

European Forum on Music taking on place on June 12th in Brussels

Carole Tongue's speaking notes on Music and AI in the context of the 20th
Anniversary of the 2005 UNESCO Convention

INTRODUCTION:

- It is an honour to be here today to mark the 20th anniversary of the 2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions.
- As we celebrate this milestone dedicated to safeguarding cultural diversity, we must also address the new and unprecedented **challenges** that **artificial intelligence poses to that very diversity**, particularly in the field of **music**.
- Cultural diversity is essential to **democratic societies**. Creative works, including musical expression, embody our identities, values, and shared meaning, helping to bind communities together.
- For democracy to flourish, people must have access to a **wide range of human-made creative works**, especially on **digital platforms**, where music is increasingly **discovered** and **consumed**.
- While musical tastes often overlap, research shows that most listeners prefer music reflecting their own culture and country, highlighting the need to **actively protect cultural diversity**.
- AI presents a **potential existential threat to musicians and creators**, if allowed to develop without appropriate safeguards.
- The **music industry**, like many cultural sectors, currently **lacks specific regulations** governing the **use of AI and algorithms**.
- The EU's AI Act introduces **important transparency obligations** for generative AI providers, such as:
 - **Disclosing** when content is AI-generated
 - **Preventing** the use of illegally scraped data
 - **Publishing** summaries of copyrighted training materials
- However, **enforcement** of these rules remains **uncertain**.
- This uncertainty is exacerbated by recent EU developments, including the **draft Code of Practice on AI**, which falls short of establishing meaningful standards.

Here's a breakdown of potential outcomes:

A) ADVANTAGES

1. DEMOCRATIZATION OF MUSIC CREATION

- AI tools like Udio, Suno and Boomy are **lowering the barrier to entry for music creation**, enabling anyone to compose and produce songs.
- This could spark a **surge in experimental and hybrid genres** and allow **independent artists to bypass traditional gatekeepers** (like record labels and radio) to share their work directly with audiences.

2. REVIVAL OF FORGOTTEN STYLES

- By analysing large music archives, **AI could help rediscover and reintroduce obscure or historical genres**, breathing new life into musical traditions that have faded from mainstream awareness.

3. NEW HYBRID GENRES

- AI systems can blend unexpected influences, **potentially creating entirely new musical styles**, combinations that human creators may not have imagined on their own.
- As noted in former MEP's **Iban Garcia del Blanco's report on Cultural diversity** and the conditions for authors in the **European streaming market**, AI has the potential to **serve as a creative tool** for artists to explore, innovate and enhance their work.
- However, this must be **accompanied by maximum transparency** and full **compliance with EU legal frameworks** governing the development, production, and distribution of AI-generated music.

B) CHALLENGES

1. COPYRIGHT INFRINGEMENT AND ETHICAL BREACHES

- One of the most pressing challenges is **unauthorized scrapping of copyright-protected content**, lifted from the **internet**, used in **training datasets**, and deployed **without consent or remuneration**.
- This is **systemic appropriation**, undermining creators' rights and **violating the ethical foundations** on which our cultural systems are built.
- When former developers, like Ed Newton Rex, disclose that **AI companies are explicitly instructed not to reveal the music used to train their models**, we are forced to ask: how can trust or fairness prevail in such opacity?

2. THREATS TO MUSICAL DIVERSITY

- Generative AI does not just reproduce music, it **reproduces bias**.
- Trained on largely Western, commercial datasets, these systems **threaten to flatten our musical landscape**, marginalizing regional, indigenous and experimental genres.
- We now see AI systems mass-producing entire songs in minutes, with no musicians, no signers, no lyricists, and no human involvement at all.
- Moreover, as **deals are struck between major rightsholders and large AI firms, independent creators**, the backbone of cultural diversity, are at risk of **being excluded entirely**.

3. EROSION OF FREEDOM OF EXPRESSION AND DEMOCRACY

- This challenge transcends music. Particularly in the form of chatbots, deepfakes, and fake news engines, **AI poses a growing threat to freedom of expression**, truth, and ultimately democracy.
- **AI-generated deepfake music**, using the voice or likeness of real artists without their consent, represents a **violation of personal identity and moral rights**.

4. ALGORITHMIC HOMOGENIZATION AND THE CRISIS OF DISCOVERABILITY

- As highlighted in the **2020 French-Quebec report on Discoverability**, visibility depends on **metadata, search prominence, playlist inclusion, and algorithmic transparency**.
- In a digital world where AI determines what we see and hear, **discoverability is no longer a passive feature**, it is a structural barrier.
- AI-driven recommendation systems favour what already performs well. As a result:
 - **Independent and minority voices are excluded**
 - **Innovative or non-commercial music is buried**
 - **Younger and emerging artists** are deprived of **access and sustainability**.

5. LOSS OF INCOME FOR COMPOSERS AND MUSICIANS

- The **growing impact of generative AI is already reducing the number of people able to earn a living from music**, especially young and emerging artists.
- According to CISAC's 2024 report:
 - Under current conditions, generative AI could threaten **24% of music creators' revenues by 2028**.
 - This equates to a **cumulative loss of €10 billion** over the next five years.

- In 2028 alone, the annual loss could reach **€4 billion**.

C) SOLUTIONS

- The **European Commission** must take full **responsibility** for upholding its **international and European obligations**, including:
 - The **2005 UNESCO Convention**
 - The **UNESCO Recommendation on the Ethics of AI**
 - The **Council of Europe's Framework Convention on AI and Human Rights**
 - The **2019 Directive on Copyright in the Digital Single Market**.
- These instruments provide **binding principles and clear framework: transparency, consent, remuneration, cultural diversity** and these are not optional extras, but **foundational pillars of democratic, rights-based governance in the digital age**.
- As outlined in the **recommendations** former MEP **Iban Garcia del Blanco's report on cultural diversity** and the conditions for authors in the European streaming market and **adding some more, we urgently require**:
 - **Recognition of existing licensing practices** that benefit rightsholders, consumers, and businesses
 - **Ensure the collection of quality data at creation** and its **preservation** across the value chain
 - **Standard for good data management and standardised data use**, to support **transparency and licensing**
 - **Fair remuneration** for the use of creative works
 - **Clear definitions of and labelling** of AI-generated content
 - **Public disclosure of training data sources**
- Additionally, the UNESCO ethics Recommendation demands **that technology companies be directly engaged to guarantee plural access to cultural expressions**, meaning:
 - **Algorithmic transparency**
 - **Discoverability** safeguards
 - **Non-discrimination** against local and underrepresented content.
- With the **lack of satisfactory safeguards posed by the third draft of the European Code of practice for AI** and yet **no enforceable regulation**, we face a stark future: one in which **commercial AI systems prioritize profit over diversity**, resulting in a flattened cultural landscape.
- We call for a **broad, unified coalition of creators** to speak with one clear voice to the Commission.



- If institutions fail to act, creators may **be forced to seek justice in court**, as seen in the GEMA case against Suno AI and Open AI.
- But **litigation should not be the norm**. We need **proactive governance**, rooted in cultural values, not market priorities.
- The Commission must uphold a principled approach that **places creators and cultural diversity at the heart of digital innovation**, ensuring that technological advancements and copyright are complementary, and reflect the **rich tapestry of Europe's cultural heritage**.
- Underpinned by fundamental principles under the **UNESCO Convention** and other texts, **transparency, clear labelling, licensing and remuneration must prevail**.

Annex 1: Origin of the 2005 Unesco Convention:

The ****2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions**** emerged from growing concerns about the impact of globalization on cultural diversity, particularly the fear that cultural goods and services were being treated as mere commodities under free trade agreements, threatening local cultures and creative industries.

Key Factors Leading to the Convention:

1. ****Globalization & Trade Liberalization****

- The 1990s saw increasing trade negotiations (e.g., WTO, NAFTA) that treated cultural products (films, music, art) like any other commercial goods, raising fears of cultural homogenization dominated by Hollywood and Western media.

- Countries like France and Canada pushed for a "cultural exception" in trade deals to protect their cultural policies (e.g., film quotas, subsidies for local artists).

2. UNESCO's Role in Cultural Protection

- UNESCO had long promoted cultural diversity, but existing frameworks (e.g., 1972 World Heritage Convention) didn't address contemporary creative expressions.

- The 2001 Universal Declaration on Cultural Diversity laid the groundwork, affirming culture as a "common heritage of humanity" needing protection.



3. Push from Francophone & Developing Nations

- France, Canada, and Francophone countries led efforts, fearing U.S. cultural dominance.
- Developing nations supported the convention to safeguard indigenous cultures and resist cultural imperialism.

3a. Late 1990s BSAC report on film tv showed that US film/ tv in a totally free trade system could wipe out most film industries within 5 years

4. **Failure of the 2003 US-led Iraq War & Soft Power Debates**

- The divisive Iraq War heightened global awareness of cultural sovereignty and the need to counterbalance U.S. influence in media and entertainment.

The Outcome: Key Provisions of the 2005 Convention

- Recognized the ****dual nature**** of cultural goods (both economic and cultural value).
- Affirmed states' "right to implement policies" protecting local cultures (e.g., subsidies, quotas).
- Promoted "international cooperation" to support developing nations' cultural industries.
- Established a "monitoring framework" to track implementation.

Controversies & Opposition

- The "U.S. and Israel voted against it" seeing it as protectionist and a threat to free trade.
- Critics argued it could be used to justify censorship or restrict foreign media.



Today, the convention remains a cornerstone for cultural policy, balancing trade rules with the protection of diverse cultural expressions. Over “150 countries” have ratified it, reflecting its global significance.

The Convention is currently under consideration for adaptation in light of digital transformations. A group of UNESCO experts has recommended the **adoption of an additional protocol, carrying the same legal value as the Convention**, to address the **challenges posed by AI**. This proposal will be **discussed next week at the 10th session of the UNESCO Conference of Parties in Paris**, where civil society will also be represented.

It has been cited in various cases. For instance, the **Court of Justice of the European Union’s *Uteca* ruling of March 5, 2009**, illustrates its **full integration into the European legal order**.

Annex 2: How can musicians use the Convention?

Musicians and their organizations can leverage the ****2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions**** to secure ****authorization, transparency, and fair remuneration**** from AI companies using their work. Here’s how:

1. Asserting Cultural Rights & Sovereignty

The Convention recognizes that “cultural expressions (including music) are not mere commodities “ and that states have the right to implement policies protecting artists. Musicians and organizations can:

- Lobby governments to enforce domestic laws requiring AI companies to obtain “prior consent “ for training models on copyrighted music. “
- Push for “mandatory transparency” in AI datasets, ensuring musicians know if their work has been used.



- Advocate for “cultural exceptions” in trade deals that prevent AI firms from exploiting music without compensation.

2. Using the Convention to Strengthen Copyright & Licensing Frameworks

The Convention supports “fair remuneration” for creators. Musicians can:

- Demand opt-in (not opt-out) systems

—AI companies should have to “license music legally” before using it, just as streaming services do.

- Work with “collective management organizations (CMOs)” to negotiate “blanket licensing agreements” with AI firms, ensuring royalties.

- Push for “new legislative measures”(e.g., EU Code of Practice reflecting principles above)