital divide", demonstrates however that if digital media provide an important means of engaging new audiences, the engagement with museums and galleries both online and offline remains deeply unequal and that rather than helping increase the diversity of audiences, online access seems to **reproduce, if not exacerbate, existing inequalities.**[33]

Cultures can be hindered by the **lack of diversity in datasets** and are at risk of homogenisation due to AI algorithms that may favour popular, mainstream content over niche or culturally diverse expressions. This could ultimately stifle cultural diversity and **limit the representation of unique cultural identities**.[34]

Homogenisation due to AI algorithms that favour popular, mainstream content over niche or culturally diverse expressions, could ultimately stifle cultural diversity and limit the representation of unique cultural identities.

High costs, bureaucracy, and ambiguous classifications of products hinder the navigation of the challenging world of intellectual property in a digital age. When artistic productions become both input and output of AI models, **how do practitioners ensure their work is valued and their livelihoods are protected?** Recently, amid a government consultation on copyright issues, the UK's creative industries launched a bold campaign to protest proposed changes that could weaken copyright law. And as much as AI has given rise to new jobs such as artistic-programmer, coding for creative outputs, traditional jobs are being lost or dramatically transformed. The latest example comes from Italy, where a newspaper has published a supplement billed as "the world's first newspaper produced entirely by artificial intelligence."[35] How does one compete with a creator who can generate, edit, and reduce the time to create detailed art, produce video content, and translate languages with simple prompts? Those questions touch upon the definition of creativity and personality of the author.

The 2025 draft revised **UNESCO Framework for Cultural Statistics** helps define the relationship between culture, art, and humanity while addressing the

32. RTBF Actu, Jean Nouvel crée des vitrines "auras" pour le musée du Quai Branly, 26 March 2021.
33. Mihelj, S., Leguina, A., Downey, J. Culture is digital: Cultural participation, diversity and the digital divide. New Media & Society, 21(7), 1465-1485.
34. South African Cultural Observatory (SACO) (2024). Artificial Intelligence – Rushed Revolution or Holy Algorithmic Grail?: The Initial Impact of AI on South Africa's Creative Work and Workers, p.34.
35. Morante, B., Journalisme sous IA : que retenir de l'expérimentation d'« Il Foglio AI » ?, La Revue des Médias, 11 April 2025.

legal challenges of authorship in generative AI. It states that "culture can only be valued for national statistical purposes when performed as a human economic activity." Furthermore, it asserts that "artistic practices, living heritage practices, and cultural participation are inherently exclusive to artists, practitioners, social groups, and cultural communities."[36]

Impacts observed

The ARTificial Intelligence in Africa: Investigating the impacts of AI on the Creative Community in Kenya released by Creatives Garage[37] with the support of the Mozilla Foundation provides invaluable insights. Kenya's rapid uptake of new technologies and vibrant art sector make it an important case study. The study involved, among other themes, the **democratisation of the creative industries and job creation through AI** while maintaining fairness and ethics. Artists saw visualisation and ideation enhanced, while workflows have been optimised. Intellectual property and loss of livelihoods were common concerns raised by artists. The detailed report's recommendations included capacitating key stakeholders to exploit the possibilities through **education** and **infrastructure**, and support resilience to challenges that AI presents through strategies for preparedness in the digital age.

Another collaboration, this time between the South African Cultural Observatory and the Universities of Coventry and Newcastle, examined the "nexus between digital technologies, innovation, intellectual property and diversity in the cultural and creative industries".[38] They demonstrated the use of artistic inputs and digital technology in the creation of goods and services. Though the companies surveyed were small, they did employ freelancers in the often project-based CCIs, providing much-needed jobs. Some governments' policy and resources were focused on the science, technology, engineering, and mathematics (STEM) sector at the expense of creative industries. However, Design and Creative Services and Audio-Visual and Interactive Media were found to be most likely to adopt novel technologies. Recent research conducted in the UK have also shown how digital innovation and the arts and culture sector can react well to one another, leading to wider economic spillovers across investment, skills, and enterprise, with the effects of "creating conditions for new commercial models, expanding audience access, and building the digital capabilities of the wider creative ecosystem."[39]

New legal battles

Cultural and creative industries are characterised by the production of goods and services that are frequently protected by intellectual property, such as copyright (systematically in the case of cultural, artistic, or heritage-related content, not always in the case of creative industries).[40] As exemplified with ongoing legislative debates in the UK, in the context of AI, this raises legal challenges for CCIs in the **use and qualification of copyrighted content**.

36. UNESCO, Draft revision of the UNESCO Framework for Cultural Statistics. UNESCO Institute for Statistics, 2025.
37. Bukonola, N. 2024. ARTificial Intelligence in Africa: Investigating the Impacts of AI on the Creative Community in Kenya. Creatives Garage, July 2024.
38. South African Cultural Observatory, The Overlaps Between The Digital And Creative Sectors: Innovation And Technology In The Creative Economy, 2 April 2020.
39. Centre for Economics and Business Research, Spillover impacts in the publicly funded arts and culture sector. A Report for Arts Council England, April 2025. See pages 18-19 of the report the analysis of spillover effects of arts and culture, that occur when an activity conducted by a publicly funded arts and culture organisation results in a positive impact on other arts and culture organisations, society or the economy.
40. UNESCO, Politiques pour la créativité: guide pour le développement des industries culturelles et créatives, 2012.

In the US

In the United States, the case Thomson Reuters Enterprise Centre GMBH v. ROSS Intelligence Inc., No. 1:20-cv-613-SB (D. Del.), has introduced significant normative interpretations concerning AI and copyright. The ruling **favoured copyright protection in the context of AI training**—even when the AI system in question is not generative.[41] The court clarified that ROSS's AI was not a form of generative AI (i.e., AI that independently produces new content), but rather a system that retrieved and reproduced existing judicial opinions. Accordingly, it concluded that **even in such non-generative contexts, the unauthorised use of copyrighted material is subject to copyright law.**

In this case, the court reaffirmed that if a party wishes to use copyrighted content, they must obtain **permission** or demonstrate that their use qualifies as **"fair use".** Otherwise, they commit copyright infringement. U.S. copyright law defines four factors to assess fair use under Section 107 of the Copyright Act of 1976 (17 U.S.C. § 107):[42]

1. The **purpose** and **character** of the use, including whether it is commercial or for nonprofit educational purposes;
2. The **nature** of the copyrighted work;
3. The **amount** and **substantiality** of the portion used in relation to the copyrighted work as a whole;
4. The **effect** of the use on the potential market for or value of the copyrighted work.[43]

In Thomson Reuters v. ROSS, the court found that the first and fourth factors weighed in favour of Thomson Reuters and ruled that AI ROSS's use did not constitute fair use. This precedent has since been[19] invoked in other sectors, including the music industry. For example, in Concord Music Group, Inc. v. Anthropic PBC, No. 3:24-cv-03811-JSC (N.D. Cal.), the AI company Anthropic framed the core issue as "a significant question of first impression: whether it is fair use to make unseen intermediate copies of copyrighted works for the transformative purpose of training generative AI models such as Claude."
These legal developments highlight two major legal challenges posed by AI:

1. Whether the training of AI systems infringes copyright; and
2. Whether AI-generated works should qualify for copyright protection.

A recent report by the U.S. Copyright Office concluded that entirely AI-generated content is not eligible for copyright protection, as copyright law is limited to works of **human authorship**.[44] The approach taken in the 2025 draft revision of UNESCO's Framework for Cultural Statistics aligns with this, favouring a regulatory position and human creation over AI-generated output.

In the EU

European jurisdictions are likely to face similar legal challenges. In March 2025, France's leading publishing and authors' associations—namely the National Publishing Union (SNE), the National Union of Authors and Composers (SNAC), and the Society of Men of Letters (SGDL)—filed a

41. Nicolas, B. E., Federal Court Sides with Plaintiff in the First Major AI Copyright Decision of 2025, JW News. 17 February 2025.
42. US Code, 17 USC 107: Limitations on exclusive rights: Fair use.
43. Stir, R., Fair Use: The 4 Factors Courts Consider in a Copyright Infringement Case, 20 June 2023, Nolo.
44. United States Copyright Office, Copyright and Artificial Intelligence Part 2, A Report of the Register of Copyrights, January 2025. "For a work created using AI, like those created without it, a determination of copyrightability requires fact-specific consideration of the work and the circumstances of its creation. Where AI merely assists an author in the creative process, its use does not change the copyrightability of the output. At the other extreme, if content is entirely generated by AI, it cannot be protected by copyright."

lawsuit against U.S. tech company Meta (META.O). The lawsuit alleges that Meta used vast amounts of copyright-protected content without authorisation to train its AI systems. This marks the first legal action of its kind in France. As SNE Director General Renaud Lefebvre stated, "It's a bit of a David versus Goliath battle. This procedure serves as an example." [45]

In parallel, the European Union is refining its interpretation of the AI Act. The Council of the European Union published a revised summary of Member States' contributions to a policy questionnaire concerning the relationship between generative AI and copyright. Key conclusions include:

- A general consensus that purely AI-generated works should not be eligible for copyright protection, as only a natural person can be considered an author under the Berne Convention.
- Recognition that AI-assisted works may qualify for copyright protection if they meet existing legal criteria.
- Broad support for a "wait and see" approach regarding transparency obligations related to AI-generated content, preferring to evaluate the AI Act's implementation before introducing new measures.
- Emphasis on the role of collective management organisations (CMOs) in facilitating licensing agreements between rights holders and AI developers.
- A prevailing view that introducing a specific liability regime for copyright infringement in the context of generative AI is premature.
- General agreement on the need for international discussions on AI and copyright, with the World Intellectual Property Organization (WIPO) Standing Committee on Copyright and Related Rights (SCCR) identified as the most appropriate forum.
- A general view that international normative legislation is not appropriate at this stage.[46]

International framework

The adoption of the **first legally binding treaty on AI, Human Rights, Democracy and the Rule of Law** is proof that states understand what is at stake with AI societal and political impact. The Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law was drafted by the 46 member states of the Council of Europe, with participation from observer states (including Canada, Japan, Mexico, the Holy See, and the United States), the European Union, and a number of non-member states such as Australia, Argentina, Costa Rica, Israel, Peru, and Uruguay.[47] The drafting process also included 68 international representatives from civil society, academia, industry, and various international organisations. The Convention allows Parties to choose between two modalities for applying its principles to the private sector: either binding obligations or alternative measures that align with the Convention's provisions while upholding international human rights standards. Importantly, the Convention does not apply to national defence activities or to research and development unless AI system testing has the potential to impact human rights, democracy, or the rule of law. Activities related to national security are excluded from the Convention's scope but must still comply with international law and democratic principles.

The question now is **whether the**

45. French publishers and authors file lawsuit against Meta in AI case, 12 March 2025, Reuters.
46. Jones Day, EU Policy Questionnaire on the Relationship Between Generative Artificial Intelligence and Copyright and Related Rights, 24 January 2025.
47. Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law, Council of Europe Treaty Series - No. 225, Vilnius, 5.IX.2024.

regulation in place will act as a deterrence measure for AI softwares to infringe copyright, or if the harm is already done and that the legal framework will always have to be in a reaction mode, causing long and costly processes to ultimately remind the essence of human creation.

What's in it for the cultural sector?

One thing is certain: **artists worldwide will not back down**. In February 2025, the *Make it Fair* campaign[48] was launched in the UK to raise public awareness of the existential threat posed by generative AI to the creative sector. This came amid the UK government's consultation on proposals aimed at providing **clarity** for creative industries and AI developers regarding copyright laws. The campaign accused the government of favouring big tech platforms, **allowing them to exploit British creative content to power AI models without permission or compensation**. It also warned that many AI models scrape creative content from the internet without **recognition** or, most importantly, **payment**.

The campaign has sparked a series of responses, one of the most notable being Lisa Talia Moretti's powerful defence[49] of the initiative against critics—particularly from journalists who argue it might hinder creativity in the long run.

As exemplified above, AI and high-tech innovations undeniably hold exciting and positive prospects for art, culture, and the CCIs much like any technology driven by **progress** and **science**. However, all of this will only hold true if those making decisions regarding the use of AI come from the cultural sector and genuinely understand its specificities, needs, and challenges. They are the **guardians of ethics**, ensuring that art and culture remain true to their essence.

The way forward: a value-based use of digital innovation in ICR

The key ingredient to ensuring that digital transformations truly benefit the cultural sector and the CCIs—rather than undermine the inherent value of culture and the creative process—lies in the **values that guide the use and control of digital tools**.

Role of policy makers

Policy makers' role is not to slow down innovation but to ensure that the **capacity for innovation is fully accessible to the cultural sector**, allowing cultural ecosystems to **design technologies that align with their vision** and projects. They must also ensure that these technologies do not exacerbate **digital or revenue divides**, do not lead to **excessive energy consumption**, nor promote an **extractive approach** to cultural and creative products that disproportionately harm the Global South. Furthermore, cultural and creative products must be protected to preserve their **intrinsic economic, social, and cultural value**.[50] This aligns with the findings from the article "Safeguarding Cultural Heritage in the Digital Era – A Critical Challenge," which calls for "collaborative efforts and innovative legislative measures" to navigate the

48. News Media UK, UK Creative Industries Launch 'Make it Fair' Campaign, 25 February 2025.
49. Moretti, L., A response to "What if the UK media campaign to make AI fair hinders creativity in the long run", Medium, 13 March 2025.
50. Ericsson, B., Hauge A., Kristian Alnes, P., Cultural and creative industries: Innovation, performance and spillovers, Norsk Geografisk Tidsskrift - Norwegian Journal of Geography, 78:4, 222-233, 2024.

balance between public and private law mechanisms, ultimately nurturing a thriving cultural ecosystem for future generations.[51] It also supports ifa's recommendations for ICR institutions to take an active role in ensuring the ethical use of AI technologies and "become deeply involved in shaping the imaginaries and narratives that ultimately guide the development and regulation of AI on a global scale."[52]

Promoting relevant digital innovation

Managers of public funds for innovation must defy the "Tick-the-Box" Approach. Projects that simply "tick the box" for the deployment of digital tools give rise to **superficial engagement** with digital transformation in ICR. Public and private funds must be careful not to reduce digital transformation to a checkbox exercise, and must consider the **social and ecological systems in which these technologies operate**. If innovation is to be applied within the cultural sector, then the voices from that sector must be meaningfully included in defining its impact. This is essential to ensure that digital innovation becomes more **relevant, trust-based, democratic, ecologically sober, and relevant**. Policymakers must be attentive and make a genuine effort to listen to the concerns of those working within these sectors.

Promoting EU's efforts

The EU has been on the forefront of the conceptualisation of an ethical approach of AI and could be leading on the international scene drawing on the EU AI Act, tapping the yearly summary of Member States' policy implementation. Before the adoption of the AI Act, the European Commission had set up an Independent High-Level Expert Group on AI producing "Ethics guidelines for trustworthy AI". The guidelines develop **seven non-binding ethical principles for AI:** [53]

1. human agency and oversight;
2. technical robustness and safety;
3. privacy and data governance;
4. transparency;
5. diversity, non-discrimination and fairness;
6. societal and environmental well-being;
7. accountability.

EU policy makers should be encouraged to monitor the development and adoption of these guidelines **hand in hand with cultural professionals and CCI representatives**, to refine the conceptual framework around AI, ethical production and use of data and copyright. In this regard, a positive development is observed in France, where the Ministry of Culture held a "round of consultations between developers of generative AI models and cultural rights holders" on June 3, 2025. The initiative aims to reconcile technological innovation with respect for copyright, ensure fair value for French cultural content, and foster the development of trustworthy AI that upholds the nation's social model.[54]

Involving the cultural sector

Cultural and creative actors should be closely involved in the **review of AI Act**

51. Wagner, A. (op.cit).
52. Kulesz, O. (op.cit).
53. Independent High-Level Expert Group on Artificial Intelligence, Ethics guidelines for trustworthy Artificial Intelligence, European Commission, 18 April 2029.
54. Linkedin post, Rachida Dati, French Minister of Culture: Souveraineté culturelle et intelligence artificielle : un défi d'avenir, 3 June 2025.

adoption at the national level, especially on the issue of copyright, the role of CMOs and encouraging international discussions among wider creative communities. The cultural and artistic community and ecosystems have a role to play in **shaping and conceptualising an ethical AI** following EU's ethical principles and spreading it to **wider audiences** through education and artistic activities.

Cultural networks should support efforts, research, projects, cultural practitioners, and artist-led digital innovation that promote **digital literacy** and processes that focus on self-representation and dialogue with the communities being represented. We cited positive examples above, and others exist like the work of the artist Ameera Kawash, who has used machine learning to teach AI different kinds of Palestinian embroidery patterns with smaller and hand-curated data sets.[55]

Capture the scope of AI

AI should be seen as more than just a technological tool and more like a social system. Deepfakes and information manipulation and, of equally important concern, AI models often replicate/exacerbate existing inequalities and perpetuate biases. Moreover, the AI preparedness divide, as noted by the IMF, is vast, fostering global asymmetries, dependencies and inequalities. These challenges cannot be solved through technical solutions alone.[56]

While digital tools (social media, remote work, VR) may foster global artistic networks and exchanges, enabling artists from different countries to collaborate and share expertise, we cannot disregard the systemic barriers that continue to limit access and opportunities for many, undermining the potential for truly inclusive exchanges.

Digital transformation should hence consider equity as a priority for ICR to truly serve as a dialogue and exchange platform - across people, genders, territories, ecological ecosystems and generations - and recognise culture as a "common and essential public good".[57]

culture Solutions aims to put the digital and technological dimensions more prominently on the EU agenda of cultural relations and cultural diplomacy, and ensure creative and fruitful crossovers between arts, science, technology and digital expertise. See more articles and podcasts produced by culture Solutions' members on the links between International Cultural Relations (ICR), Digitalisation & internet.

55. Ameera Kawash, Tatreez Garden.
56. Melina, G. Mapping the World's Readiness for Artificial Intelligence Shows Prospects Diverge, IMF Blog, 15 June 2024.
57. La Moncloa, EU Ministers of Culture approve the 'Cáceres Declaration' at the Informal Meeting of Culture Ministers, 26 September 2023.

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