Introductory Speech
by Carole Tongue, UKCCD Chair

on the occasion of the
20th Anniversary of 2005 UNESCO Convention
on Cultural Diversity of expressions

Cypriot High Commission, London

16th October 2025

A. HISTORY AND CONTEXT

In the history that follows, of which I was proud to be part, you will see our present and potential future. The environment giving us digital and AI is an acceleration of 1990s globalisation.
In the 1990s, free trade agreements gave priority to economic and trade liberalisation objectives alone. Culture was considered no more than widgets.

In response a **1998 UNESCO Conference** said that the intensification in the trade of cultural products and services may be detrimental to our cultural diversity and to cultural pluralism.
Pressure from North America to liberalise audio-visual industries and treat all cultural expression as a commodity subject only to free trade rules was very intense at this time.

This theoretical debate became concrete in the late 1990s.

There was a catalysing Event:

The Canada-US Magazine Dispute (1997-1999)

Canada, fearing the dominance of American magazines like *Sports Illustrated*, implemented policies to protect its domestic magazine industry. The United States challenged these measures at the World Trade Organization (WTO), arguing they were illegal protectionist barriers.

The WTO largely ruled in favour of the U.S. This sent shockwaves through countries, particularly France and Canada, who saw it as a direct threat to their sovereign right to support their own cultural industries. It proved that without an international legal instrument, a nation's **cultural policies could be overruled by trade law.**

UNESCO steps In….

In 2000 I was present in Valencia at a meeting of global film makers. Even Bunuel's scriptwriter Jean Claude Carrière joined us and spoke powerfully in favour of a Convention. We asserted in our **2000 Valencia Statement** the importance of cultural diversity of expressions and called for a legal instrument to help achieve this by protecting nation state rights to have cultural policies in support of film and TV, magazines/books etc.

The 2001 UNESCO declaration o**n cultural diversity** declared that cultural goods and services must not be treated as mere commodities or consumer goods. As I used to put it in my speeches: "culture is not cars, carrots or coffee machines."

Having access to our diverse cultures and creative works (cultural pluralism) was seen to be essential for the flourishing of societies and for understanding and peace between them. **This 2001 UNESCO declaration included a clear ACTION PLAN for an International legal Instrument which became the 2005 Convention.**

So moving on…..

B. WHAT HAS THE CONVENTION DONE FOR CULTURAL DIVERSITY, PLURALISM IN ARTS/CULTURE AND THE CREATIVE INDUSTRIES ?

The Convention was always intended to be **a framework for supporting public policy intervention, in support of local indigenous cultural creative works and particularly audio-visual works, drama, film and documentary, in the face of trade liberalising pressures.**

The Convention has underpinned or has been cited specifically in the following public policy actions at both EU and UK level

- **Supporting strong public service broadcasting which is** seen through the Convention as one way of guaranteeing the cultural and linguistic diversity of expression so essential to the healthy functioning of a pluralistic and inclusive society. Governments can use PSB to mandate diversity and pluralism of programming for the whole population

- **The EU law on film and TV known as the AVMS directive (which the UK is still signed up to)** mandates that 51% of our TV screens should be comprised of locally made drama, documentary and feature film. Within that law also is a provision for **due prominence** to be given to local audio-visual works both in traditional TV and in streaming catalogues
- **Furthermore, after lobbying from the UKCCD and our regional organisation the ECCD and many others, this law was amended and now mandates that** 30% of streaming platforms catalogues should be drawn from local series, documentaries and film
- **Within the AVMS directive is also an option that EU Member States can mandate investment** in local film/TV production as a percentage of revenues made in that Member State…14 countries in Europe do this. Canada and Australia are developing similar systems. France and Italy mandate that streaming platforms invest **20% of their turnover** in local film/TV production. Levies on streamers, as a percentage of revenues in a single country, to go to national film funds is also mandated in a number of EU Member States.
- **In this spirit, the UK Culture Media Sport Select Committee recently called for a 5% revenue levy on streamers to go towards a national audio-visual production fund. Government doesn't support that at the moment. We must continue to campaign so that it might adopt such a measure.**

Bill Anderson, UK Film maker and Chair of European Film Directors said last week: Copyright, AVMS and independent production all nourish local cultures.

BUT SUCH MEASURES CAN BE UNDER THREAT

- There have been EUROPEAN COURT OF JUSTICE cases where certain commercial channels and streamers have challenged the provisions I have just mentioned. In their defence, governments have cited the 2005 UNESCO Convention to say that nation states are acting legitimately in defence of local cultural diversity in mandating such investment measures. Furthermore….

Legal cases are ongoing with ;

- Google and other platforms challenging the Flemish regional government on its law placing obligations on them

- Netflix and Disney are challenging the Walloon government on their law on streamers which says they must invest a % of their Belgian revenues in local audio-visual production. We await the outcome….

- **Those governments have to win those cases or our public policy on behalf of local investment in diverse film documentary and TV will be completely undermined**

Furthermore the 2005 Convention underpins

- **The EU's Creative Europe with its MEDIA programme** supporting local film and TV Production and the other half of the programme supporting intercultural exchange programmes so essential in our polarised societies
- **The European Media Freedom Act also** mentions the 2005 Convention as a supporting legal framework for protecting media pluralism

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In the current environment using the 2005 Convention to assert our national cultural rights is always going to be challenged not least in ongoing trade agreements, where the UK, the EU are now being threatened in ways we have all witnessed recently.

The Convention and Trade Agreements

This is one of the most significant applications of the UNESCO Convention. The EU systematically includes a "Cultural Exception" or "Cultural Cooperation" clause in its trade deals such as with the:

EU-Canada Comprehensive Economic and Trade Agreement (CETA): Contains a cultural exception clause that reaffirms the right of the the 2 countries to adopt measures to protect and promote cultural diversity, directly referencing the UNESCO Convention.

The UK Business and Trade Department still operate an "audio-visual exception" in our trade agreements. The recent UK: US trade deal however is not in the public domain so we need to find ways to scrutinise this to make sure that the "audio-visual exception" is still in that deal.
Again this is to ensure that a nation state may adopt public policies for the creative industries, particularly film and TV without interference from our trading partners like the US.

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C.HOW TO USE THE CONVENTION IN OUR CAMPAIGNING

The Convention is part of a toolkit to use in favour of policies for cultural and linguistic diversity. It is often cited by the institutions of the EU in their debates and also **used to push for intervention** in a range of policy areas now ongoing such as those in favour of :

- **Copyright protection for authors, publishers, musicians and others vis a vis AI companies**
- Improving the **Status of the Artist to improve living and working conditions**
- Ensuring the **Discoverability/prominence of diverse works on TV and online**

COPYRIGHT, AUTHORS RIGHTS, AND AI
Authors and creators of all kinds are demanding, in line with the Convention, that there is :

Accountability by AI companies,
Remuneration of creators for the use of their work and Transparency as to how creative works have been used

We should remember this by the acronym
ART
Accountability, Remuneration and Transparency

Furthermore…..
Drawing on and in line with the 2005 Convention ….In last few weeks, a UN report on AI and Cultural Rights, says clearly:

”Using AI tools for creativity-related functions challenges the integrity and authenticity of human creative expression, thereby putting at risk several dimensions of cultural rights, not least the right to freely participate in cultural life.
It goes on and I quote…

12. Human expression is not understood only as outcomes (a book, a renovated house, a scientific discovery) **but is celebrated as a process of the human mind that includes conscious decisions and emotional engagement."** Writing a poem, directing a film "or composing a musical piece are not only about the outcome, but about the processes that involve part of one's past and one's own ideas.
The UN report advocates for all the public policy measures that the creative sector has been asking for in the age of A.I.

IN CONCLUSION
We here in the UK and everywhere can campaign using the 2005 Convention and the recent UN report on AI and Cultural Rights and say to government:

Our public funding and cultural policies must actively support the diversity of creative expressions. By supporting the livelihoods of our creators on whom we depend for their authentic understanding, imagination and creation. Creators must be able to license and be paid for the use of their works by AI companies, for example.

Also we must encourage government to adopt policies to ensure that recommendation, ranking and filtering systems uphold the right to access and discover a diversity of creative works through giving those local creative works due prominence and visibility across all digital platforms be they film, books, photography, theatre…..and more besides.

We must also use the Convention to argue for a strong sustainable settlement for the BBC on behalf of us all.

We need to value and preserve human creativity, which now, more than ever, are challenged by AI. Let's use the 2005 Convention to underpin the diversity of human creation and the value of all our creators.

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FOR REFERENCE

ANNEX ONE
October 2025 European Parliament CULT Committee resolution cites Convention

a motion for resolution tabled by CULT Chair Nela Riehl (Greens), which was examined in the committee last week and has been since adopted.
If approved by the committee, such a motion can be then put to a plenary vote and adopted by simple majority.
A resolution of this kind can:

- Influence the Commission and the Council
- Send a strong diplomatic signal
- Shape the European debate.

This motion reiterates the **key messages around cultural diversity** and the **importance of protecting the AVMS Directive against U.S. pressure** and makes **explicit reference to the UNESCO Convention**.

Here is the content of the motion:

- It highlights the **Audiovisual Media Services Directive (AVMSD)** as a **cornerstone of European audiovisual legislation**, ensuring a level playing field for all market players and promoting European works through obligations on streaming platforms (including a minimum 30% quota of European content and possible financial contributions).
- In light of recent U.S. pressure, including President Trump's memorandum denouncing the Directive as a trade barrier and threats of a 100% tariff on non-U.S. films, the Parliament calls on the Commission, Council and Member States to:
    - Defend the principle of cultural exception in all international trade negotiations;
    - Uphold the AVMS Directive as a key instrument of EU cultural sovereignty, diversity, and soft power;
    - Ensure that audiovisual services remain excluded from trade agreements;
    - Recognise that the Directive's rules are non-discriminatory and apply equally to all operators.
- The resolution also expresses concern about the inclusion of the audiovisual sector in the future **MEDIA+ branch of the AGORA-EU**

programme (2028–2034), warning that access by **non-European or non-independent companies** could undermine the EU's **strategic autonomy**
- Finally, the text notes that although a **EU–U.S. trade agreement** was concluded in **July 2025** without provisions on digital or audiovisual regulation, recent U.S. statements show continued opposition to EU cultural policies.
- The Parliament instructs its President to forward the resolution to the **Council**, the **Commission**, and **national governments and parliaments**.

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ANNEX TWO
Conclusion of UN report on AI and Cultural Rights
69. The Special Rapporteur recommends that Governments, at the international, national and local levels:

(a) Ensure that national and international AI regulatory frameworks explicitly and effectively respect, protect and fulfil cultural rights;

(b) Reaffirm the value of human creativity and adopt measures that ensure the recognition and visibility of works created by humans, particularly in environments where AI-generated content proliferates;

(c) Take measures to ensure the right of meaningful participation of all affected individuals and groups, including through free, prior and informed consent, consent-based protocols and ethical guidelines, in all matters relating to
AI, and protect traditional creative expressions and Indigenous knowledge systems from unauthorized or inappropriate use by AI systems;

(d) Ensure that public funding and cultural policies actively support a diversity of creative expressions, including those that do not rely on AI technologies;
(e) Protect and promote data sovereignty in the cultural field, as individual and collective authors must retain control over how their data is collected, stored, used and shared in AI systems;

(f) Strengthen legislative and regulatory frameworks to guarantee the protection of right holders' moral and material interests when their works are used to train AI models, including through transparency requirements;
(g) Adopt robust legal and technical safeguards to prevent the non-consensual use of artists' biometric data by AI systems and to regulate the creation and use of synthetic replicas;
(h) Ensure that AI systems are never allowed to develop without human intervention, and ensure that multidisciplinary and culturally diverse teams are considered a minimum measure to prevent and reduce bias in AI systems and processes;
(i) Mitigate gender-based bias in AI systems by applying intersectional approaches, ensuring inclusive data sets and adopting safeguards that uphold the rights of women, girls and gender-diverse individuals, and correct detected discriminatory patterns;
(j) Ensure child-sensitive AI governance by embedding children's rights principles into AI design, with safeguards against data exploitation and identity stereotyping;
(k) Adopt policies to ensure that recommendation, ranking and filtering systems uphold the right to access and discover a diversity of creative expressions, including those created by underrepresented groups;
(l) Develop and disseminate educational resources and training programmes to strengthen the capacity of all, including technology personnel, to
understand, use and critically engage with AI systems;
(m) Stimulate and fund research initiatives aimed at documenting and analysing the effects of AI technologies on human creativity;
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(n) Ensure that clear accountability mechanisms are in place to identify and address harms caused by AI systems in creativity, including through independent oversight and accessible complaint procedures;
(o) Require multinational enterprises operating in the cultural and creative sectors to adopt transparent, fair and rights-based approaches to AI development, with particular attention given to creative impacts and in line with
international due diligence standards.
70. The Special Rapporteur recommends that all public, private and civil stakeholders involved in the development and functioning of AI tools and processes cooperate at the local, national and international levels in order to:
(a) Develop common standards and interoperable mechanisms for the

identification and traceability of AI-generated content;
(b) Implement cultural rights impact assessments and reviews of AI initiatives and introduce compulsory human and cultural rights trainings for all staff developing AI processes that affect creativity;
(c) Develop and promote fair, transparent and rights-based licensing mechanisms to operationalize the protection of human authors' moral and material rights, ensuring equitable remuneration and meaningful control for artists and creators;
(d) Adopt measures to ensure transparency and oversight throughout the AI life cycle;
(e) Adopt safeguards against the use of AI to alter, distort or manipulate creative works and narratives in ways that misrepresent or discredit their meaning, origin or intent;
(f) Promote the creation and use of inclusive, representative and fairly sourced cultural data sets, developed with the free, prior and informed consent of affected communities and governed by ethical principles that address structural inequalities and uphold cultural rights;
(g) Promote the development and adoption of open AI tools in the cultural and scientific sector in order to foster innovation and reduce dependency on proprietary technologies;
(h) Promote equitable access to AI infrastructure, tools and training for creators and cultural actors in the Global South in order to prevent deepening global asymmetries in the creation, production and dissemination of cultural expressions;
(i) Encourage collaboration between artists and AI experts to foster mutual understanding and stimulate cross-disciplinary innovation.