

# **CULTURE AND SUSTAINABILITY**

## **UNESCO CONVENTION ON THE PROTECTION AND PROMOTION OF THE DIVERSITY OF CULTURAL EXPRESSIONS 20th ANNIVERSARY**

Ankara 2026

**Editor**

Prof. Dr. Tuba Işınsu DURMUŞ,  
Prof. Dr. Nilüfer TİMİSİ NALÇAOĞLU

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Dr. Azize ÖKTEN

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Balgat-ANKARA/TÜRKİYE

Tel : +90 312. 284 16 39 Pbx

Faks : +90 312. 284 37 27

E-mail : grafiker@grafiker.com.tr

Web : grafiker.com.tr

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# **Unesco Convention on the Protection and Promotion of the Diversity of Cultural Expressions 20th Anniversary Celebration Event**

## **FOREWORD**

**Prof. Dr. M. Öcal OĞUZ**

President of the Turkish National Commission for UNESCO

As is well known, the governments were among the intergovernmental experts who carried out the preparatory work for the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions, adopted at UNESCO's 33rd General Conference. This was followed by the establishment of the first Specialised Committee within the Turkish National Commission for UNESCO and the official translation and adoption process of the text in the Grand National Assembly of Türkiye. The 20th anniversary of the Convention marks the culmination of these efforts.

The convention has gained significant importance in the field of global cultural studies thanks to its focus on supporting sustainable cultural management systems, ensuring the balanced circulation of cultural products and services, raising awareness and sensitivity within civil society, empowering artists and cultural professionals, ensuring their mobility, and incorporating culture into sustainable development. By focusing on issues such as supporting creative cultural industries and taking the necessary measures to preserve the diversity of cultural expressions, it has become an important part of global cultural work. Parties to the 2005 Convention, including organisations such as the EU, are obliged to determine and implement policies and measures to preserve the diversity of cultural expressions, as well as providing financial support for these policies and measures. Furthermore, signatory states must provide information in the reports they submit to UNESCO every four years on the measures they have implemented at national and international levels to protect and promote the diversity of cultural expressions.

These obligations and the framework of international principles emphasise the strategic role of creative industries in economic and cultural development. The disciplines of audiovisual/cinema, design, media arts, music, performing arts, publishing and visual arts stand out as high value-added areas in ensuring sustainable economic development. These industries, which are essentially based on individual creativity and talent, are recognised worldwide as key drivers of economic development. This is because they can generate tangible value chains in terms of employment and economics, particularly in the context of contemporary issues such as copyright, widespread digitalisation, and artificial intelligence, based on the protection of culture. They also enable each country to reveal its own unique cultural potential. This global trend and the increasing strategic importance of creative industries necessitates the development of more comprehensive and holistic policies for culture and creative industries within national development plans.

Following the adoption of the agreement by the Grand National Assembly of Türkiye in 2018, the Ministry of Culture and Tourism's Directorate General for Copyright, designated as the enforcement agency, played a key role in raising awareness of 2005 Convention among civil society, the private sector and local governments. This has led to positive developments in the cultural industry. Cultural industries also occupy an important place in the Twelfth Development Plan (2024–2028), which was prepared by the Presidency of Strategy and Budget of the Republic of Türkiye. The plan aims to increase support mechanisms for creative industry competitiveness, access to international markets, branding and cultural product distribution. This approach is consistent with the objective of addressing the cultural economy holistically within national development policies.

Another important development in support of this national approach on a global scale was the UNESCO World Conference on Cultural Policies and Sustainable Development, MONDIACULT 2025. This took place in Barcelona, Spain, from 29 September to 1 October 2025. Our country contributed to this conference and participated at the highest level. At the conference, a strong commitment was made to include culture as an independent goal in the 2030 United Nations Sustainable Development Goals (SDGs) agenda, emphasising that culture is a fundamental driver of development and of building the future. Comprehensive consultations were held on themes such as cultural rights, digital technologies in the cultural sector, culture and education, the cultural economy, culture and climate action, and culture, heritage and crisis. The focus areas of 'culture for peace' and 'artificial intelligence and culture' were also discussed.

To mark the 20th anniversary of the adoption of the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions in 2025,

the Directorate General for Copyright of the Ministry of Culture and Tourism of the Republic of Türkiye and the Turkish National Commission for UNESCO jointly organised the 'UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions 20th Anniversary Celebration Event' on 3 September 2025. The event saw strong participation from public institutions, academia and civil society. Furthermore, the application to include the event in the 2005 Convention Secretariat's UNESCO global events list was successful, and the event was published on the list as part of our country's 20th anniversary celebrations. This confirms, in a sense, Türkiye's commitment to implementing and raising the profile of the Convention internationally.

Finally, as one of the 58 Member States elected to UNESCO's Executive Board for the third consecutive time at the 43rd UNESCO General Conference, I am pleased to state that, with its strong expertise in UNESCO's fields of work and the conventions it is party to, Türkiye is in a position to take more initiative in the future, be a guiding force in the global arena and share its experience and expertise with the international community. This work and these contributions reinforce the alignment of national policies with international norms such as cultural diversity and the role of the cultural industry in societal welfare, as well as ensuring the more effective participation of civil society in processes. They also increase Türkiye's visibility and effectiveness in the field of global cultural management and industry.



# INTRODUCTION

## Özlem ECE\*

Member of the Executive Board of the UNESCO National Commission of Türkiye and Head of the Specialised Committee on the Diversity of the Cultural Expressions of the Turkish National Commission for UNESCO

Distinguished representatives of the Ministry of Culture and Tourism, honorable Vice President of the Turkish National Commission for UNESCO, esteemed academics, dear colleagues, valued artists, and guests;

It is a great honor for me to be here today with you to celebrate the twentieth anniversary of UNESCO's "Convention on the Protection and Promotion of the Diversity of Cultural Expressions". This gathering stands as a strong testament to our commitment to safeguarding and nurturing cultural diversity.

The convention, adopted in Paris in 2005, as one of UNESCO's most important documents in the field of culture, has defined cultural diversity as a common heritage of humanity and has made its protection a legal obligation for States. The Convention is one of the most important internationally recognized agreements in the field of cultural diversity.

Cultural diversity is the foundation of democracy, development, and human rights. Free thought, creativity, and social peace are possible with the coexistence of different cultures. For this reason, freedom of expression, access to information, and freedom of communication are also among the fundamental pillars of the Convention.

I would like to thank the members of the Convention Expert Committee serving within the Turkish National Commission for UNESCO, our Board member Prof. Dr.

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\* Director of Cultural Policy Studies, Istanbul Foundation for Culture and Arts (İKSÜ).

Bertil Emrah Oder, serving as the moderator of the first panel, Bilkent Cyberpark General Directorate for hosting this event, and the General Directorate of Copyrights of the Republic of Türkiye Ministry of Culture and Tourism for supporting the organization of this event. On this occasion, I also extend my respects and thanks to our President of the Turkish National Commission for UNESCO, Prof. Dr. Öcal Oğuz, who could not be with us.

Over the past twenty years, States Parties, civil society organizations, and creative communities have been the main actors in this process. As one of the States Parties, Türkiye has also taken significant steps to protect and promote cultural expressions. These experiences show us that cultural diversity is not only about preserving the past; it is about nurturing today's creativity and contributing to the social peace of the future.

Today, in the first panel, we will discuss the relationship between the Convention and the sustainable development goals; in the second panel, we will examine the opportunities and risks offered by digitalization in the context of the creative cultural industries. These sessions, as emphasized by UNESCO on a global scale, will both remind us of past experiences and place new responsibilities upon us for the future.

As UNESCO emphasizes, creativity and cultural diversity are the cornerstones of building our future. I thank all the institutions that contribute and the communities that live cultural diversity every day, and I wish you all a productive event.

# INTRODUCTION

## **Prof. Dr. Nizamettin KAZANCI**

Vice President of the Turkish National Commission for UNESCO

*“Cultural Expression” is Respect for Human and Social Intelligence*

Dear participants,

On behalf of the Turkish National Commission for UNESCO (UTMK), I greet you all with respect. Welcome to the event on the protection and promotion of the diversity of cultural expressions (2005 Convention). First of all, I would like to thank and congratulate you on recognising the importance of your convention anniversary. The awareness you have raised is commendable.

As a founding and leading member of UNESCO, which has prioritised effective communication among its member states to fulfil its mandate of “promoting global peace through education and science”, Türkiye has played a key role in this endeavour. One method it has chosen for communication between countries is to establish international conventions, the most recent of which is 2005 Convention, and to encourage participation in them. Noteworthy among UNESCO’s various conventions are those concerning “culture”. These include the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict; the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property; the 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage; the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage; and the 2005 Convention, dated 3 September 2005, the twentieth anniversary of which we are celebrating today. There are also 12 conventions on various topics, such as the Rome Convention on Publishers and Artists; the Ramsar Convention on Wetlands for the Conservation of Waterfowl; the fight against doping; the equivalence of diplomas; the equivalence of higher education and universities in Mediterranean

and Latin American countries; and underwater cultural heritage. There are also 12 UNESCO programmes aimed at their direct or indirect implementation. While the conventions are generally ratified by the parliaments of the contracting states, programmes come into force when governments decide to participate. UNESCO also cooperates with almost thirty expert and specialised organisations, most of which are UN agencies. This cooperation has recently expanded to include areas such as climate change, building communities that can withstand natural disasters, climate migration, the protection of land and oceans, geodiversity, biodiversity, natural heritage, and the development of geoparks and geotourism. In short, while preserving its founding objectives, UNESCO has expanded its strategic goals alongside the diversification of local and global issues, transforming itself into a centre of knowledge and collective wisdom that prioritises global development. Conventions and programmes serve these strategic goals. Examining the conventions and programmes reveals that 2005 Convention is a very comprehensive convention in terms of content and scope. The introduction alone highlights twenty separate points and emphasises nine distinct principles. There are 35 main sections (articles) and 145 subsections (sub-articles). The 2005 Convention clearly reflects the social and individual changes that have occurred since UNESCO's establishment half a century ago, in terms of both its narrative and content.

The defining feature of the 2005 Convention is its comprehensive scope, touching on various aspects of individual and societal life in the short and long term. This includes areas such as family communication, art in all its forms, television, social media content, literature, publishing houses, and artists' rights in relation to film studios. As such, the convention covers all areas of UNESCO's work. In a sense, the 2005 Convention is to societies and cultures what the "Declaration of Human Rights" is to individuals. In a sense, 2005 Convention is the 'Declaration of Cultural Rights of Societies'. It is essential that the awareness and visibility of this extremely important convention within societies is increased further. It is essential that the subject is addressed inclusively, without reducing it to relatively narrow fields such as 'artists' rights' or 'copyright'. We cannot thank UTMK and the participants here enough for their work in raising awareness of the convention. It is worth noting that international agreements and awareness of these agreements are important in creating a knowledge-based society. Awareness is also necessary in order to benefit from the rights provided by the agreement and to identify any shortcomings. In this regard, artists, publishers and those who contribute to cultural diversity through the cultural industry have a significant role to play.

UNESCO is not only the intergovernmental organization of the United Nations responsible for education, science, and culture, but it is also, in a sense, a national

institution of Türkiye, one of UNESCO's founding countries. Türkiye participated in its establishment eighty years ago, currently serves on the Executive Board, and is actively involved in various commissions and intergovernmental committees. UNESCO has remained relatively outside political debates with its founding purpose, mission, and working topics and methods, and has created a large pool of experience by producing information, data, and advisory documents. As Türkiye, we have the right to benefit from this accumulation. In this context, the 2005 Convention is an important gain for our country and society. Let us embrace it more and benefit from it more.



# INTRODUCTION

## **Fatoş ALTUNÇ**

Deputy Director General of the Copyright Directorate General, Ministry of Culture and Tourism

### **Dear Vice President, Secretary General of the Istanbul Development Agency, Esteemed participants, Ladies and Gentlemen**

On behalf of our Ministry, I respectfully greet you at this valuable event, where we have gathered to celebrate the 20th anniversary of the adoption of the UNESCO 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions. I would also like to convey the greetings of our Director General, Erkin Yılmaz, who is unable to be here in person due to being out of the city.

Our presence here today demonstrates that this convention is a living and evolving process. The contribution of everyone who believes in the power of culture, defends diversity, and supports creative industries makes this process even more meaningful. In my opinion, the essence and fundamental purpose of the Convention are aptly expressed in the following statements in the preamble. Cultural diversity constitutes the common heritage of humanity and must be protected and valued for the benefit of all. Therefore, it is essential that we work together to preserve and develop diversity in cultural expressions, which are seen as a shared value of humanity, far beyond the value of any individual, organization, or even country. By becoming a party to the Convention in 2017, our country has also become a partner in this joint effort, which has 158 parties at the global level.

As you know, under the Convention, the contracting parties are obliged to develop policies and take necessary measures to protect cultural diversity within the framework of the principles of supporting sustainable cultural management systems, ensuring the balanced circulation of cultural goods and services, increasing the mobility of artists and cultural professionals, and integrating

culture into sustainable development. You will appreciate that the objectives set out in the Convention require the contribution of a large number of institutions and organizations. For this reason, following our accession to the Convention, our Directorate General for Copyright has been authorized to monitor the tasks and procedures to be carried out by our country and to coordinate between institutions. The objectives set out in the Convention were, of course, already valid for our country prior to the Convention. However, we considered the Convention to be an important framework and motivation document, and we initiated the process by holding consultation meetings to raise awareness of the Convention among our public institutions, civil society, and sector authorities and to develop their cooperation. While public support has generally been at the forefront of these meetings, one of our main objectives was to create a suitable environment for the participatory preparation of our country's quadrennial periodic report. Following the ratification of the Convention, the report, which covers the policies adopted and steps taken in our country and the challenges encountered in implementing the Convention, was prepared with the contributions of relevant institutions and organizations and submitted to UNESCO. We are required to submit our next report in 2027. Taking advantage of our gathering here today, I would like to remind you once again that we look forward to your contributions in the process of preparing our country's report. We see the process of preparing the report as an important opportunity, particularly in terms of engaging with civil society, ensuring coordination among relevant institutions, and evaluating the steps taken from a holistic perspective.

As I mentioned at the beginning of my speech, while the Convention aims to produce policies that support every stage of the cultural value chain, I believe it would not be wrong to say that, with the impact of technological and economic developments today, the topics of "integrating culture into sustainable development" and "digitalization" have come to the fore.

As emphasized by UNESCO, culture is not merely a part of development, but a fundamental component that contributes to all development goals. As the Ministry, we have conducted studies with the contribution of relevant institutions, primarily Turkish Statistical Institute, to highlight the employment and economic contribution and potential created by cultural industries in our country, and we have presented this study to the public. In addition, we have compiled the support programs offered by public institutions in the Culture Industries Support and Incentive Guide, which we prepared to raise awareness of public support, we have also published works on the subject of culture industries. As the Ministry, in addition to the support we provide to creative sectors such as cinema, music, theatre, publishing, visual arts and the intellectual property system, we also aim

to contribute to our citizens benefiting from more cultural and artistic activities, supporting our artists, strengthening our country's culture industry and increasing specialization in this field with the Türkiye Cultural Path Festivals, which are among the world's leading festivals in terms of their scope.

On the other hand, digitalization and new technologies create new opportunities that transcend all boundaries in the processes of cultural content production and distribution. However, due to the algorithms used, they also bring to the forefront issues we need to pay attention to, such as the homogenization of content. Artificial intelligence can support creative processes; however, we must not overlook the risks of cultural identities being reduced to mere mechanical productions. Therefore, developing policies that take into account the dynamics of the digital age, adapting the agreement to digital environments, and protecting the rights of content creators will be among the priorities for the coming period.

Dear participants,

Today, we are gathered to recall the vision and goals of the 2005 Convention, to review the developments achieved both in our country and globally in this context, and to draw inspiration for the steps we will take in this direction.

I hope this event will contribute not only through the valuable insights and assessments shared by our distinguished panelists but also by fostering new ideas for the future and facilitating new collaborations.

As I conclude my speech, I would like to thank the members of the Diversity of Cultural Expression Specialized Committee, the officials and staff of our Turkish National Commission for UNESCO, who made this event possible and coordinated it, the artists who brought us peace with their wonderful music, and all of you for your participation, support, and contributions. I offer my sincere regards.



# **1. PANEL: 2005 CONVENTION'S ROLE in the RELATIONSHIP BETWEEN SUSTAINABLE DEVELOPMENT GOALS and CULTURE**

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**Panel Moderator:**  
Prof. Dr. Bertil Emrah ODER

We would like to express our sincere gratitude to Prof. Dr. Bertil Emrah ODER, a member of the Executive Board of the Turkish National Commission for UNESCO, for her valuable contributions as the moderator of this panel.



# **The Foundational Role of Culture in Sustainable Development Within the Framework of the Convention on Diversity of Cultural Expressions (2005)**

**Prof. Dr. Nilüfer TIMİŞİ NALÇAOĞLU\***

Deputy Chairman of the Specialised Committee on the Diversity of the Cultural Expressions of the Turkish National Commission for UNESCO

## **Introduction: Rethinking Development Paradigms**

The 20th-century development paradigm, which centered economic growth as an absolute goal, has become highly controversial in the face of emerging social and ecological tensions. This situation necessitates a search for new development approaches at the global level that are holistic, rights-based, and centered on people and the planet. Culture, which has long been positioned as a secondary element in development models, now offers significant transformative potential at the heart of this search. This article argues that culture is not merely a complementary component of development; it is a foundational element and dynamic force that strengthens social equality, supports environmental harmony, and fosters economic innovation. This claim will be grounded in the strong interaction between UNESCO's 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions (the "Convention") and the United Nations' 2015 Sustainable Development Goals (SDGs). The issue here is not merely to integrate culture into development processes; it is also to consider how a sustainable "culture of development" can be built.

Within this analytical framework, this study will examine the historical evolution and conceptual framework of the discourse on culture and development in prominent UNESCO reports/statements. Subsequently, it will examine how culture is positioned as the fourth and integrative dimension of sustainability. The following

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\* Faculty of Communication, Istanbul University.

section will analyze the intersections and mutually reinforcing structures between the 2005 Convention and the SDGs. Understanding this historical background is important for placing current debates on the right footing.

### **1. Culture in Development Discourse and UNESCO's Pioneering Role:**

UNESCO's 1972, 2003 and 2005 Conventions are documents that emerged in different historical periods and established international standards by focusing on different areas. These fundamental conventions are important for comprehensively assessing the relationship between culture and development today. In addition, UNESCO's directives, declarations, reports, and conferences in the field of cultural policy, which go beyond these conventions, are critical documents and events for understanding and highlighting the position of culture in international development policies. The accumulated knowledge from these has guided UNESCO's efforts to make culture one of the fundamental goals of the 2030 Sustainable Development Agenda.

It can be said that UNESCO began systematically linking its cultural policies to the issue of socio-economic development starting in the 1960s. René Maheu, Director-General of UNESCO at the time (1962-1974), stated that "UNESCO, which has made progress in the fields of education and science, has been lacking in cultural policy by limiting culture to artistic/cultural activities." At the Fourteenth General Conference (1966), the idea of cultural policy was discussed for the first time with the approval of member states. Maheu emphasized that "its universality is not uniformity but universality in diversity," highlighting culture's role as a bridge between universal human values and local identities and placing special emphasis on cultural diversity (quoted from Maheu, 1967, p. 17 in Konet, 1986, p. 6). The fact that this definition was made in the 1960s, a period when many developing countries gained independence and sought both a strong national identity and a robust and sustainable economy, shows that the southern countries within UNESCO saw development not only as economic growth achieved through technological transfers, but also as an expression of development alongside their identities. This vision, which links culture to identities, encompasses the Convention Concerning the Protection of the World Cultural and Natural Heritage (1972), the Convention for the Safeguarding of the Intangible Cultural Heritage (2003), and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005).

Following numerous global and regional intergovernmental meetings throughout the 1970s that addressed the relationship between culture and development, the 1982 UNESCO World Conference on Cultural Policies in Mexico City stands as one of the historical moments that should be highlighted in terms of the relationship between culture and development. At this conference, the first of the MONDIACULT culture conferences, culture was defined as "the totality of distinctive spiritual,

material, intellectual, and emotional features that characterize a society or social group,” and was broadened to include “not only art and literature, but also ways of life, fundamental human rights, value systems, traditions, and beliefs” (Konet, 1986, p. 26). This definition, which is widely accepted today, emphasizes the dynamic nature of the elements of culture (Dobrosława, 2020, p. 313). In addition to the perspective that culture is not an end in itself, the relationship between culture and development is also an important agenda item of the UNESCO World Conference on Cultural Policies. The conference emphasized the following points in particular: “Development cannot be reduced to its purely economic dimension, and societies can no longer be satisfied with growth targets alone, let alone models or lifestyles imposed from outside; in the industrialized world, economic development that does not take socio-cultural realities into account has led to undesirable consequences and created serious social problems; the concepts of cultural identity and development are complementary; among the fundamental reasons for unsatisfactory development is the frequent disregard for the social and cultural conditions of the populations concerned.” The conference’s final declaration introduced the concept of “Cultural Democracy” as a new interpretation: “...beyond democratizing culture in the sense of making it accessible to everyone... ensuring the broadest possible participation of individuals and society in the production of cultural goods, in decision-making processes concerning cultural life, and in the distribution of culture within society...” emphasizing the creation of cultural democracy (Konet, 1986, p. 27). Furthermore, in the section of the declaration titled “The Cultural Dimension of Development” (Articles 10-16), the concept of “humanizing development” highlights that the true purpose of development is the continuous well-being and satisfaction of every individual.

The final declaration of the Mexico City UNESCO World Cultural Policies Conference recommended the implementation of the action plan for the United Nations World Decade for Cultural Development (1988-1997) (UNESCO, CLT-MD-I, 1982). Federico Mayor, Director-General of UNESCO at the time, summarized these views as follows:

Over the past decade, when economic growth targets were set without reference to the cultural environment, serious economic and cultural imbalances emerged, and the creative potential of the people was significantly weakened. If the purpose of development is to bring more life and a better life to every person, then development must be based on the optimal deployment of each community’s human resources through the free expression of the talents and interests of all its members (UNESCO, 1988, quoted in Eyford and Eyford, Canadian International Development Agency, 1995, p. 4).

This understanding, which implies that the priorities, motivations, and objectives of economic growth must be derived from culture, was established during the World Decade for Cultural Development (1988-1997), during which the cultural dimension was strongly incorporated into development, the ultimate goal of which should be human development. The World Decade for Cultural Development sets out UNESCO's perspective on this issue, encompassing the objectives of (1) integrating the cultural dimension into development, (2) highlighting the importance of cultural identity, (3) expanding participation in cultural life, and (4) promoting international cultural cooperation. (cited in Eyford and Eyford, Canadian International Development Agency, 1995, p. 4).

Established on December 11, 1992, the World Commission on Culture and Development has been an important platform for broadening the perspective that has focused on the ecological, economic, and then social dimensions of development approaches since 1970, linking the cultural and social dimensions and making culture's contribution to social and human development a central issue (UNESCO General Conference, 27th Session. 27C/INF.11 1993). The outcome of the Commission's policy-making process on culture and development was the report entitled "Our Creative Diversity," published in 1995 (Dallaire and Colbert, 2012, pp. 1-6). Another event worth mentioning before discussing this report is UNESCO's 1998 Stockholm World Conference on Cultural Policies for Development (1998). Considered the second MONDIACULT Conference, this conference featured cultural diversity, the problems of globalization, and the position of national cultures after the collapse of the Soviet Union as prominent topics of discussion.

## **2. The Relationship Between Diversity and Development in UNESCO Reports**

UNESCO argues that cultural diversity promotes economic and social innovation by multiplying human creativity. A series of reports incorporating this perspective reveal UNESCO's intellectual evolution and have pioneered the formation of today's holistic understanding, which increasingly strengthens the culture-development link. Among these, UNESCO emphasized the importance of identity in its report "Our Creative Diversity" (1995); provided an ethical framework for this emphasis with the "Universal Declaration on Cultural Diversity" (2001); and finally, in its 2013 report, presented an approach that places culture at the center of the development equation.

### **2.1 Our Creative Diversity: Report of the World Commission for Culture and Development, 1995:**

The Our Creative Diversity report is the first comprehensive international study addressing the relationship between culture and development on a global scale,

published by the World Commission for Culture and Development, established as a joint initiative of UNESCO and the United Nations. Comprising ten main sections, the report takes development beyond economic growth, positioning culture as both the object and an active actor of development, and approaches development as “holistic human development.” “...human development refers to the individual, who is both the ultimate goal of development and one of the most important means of achieving that goal...” (Our Creative Diversity, WCCD 1995, p. 27, unesco.uneco.org).

The report argues that culture is not only indirectly but directly linked to economic growth and social welfare; that development processes are shaped through identity, social cohesion, and creative production. It recommends inter-institutional coordination and participatory policy design to preserve cultural diversity and strengthen creative industries; this approach moves culture beyond mere heritage preservation and places it at the center of development strategies (unesdoc.unesco.org). The report’s contribution to development theory is that it treats culture both as an instrumental resource for achieving development goals (e.g., tourism and creative sector revenues) and as an outcome and goal that strengthens social capital, identity rights, and solidarity (unesdoc.unesco.org).

Our Creative Diversity (1995) addresses development alongside a call for a “New Global Ethic” (1995, p. 34). According to this, development is a complex and ambitious endeavor. Providing conditions that enable all people everywhere to live a dignified and meaningful life requires enormous human effort and fundamental changes in policy. This task is made even more difficult because the world faces countless other problems related to or even part of the development issue, each equally urgent and equally a priority...

The report positions ethics not as an external or complementary element of development policies, but as a foundational dimension that defines the meaning of development through fundamental values such as human dignity, freedom, equality, justice, and participation. Addressing the pressures of globalization processes on cultural diversity as an ethical issue, the report considers cultural homogenization, the suppression of identities, and the devaluation of local forms of knowledge not only as a cultural but also as an ethical violation of rights. Therefore, the protection of cultural diversity is presented in the report as both a social and an ethical imperative. Ethical principles must ensure the preservation of cultural heritage, the right of communities to maintain their own cultural practices, and the free expression of creativity.

In conclusion, the report emphasizes that culture is a human right and places the dimensions of this right, such as cultural participation, freedom of expression, and identity rights, at the center of the development paradigm. Defining cultural

diversity as a fundamental resource that nourishes societies' capacity for innovation, the report views the preservation of languages and ways of life as a prerequisite for development. Stating that culture is the most important value even for the poorest societies, it argues that development can only be achieved through the desire to "participate with one's own culture," not through externally imposed models of modernization. Thus, the Our Creative Diversity report contributed to the international recognition of culture's foundational, rather than complementary, role in development policies and established a strong theoretical and political foundation for subsequent UNESCO documents (particularly the 2001 Declaration and the 2005 Convention).

## **2.2 "Universal Declaration on Cultural Diversity" (2001):**

Since 1999, UNESCO has focused on an international legal regime designed to facilitate economic globalization and trade liberalization, as well as on the question of how to protect cultural diversity in the wake of the September 11, 2001 attacks. The Universal Declaration on Cultural Diversity, was adopted at the 31st session of the General Assembly on November 2, 2001, defining cultural diversity as the common heritage of humanity and linking respect for cultural diversity closely to fundamental human rights.

The Declaration emphasizes that the preservation of cultural diversity is not merely an aesthetic or historical obligation; it is directly linked to democratic participation, freedom of expression, and social justice. Cultural diversity provides a normative framework for rethinking policies in economic activities (e.g., creative industries) and information/communication fields; therefore, it calls for the integration of cultural policies with development policies (Chiang, 2007, p. 380). The declaration is one of the important texts that states that cultural goods and services are "unique types of commodities" and that cultural policies act as "catalysts for creativity."

The Declaration recommends taking measures against the risk of cultural homogenization in the era of globalization, while explaining the contribution of preserving cultural diversity to sustainability in the context of development at three levels: (1) social resilience through identity and social cohesion; (2) economic diversification through cultural production and creativity; (3) democratic development through human rights and participatory mechanisms. These points concretize the areas where culture intersects with development goals and provide normative guidance for policymakers to balance cultural rights with economic objectives.

The former Director-General of UNESCO, Koïchiro Matsuura, defines the declaration as one of the fundamental texts of the new ethical understanding promoted by UNESCO at the beginning of the 21st century, which "sets forth a vision of a

more open, creative, and democratic world in opposition to inward-looking fundamentalism,” noting the relationship between culture and development with the observation that “one cannot exist without the other.” The declaration also gives UNESCO the responsibility and function of “encouraging the incorporation of the principles set forth herein into development strategies prepared by various intergovernmental organizations” (Article 12). (UNESCO, Universal Declaration on Cultural Diversity, 2001).

### **2.3 Placing Culture at the Center of Sustainable Development Policies: Hangzhou Declaration: 2013)**

The Hangzhou Declaration, titled “Placing Culture at the Center of Sustainable Development Policies, is the outcome document of the UNESCO International Congress “Culture: The Key to Sustainable Development.” The Congress, the first international congress organized by UNESCO since 1998 focusing on the links between culture and sustainable development, served as a global forum to discuss the role of culture in sustainable development in light of the United Nations’ post-2015 development agenda. The Hangzhou Declaration, published at the conclusion of the congress addressing the contribution of culture to the social, environmental, and economic development elements of sustainable development and to the strengthening of peace and security, aims to provide international and national policymakers and development actors in general with a clear explanation of why and how culture is critical to the achievement of sustainable development. The Declaration outlines concrete goals and related recommended actions that can be taken to place culture at the center of development policies in the United Nations’ post-2015 agenda (The Hangzhou Declaration, 2013).

The Declaration emphasizes the role of culture as a system of values and a resource and framework for building truly sustainable development, the need to draw on the experiences of past generations, and the full recognition that culture is not only part of our global and local shared heritage but also a source of creativity and renewal. The Declaration highlights the dual role of culture:

1. Culture as an enabler of sustainability; “... a source of meaning and energy, a source of creativity and innovation, a resource for addressing challenges and finding appropriate solutions, a fundamental factor in sustainability...”
2. Culture as a driver of development: “...the potential of culture as a driver of sustainable development through its specific contributions to inclusive social, cultural, and economic development, cohesion, environmental sustainability, peace, and security as a knowledge asset and activity sector...”

The declaration states that cultural knowledge systems and traditional practices can offer new, sustainable solutions to problems encountered on a global scale, such

as urbanization, inequality, the climate crisis, and environmental degradation. The introduction emphasizes that it embraces the principles that “no single solution fits all and that different cultural perspectives lead to different paths of development,” that it “adopts a strong understanding of culture shaped by an evolving and rights-based approach and respect for diversity,” and that it “promotes mutual understanding and exchange among peoples while developing opportunities and human capacities through free access to culture, allowing individuals to ‘live and exist as they choose.’” thereby developing opportunities and human capacities while promoting mutual understanding and exchange among peoples...”

The Strategic Action Plan Headings of the Declaration are as follows: Integrating culture into all development policies; Ensuring cultural rights; Reducing poverty and leveraging culture and creative industries for inclusive economic development; Valuing, preserving, and passing on culture to future generations; Strengthening environmental sustainability through culture; Using culture as a resource to ensure sustainable urban development and management; Using culture to promote innovative and sustainable cooperation models; Cultural cooperation for peace and reconciliation.

The Declaration emphasizes that “a culture-centered development goal should be established; it should be built on heritage, diversity, and creativity, and include indicators linked to all dimensions of sustainable development...” and calls for culture to be included as an independent goal within the SDGs for post-2015 development goals. As a result, UNESCO’s 2013 orientation calls for more inclusive and contextually sensitive development strategies by transforming culture into both a policy goal and a policy tool.

### **3. Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)**

The historical intellectual accumulation and policy development efforts within the UNESCO culture sector, partially described above, culminated in the adoption of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions at the 33rd session of the UNESCO General Conference on October 21, 2005 (<https://webarchive.unesco.org/en.unesco.org/creativity/what-were-stages-led-adoption-convention>). During the preparation of the Convention, consultations were held with the World Trade Organization (WTO), the United Nations Conference on Trade and Development (UNCTAD), and the World Intellectual Property Organization (WIPO) under the auspices of the United Nations, and contributions were also sought from civil society organizations in the field of cultural and creative industries. The Convention is the only treaty in which civil society is recognized as a key actor in global cultural policies.

The 2005 Convention is the first instrument in international law to provide a legal basis for the development of culture and contemporary creativity (Merkel, 2025). In this sense, the Convention is considered the “Magna Carta of our time” (Aylett, 2010, p. 355). The 2005 Convention aims to protect and promote the diversity of cultural expressions and to ensure the strategic importance of culture in terms of identity, expression, democracy, and sustainable development at the international level.

The statement in the introduction, which emphasizes that “cultural activities, goods, and services have cultural value because they are carriers of both economic value and identities, values, and meanings, and therefore should not be evaluated solely on the basis of their commercial value,” indicates that states should not only approach cultural policies from a protective perspective, but also The Convention also advocates that cultural policies be considered in conjunction with education, media, communication, economic, and environmental policies. The Convention positions cultural expressions as a strategic asset in terms of identity, meaning, creativity, and social cohesion, beyond economic and commercial frameworks; it guarantees states the freedom to determine their cultural policies while viewing international solidarity as a fundamental condition for the sustainability of cultural diversity.

The Convention monitors five dimensions in the areas it covers: Supporting Sustainable Governance Systems for Culture; Achieving a Balanced Flow of Cultural Goods and Services and Increasing the Mobility of Artists and Cultural Professionals; Integrating Culture into Sustainable Development Frameworks; Promoting Human Rights and Fundamental Freedoms.

The main objectives of the Convention can be summarized as follows:

**Diversity of Cultural Expressions:** In the introductory section of the Convention, cultural diversity is defined as “a defining characteristic of humanity” and “the common heritage of humanity”; it emphasizes that this heritage must be valued and protected for the benefit of all. It also states that cultural diversity is a prerequisite for the full realization of the rights and freedoms set forth in the Universal Declaration of Human Rights. The Convention therefore links the protection of cultural diversity to ensuring the sustainability of cultural content, creative activities, and production methods (Article 1/a). Cultural Diversity “implies the diversity of the forms in which the cultures of groups and societies find expression. These expressions are transmitted within and between groups and societies. Cultural diversity is expressed not only through the diversity of cultural expressions of humanity’s cultural heritage, which are reproduced and transmitted in various ways, but also through various forms of artistic creation, production, dissemination, distribution, and use, regardless of the means and technology used,

various forms of artistic creation, production, dissemination, distribution, and use” (Article 4/1). It is defined in a layered manner to include not only the expression of identities, but also the types of expression and the tools through which they are transmitted, as well as the diversity of production, distribution, and access through these tools.

The Convention addresses the one-way flows created by globalization in cultural spheres (particularly the concentration of cultural production from developed to developing countries) by treating the preservation of the diversity of cultural expressions as a strategic necessity. This is clearly stated in the introduction: “Recognizing that, particularly in situations where cultural expressions are threatened with extinction or serious loss of value, measures must be taken to safeguard the diversity of cultural expressions, including their content...” This approach transforms cultural diversity into a safeguard against the homogenizing effects of development policies. The Convention defines the preservation and promotion of cultural diversity not only as a cultural policy objective but also as a fundamental requirement of sustainable development (Article 2/6).

**Supporting Creative Sectors and Cultural Industries:** The Convention emphasizes that cultural events, goods, and services carry both economic and symbolic value, stating that cultural production cannot be reduced solely to market logic. As stated in the introduction: “Convinced that cultural activities, goods, and services... should not be evaluated solely on the basis of their commercial value...” In this context, the Convention encourages states to develop policy instruments that support creative industries and cultural industries (Articles 6–7).

In particular, the mobility of artists and the strengthening of their creative production capacity are defined as fundamental mechanisms for sustaining cultural diversity and developing the cultural economy (Articles 14, 16). Thus, Convention establishes a normative balance against cultural homogenization, highlighting the need for a holistic approach to cultural policies that integrates them with economic, media, and education policies.

**Connection to Human Rights and Fundamental Freedoms:** The Convention directly links the protection of cultural diversity to the realization of fundamental human rights. The Principle of Respect for Human Rights and Fundamental Freedoms, included among the Guiding Principles, states that cultural diversity can only be sustained if freedom of expression, access to information, and the rights of individuals to participate in cultural life are guaranteed: “Cultural diversity can only be preserved and developed if human rights and fundamental freedoms such as freedom of expression, information, and communication are guaranteed” (Article 2/1). This approach provides a normative basis for the sustainability of culture by

ensuring that cultural policies and development processes are addressed within a rights-based framework.

**Affirming the Sovereignty of States in Formulating Cultural Policy:** The Convention explicitly guarantees the sovereignty of states in formulating cultural policy, stating that states have the sovereign right to “maintain, adopt, and implement the policies and measures they deem appropriate” to protect and develop the diversity of cultural expressions within their territories (Article 1/h). Similarly, the Principle of Sovereignty, included among the Guiding Principles, emphasizes that states have the sovereign right, within the framework of international law, to “adopt measures and policies to protect and develop the diversity of cultural expressions within their territories” (Art. 2/2). Article 5 states that the signatory states “reaffirm their sovereign right to formulate and implement their own cultural policies” at the international level. All these provisions demonstrate that, based on the understanding that cultural goods and services should not be considered solely as economic commodities, it is legitimate and necessary for states to adopt regulatory and supportive policy instruments to protect cultural diversity and support the creative industries.

**Principle of International Cooperation and Solidarity:** The Convention aims to promote peace by strengthening intercultural dialogue, mutual respect, and cultural exchange (Article 1/e). It provides for mechanisms such as co-production and distribution agreements, technology transfer, capacity-building programs, preferential treatment for market access, and artist mobility to support the cultural sectors of developing countries and ensure equitable and balanced development (Article 1/f, Article 2/4). Furthermore, it adopts as a fundamental principle the provision of financial support through the International Fund for Cultural Diversity (Article 18).

**Ensuring the effective participation of civil society in cultural policies:** Among UNESCO’s cultural conventions, The Convention, which recognizes civil society as an actor, encourages the effective participation of civil society in cultural policies (Article 11). It ensures that cultural organizations, local communities, and professional associations are included in policy development processes and that access to information is guaranteed in accordance with the principles of transparency and accountability (Article 9). Furthermore, civil society organizations are encouraged to play an active role in international cultural cooperation and projects, thereby supporting capacity building and experience sharing among local actors (Article 12).

#### **4. The Dual Nature of Sustainability in The Convention 2005**

The Convention approaches sustainability as a two-dimensional, or dual-natured,

concept. The first dimension is that culture is the fundamental basis for humanity's sustainable existence. The second dimension is that culture is seen as a strategic component of sustainable development. The Convention emphasizes that cultural activities, goods, and services are not merely commodities that carry identities, but have value in themselves.

The first dimension of this approach is defined by the recognition of cultural diversity as “the common heritage of humanity” (Article 4/1). Within this framework, culture is seen as a value that must be preserved in its own right (Article 4/7); however, it is not limited to this. It also reveals the diversity and plurality of identities, linguistic diversity, gender equality, the protection of artists, public service and non-profit organizations, access to culture (Article 4/6), and intercultural understanding (Article 4/8) as fundamental conditions for existence. In other words, without the preservation of cultural diversity, humanity cannot sustain its existence in a pluralistic, creative, and peaceful manner. Therefore, the convention positions culture as an ecosystem necessary for the sustainability of humanity (Article 2/2; Articles 7–11).

In this context, the first aspect of dual nature is that humanity cannot have a sustainable existence without culture, and the second aspect is that culture is an integral strategic element of sustainable development policies. Thus, Convention defines the preservation of cultural diversity as both an ethical imperative and a fundamental component of development.

### **Culture as a Tool for Sustainable Development**

It has been previously stated that culture constitutes the second dimension of sustainability, namely its role as a strategic component of sustainable development. The sustainable development perspective developed by the United Nations, centering on goals such as poverty eradication, gender equality, environmental protection, and the promotion of peace and prosperity, is translated into a concrete policy area through cultural and creative industries in The Convention (Timisi, 2023). In this context, culture is defined not only as a complementary element but also as a constitutive development component that includes an economic dimension (Article 2/5), and cultural diversity is positioned as a fundamental requirement of sustainable development for the benefit of present and future generations (Article 2/6). This approach is clearly stated in The Convention under the heading “Article 13– Integration of Culture into Sustainable Development”:

The Parties shall endeavor to integrate culture into development policies at all levels in order to create conditions conducive to sustainable development and, within this framework, shall encourage approaches to the preservation and development of the diversity of cultural expressions.

In line with the framework outlined in Article 13, The Convention envisages strengthening international cooperation, capacity building, technology transfer, and support mechanisms (Articles 12, 14–18), particularly for developing countries. These tools demonstrate that culture must not only be preserved but also developed as an engine of sustainable development. The Convention encourages international cooperation, co-production and distribution, technology transfer, and capacity-building programs to strengthen the cultural sectors of developing countries (Articles 12, 15). In addition, preferential market access, artist mobility, and financial support provided through the International Fund for Cultural Diversity (Art. 16, 18) aim to promote both cultural diversity and equitable development.

The Convention emphasizes that cultural activities, goods, and services do not merely carry commercial value but also embody cultural expressions, while defining the role of cultural and creative industries in sustainable development. This approach is reinforced by the provision that “...cultural activities can be an end in themselves, but they can also contribute to the production of cultural goods and services” (Article 4/4). Thus, it is clearly stated that cultural activities have intrinsic value and play a constructive role in development processes by contributing to the sustainability of creative and cultural industries.

## **5. Diversity of Cultural Expression Convention 2005, MONDIACULT and the Sustainable Development Goals**

The conceptual background of UNESCO’s cultural diversity, cultural rights, and creative economy policies has been shaped by the MONDIACULT policy process. These global conferences—Mexico City in 1982, Stockholm in 1998, and MONDIACULT in 2022—aim to determine the direction of UNESCO’s cultural policies and international norms, forming the conceptual basis for the relationship between culture and development. The intellectual groundwork laid during this process has been translated into a concrete, actionable, and legal framework through the Diversity of Cultural Expression Convention 2005.

MONDIACULT approach, which views culture as a fundamental element of both sustainable development and humanity’s heritage, is translated into articles at The 2005 Convention, shaping the direction of national and international cultural policies (UNESCO Global Report, 2022: 61). MONDIACULT 2022 repositions culture not only as an area of heritage but also as the cornerstone of future development strategies in the context of the creative economy, digital culture, cultural rights, and sustainable development. In this regard, MONDIACULT and the Barcelona 2025 UNESCO Conference have become advocacy platforms for culture to be included as an “independent goal” in the next United Nations development strategy. Key themes of the conference included the recognition of culture as the fourth pillar of the 2030 Agenda the guarantee of cultural rights in international law, the

strengthening of the social and economic rights of cultural professionals, the impact of digital transformation on cultural policies, the role of culture in times of crisis, the relationship between culture and education, and the assessment of cultural/creative sectors as the driving force behind inclusive and sustainable economic growth.

The Convention Global Report (2022) states that the Sustainable Development Goals (SDGs, 2015) have created new momentum to achieve the targets of the 2005 Convention. The SDGs were established under the UN General Assembly's "Transforming Our World: The 2030 Agenda for Sustainable Development" on September 25, 2015, with the aim of ending poverty, protecting the planet, and ensuring peace and prosperity for all. This agenda encompasses social, economic, and environmental dimensions; however, it does not define culture as a separate goal. Instead, culture is considered a horizontal foundation for the achievement of all SDGs.

UNESCO's approach to culture and the The Convention 2005 define culture not only as an area consisting of art or values, but also as a creative, economic, and social element of development, emphasizing the need to *mainstream* cultural policies into development plans. The call to consider culture as the fourth pillar of sustainable development is based on its role in creating a social foundation that connects, guides, and gives meaning to the other three dimensions. According to the 2005 Convention, identity, cultural diversity, and cultural rights are the legitimate domain of development processes. In today's societies, cultural and creative industries have become the driving force of economic growth; they have created skilled employment; revitalized local economies; and contributed directly to economic sustainability. On the other hand, culture shapes people's relationship with nature, enabling the preservation of traditional knowledge for environmental sustainability. The effective use of this knowledge can only be achieved through inclusive and participatory governance mechanisms that respect cultural diversity and recognize the voices of different communities. In particular, the participation of vulnerable groups (minorities, migrants, indigenous peoples, women) in decision-making processes makes development policies more equitable, democratic, and responsive to community needs. This is the concrete embodiment of the principle of "leave no one behind."

### **Intersections of Culture with the SDGs: The Connections from the Diversity of Cultural Expression Convention 2005 Framework**

• **SDG 10 (Reducing Inequalities)** and **SDG 16 (Peace, Justice, and Strong Institutions)**: Preserving and strengthening the diversity of cultural expressions reduces social exclusion by increasing the visibility of minorities, migrants,

indigenous communities, and vulnerable groups, creating common ground for social peace.

- **SDG 8 (Decent Work and Economic Growth)** and **SDG 9 (Industry, Innovation and Infrastructure)**: The development of creative industries generates skilled employment, fosters innovation, and enables the emergence of new industries. The intersection of information and communication technologies with culture produces lasting solutions to both economic and environmental challenges.
- **SDG 5 (Gender Equality)**: Increasing the visibility of women artists and creators, strengthening their access to production processes, and ensuring equal representation in the cultural sphere directly contributes to gender equality.
- **SDG 11 (Sustainable Cities and Communities)**: When cultural heritage preservation and urban identity are addressed alongside spatial planning, they strengthen both the social fabric and cultural continuity of cities.
- **SDG 4 (Quality Education)**: Cultural literacy, multicultural education, and access to creativity enhance the inclusiveness and quality of education.
- **SDG 17 (Partnerships for the Goals)**: International cooperation and cultural diplomacy provide the necessary common ground for the global implementation of SDGs by strengthening cultural exchange and knowledge sharing.

## Conclusion

The strong conceptual and political link between The Convention on Diversity of Cultural Expressions (2005) and Sustainable Development Goals (2015) is seen to be decisive for the future of sustainable development. Culture is no longer an external element of development but has become a fundamental part of the very foundation of development and human existence. Therefore, the integration of culture into development processes is not an “optional” policy choice but a normative imperative that directly shapes societies’ capacity for democratic participation, social equality, and collective creativity. Beyond being a tool that guides development, culture provides the ethical, aesthetic, and social framework that gives it meaning; in this respect, it constitutes the spirit and legitimacy of sustainable development.

Today’s global understanding of development is evolving from narrow goals that prioritize economic growth alone to a rights-based, human-centered, and holistic framework. Understanding this transformation requires viewing culture as the fourth and integrative dimension of sustainable development. Culture provides the common ground that connects the other three goals—economic, social, and environmental sustainability—enabling their feasibility and sustainability. The recognition of social identities, the promotion of creativity, environmental ethics,

and the use of local knowledge systems are concrete examples of this common ground.

The Convention on Diversity of Cultural Expressions 2005, which safeguards the transformative role of culture in international law, provides a normative roadmap for the fairer, more inclusive, and effective implementation of SDGs. The fact that the SDGs do not define culture as a separate goal does not diminish its impact; on the contrary, it ensures that culture acts as *a catalyst* that cuts across all goals horizontally. Ultimately, culture is not merely a component of development, but the fundamental framework that determines its direction, meaning, and social return. The vision for future sustainable development requires a holistic approach that places culture at the center of planning processes and views cultural rights, diversity, and creativity as the driving force of development. Reading The Convention 2005 and the SDGs together clarifies the normative and institutional foundations of this holistic approach.

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# An Assessment On The Missing Link of Sustainable Development: Culture

**Assoc. Prof. Erman M. DEMİR\***

Member of the Specialised Committee on the Diversity of the Cultural Expressions of the Turkish National Commission for UNESCO

## **Introduction: The Missing Link of Culture in Sustainable Development**

In light of UNESCO's call to place culture at the center of sustainable development goals, criticisms have increased that the "culture" axis has not been sufficiently centralized in sustainable development, both theoretically and practically. The potential of culture to strengthen sustainability dynamics when integrated with tourism, urban, and rural development has not yet been adequately realized at the policy and implementation levels. A recent development has marked a turning point in this debate. The UNESCO report on Culture & Sustainable Development (2025), published during the MONDIACULT: UNESCO World Conference on Cultural Policies and Sustainable Development held in 2025, explicitly demands the addition of culture as a standalone goal to the United Nations Sustainable Development Goals. Drawing on previous research that centers culture as the missing link of sustainable development (Bahadır & Gürbüz, 2023; Dişli, 2022; Türkoğlu, 2020; Yılmaz & Yücel, 2022), this study aims to bring a different perspective to the culture-sustainable development relationship.

Writing on this subject is both exciting and challenging; on one hand, it requires mastering a 40-year process that began with the first MONDIACULT Conference in 1982. On the other hand, the definition of culture articulated at the same conference as "the set of distinctive spiritual, material, intellectual and emotional features

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\* Başkent University, Faculty of Fine Arts, Design and Architecture, Department of Film Design and Directing; Deputy Director of Başkent University Cultural and Creative Industries Research Center (YAKEM); Member of the TOBB Creative Industries Council.

that characterize a society or social group" (UNESCO, 2025) significantly expands the intellectual scope of the subject. Therefore, relying on the indulgence of our mentors who have contributed to UNESCO studies with their deep knowledge, I will limit my assessment to current discussions on the creative economy.

### **Culture, Identity, and the Creative Economy: A Changing Field of Meaning**

In my view, the definition above points to *identity*, the concept at the heart of global problems and solutions. At this point, when speaking of *identity*, I proceed not from a direct reflection of the real world, but from the idea of meaning established through the differences between signifiers. Therefore, I am not speaking of a fixed identity based on a "real" or "authentic" essence. In this context, I prefer to adopt an understanding of identity that is, in Barker's words, in a state of "becoming" (Barker, 2002, p. 109); one that is constantly constructed through discourses and performances (Barker, 2004, pp. 93-94).

The creative economy can be viewed as the construction site where this constant change occurs. Cultural expressions are produced and circulated at a dizzying speed, even when compared to the recent past when technology accelerated communication. For this reason, the creative economy is noteworthy as a ground where the meaning of *identity* is constantly reconstructed.

*Identity*, as a data point summarizing who we are and our approach to life at a given moment, is the fundamental element determining how we perceive development. However, in developing countries striving to catch up with the world by matching the tempo of economic and technological developments, culture and *identity* are often taken as "given." That is, the components of who we are are assumed to be fixed elements unaffected by this change. Yet, no matter how positive a picture development presents, this picture remains incomplete unless the *identity* component is included in the equation. Furthermore, *identity* is also constantly reconstructed under the influence of changes entering our lives through development.

Culture is the key that determines for whom and for what we are developing. At the same time, it is a signifier marking our existence at a specific moment in a rapidly changing world. Although culture is constantly reconstructed over time, it constitutes a reference point that provides coherence to our lives. The motivation behind bringing the subject to this point can be summarized as follows: If every society can incorporate awareness of its *identity* into this economic transformation process, we will be one step closer to the goals of developing and protecting the diversity of cultural expressions.

## **Cultural Expressions and Creative Industries: A Framework in Light of Conventions**

As defined in the UNESCO 2005 Convention, there is a complementary, symbiotic relationship between cultural expressions and creative industries (UNESCO, 2005, p. 5). According to the 2005 Convention, cultural expressions spring from the creativity of individuals, groups, and societies. Ideas, narratives, symbols, and aesthetic forms carrying cultural meaning and values are intangible outputs reflecting a society's identity and creative potential. Creative industries, on the other hand, undertake the economic activities that materialize, produce, distribute, and market these cultural expressions.

In this context, the creative economy is not merely the carrier of culture, but a process that accompanies and shapes it. More explicitly, economic activities using cultural expressions as primary inputs also constitute the context that enables the change and transformation of cultural expressions. This is the fundamental importance of the UNESCO 2005 Convention regarding the creative economy: It is the only UNESCO convention that allows for interpreting the cultural components born of our own existence in relation to commercial activities closely tied to digitization and globalization.

From this perspective, it can be argued that it provides a basis for viewing the relationship between sustainability and culture differently. It allows us to perceive culture not just as a therapeutic axis of sharing that accompanies human well-being or as a value in itself, but as an influential component in the economic sphere, which is one of the fundamental pillars of sustainability.

## **In the Shadow of Cultural Discount: The Problem of Creative Labor and Value**

At this point, I intend to move towards the conclusion by drawing attention to two important issues. The first arises from the effort to protect culture and creativity by defining them as a field separate from the economy. According to this approach, creativity is a colorful realm prioritizing individual self-expression. This definition seems accurate as it refers to the component of creativity in the form of dreaming. While defining culture as a value in itself seems logical, extending this approach to labor relations creates a zone of exploitation and self-exploitation. The misunderstanding produced by confining people who produce culture to a world of ideas leads to the practice Andrew Ross describes as *cultural discount* (Ross, 2000, pp. 6-7; 2001, p. 80). The material expectation of someone dealing with culture or creative work is expected to be low: "You are already occupied with something enjoyable and valuable, why should there be a financial equivalent for this?" Worse still is that creative workers voluntarily forego the

monetary compensation for their labor in the face of this claim. This phenomenon, widespread throughout the system, is one of the biggest disconnects between the cultural field and development. Because this practice, which superficially appears to protect art, creativity, and culture from commodification, is mostly used for the gain of intermediaries who exploit these tendencies of culture producers. In other words, it is not cultural expressions but cultural workers that are exempted from the economy. The price of culture is determined nonetheless; only the address collecting the payment has changed.

However, engaging in creative production is a serious business requiring resources, just as much as other jobs. Certainly, activities in this field provide aesthetic pleasure and deep satisfaction to the human being. But the accumulation of these is not the kind of value that responds to the financial demands faced by a painter paying studio rent, an advertiser paying staff salaries, or a producer renting equipment under today's conditions.

### **The High Culture Paradigm and Exclusionary Logic**

In my opinion, the second fundamental reason is the exclusionary logic of the approach that views certain areas of creative industries as culturally low-value based on the claim that they are popular and banal, contrasting with the idea of high culture. Throsby (2010), in his study evaluating cultural policies from an economic perspective, conceptualizes the dynamics between high culture and creative industries. The author states that the traditional distinction between high art or high culture with the popular has disappeared due to the predominance of economic evaluations (p. 61). Neither the understanding that cares only for the intrinsic value of culture nor the pragmatic approach that measures the value of cultural expressions solely with statistical data (turnover, box office figures, etc.) is sufficient on its own in today's context. In Throsby's words, in a realistic world, cultural policies cannot be entrusted to either of these extremes, and it is logical to follow a path that "rest(s) on a recognition of the multiple dimensions of artistic experience" (p. 63).

Therefore, we can proceed by accepting that culture is not limited to high art alone but is a dynamic capable of producing impact in the economic sphere. However, this dynamism needs a braking mechanism. And that is the "Convention on the Protection and Promotion of the Diversity of Cultural Expressions." Briefly looking at UNESCO's history leading up to this convention allows us to see its relationship with the factual reality we defended above.

### **UNESCO's Historical Perspective: From the 1980s to the Present**

In a report prepared in 1980, UNESCO drew attention to the power imbalance between global corporations operating in the field of creative industries and

companies within nation-states, stating that public administration must establish a balance between original cultural production and the international circulation of content through policies integrated into global markets (UNESCO, 1980, p. 9). This study indicates that UNESCO was working on the creative economy long before the 2005 Convention and accepted the commercial circulation of culture as a fact. Another resource in this direction is the book published by UNESCO in 1982: *Cultural Industries: A Challenge for the Future of Culture*. What makes this book interesting for my research area is its inclusion of the concept of the cultural entrepreneur. Data on how public administration can support “cultural entrepreneurs” more efficiently in matters of financing and investment (Morin, 1982, p. 154) reveal that awareness regarding commercialization was gained many years ago.

A quote from the conclusion of the 1980 report is necessary here:

The products of cultural industries tend to invade the general human cultural environment and most leisure activities. The very fact that of promoting the consumption of such products as opposed to other types of cultural attitudes and practices (creation, participation, long reflective learning processes) introduces deep changes into the cultural development of societies and seems to affect the very values upon which the different cultural identities are based. Whether one wishes it or not, the tendency towards uniformization and mass culture is a threat to one of the foundations of conceptions, values and customs of which it is composed. It is therefore more than ever necessary to throw light on the effects of cultural industries on social practices as a whole, taking into account the diversity of social models. This should assist public authorities in Member States in taking decisions and preparing strategies in this field.

It is not sufficient, however, to stress the negative aspects of the cultural industries in relation to activities of a more traditional type. It is more important and more realistic to analyse their positive interactions so as to determine to what extent and under what conditions they could support each other, both at the level of creation and at that of promotion and distribution, particularly in activities involving participation and training. The conclusions which may be drawn from these analyses deserve to be brought widely to the attention of those responsible for decision-making in the cultural industries, in traditional activities and in planning bodies. (UNESCO, 1980, pp. 14-15)

Firstly, I would like to express my admiration for the expertise within UNESCO. It is inspiring that they articulated the risks we feel so intensely today—due to disruptive technological changes and the enormous tempo of accompanying business models—with such accuracy half a century ago. More importantly, the

report defines the economic activities of creative industries right at the center of the definition of culture. Of course, it does not do this with the hopeful optimism of techno-capitalist futurists. First, it speaks of the risks in a much more powerful and holistic way than we express today. However, it emphasizes that we cannot solve these risks by perceiving commercial and economic activities as outside the circle of culture. UNESCO suggests that the most realistic method is to investigate how a symbiotic relationship can be established between commercialized creative industry activities and more artistically focused dimensions of cultural production. To put it more simply, the institution's proposal is to seek a common ground that can bring together all stakeholders of culture within today's economic system, instead of creating mutually exclusive positions on "what culture is." This shows that the patronizing view passing judgment on distinctions of art, cultural activity, or creative ideas has lost its validity. Half a century ago, UNESCO pointed out that economic activities are an important dimension to be considered for cultural diversity to take part in global circulation. It even prescribes that "economic analysis" (UNESCO, 1980, p.15) should be at the center of programs produced in this regard.

### **The Arm's Length Stance: UNESCO's Search for Balance**

At this point, it should be stated that with its approach to the Diversity of Cultural Expressions, UNESCO attempts to display a neutral and libertarian stance within the current neoliberal economic order by upholding the "arm's length" principle. This attitude shows that instead of approaching the dynamics of the creative economy from a position of either a proponent or an opponent, it accepts them as a factual reality. Therefore, the fact that UNESCO, which adopts international cooperation and global peace as its ultimate goal, keeps its institutional structure independent of economic activities to a certain extent should not be interpreted as being against commercial activities in the cultural field.

On the contrary, expectations that UNESCO excludes the creative economy and confines itself to the narrow boundaries of high culture are misleading. This balanced stance of UNESCO, preserving arm's length, is critical for producing responses to the challenges posed by the creative economy, limiting the effects of digitization and globalization that weaken cultural diversity, and building a more inclusive creative industries ecosystem.

### **Conclusion: Realistic Cultural Policy**

In conclusion, we must accept as a fact that we live in an era of cultural policies that instrumentalize culture and focus on creative industries (Hesmondhalgh, Oakley, Lee, and Nisbett, 2015, pp. 5-12). Although narrow cultural spheres existing through patronage relations under the shadow of the state or a powerful holding

company continue to survive, the creative economy thought dominating the world we live in is nourished by the cultural policy reshaped around the concept of “creative industries” during the New Labour era in the United Kingdom (p. 15). In this context, legitimizing culture through both its social and economic benefits is no longer a choice but a fundamental necessity.

Here, it is necessary to recall the two critical discussions of the text—“cultural discount” and “high culture.” The practice of cultural discount, which defines cultural production solely through aesthetic satisfaction and renders labor invisible, threatens the sustainability of creative labor. Similarly, the approach that stays within the boundaries of high culture and excludes creative industries as popular and low-value hinders the cultural diversity required by the age. Yet, the health of the cultural field lies not between these two extremes, but in the symbiotic relationship connecting them. For developing countries, it is even more essential not to lose time and energy on these issues. I believe they need collaborations, not distinctions, to gain a place in the global competition of the creative economy—where *identity* is constantly reconstructed—and to leave the mark of cultural expressions on the digital past.

Therefore, our duty is not to choose a side between these opposing positions, but to build an understanding that protects the diversity of cultural expressions and brings different stakeholders together on the ground of cultural production. If talking is a useful action for a beginning, taking steps that produce results is now more essential. The motto of our day should be clear: *Acta non verbal!* (Deeds, not words.) From the perspective of my research, it can be said that I have been contributing to this discussion for over 15 years. We have been talking intensively about creative industries for over a decade now. Today, we are in a period where the marginal value of talking has diminished. Just as in the series of events celebrating the 20th Anniversary of the UNESCO 2005 Convention, people who are willing to shoulder the responsibility must come together. We must now begin to produce, to execute, and to achieve results.

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# Globalization and Export of Türkiye's Creative Cultural Industries

## Duygu ÇEÇEN YAYGIR

Republic of Türkiye, Ministry of Trade

Directorate General of International Service Trade

Head of the Department of Cultural Services and Creative Industries

Dear Director General, dear President of the UNESCO National Commission of Türkiye and esteemed UNESCO representatives, distinguished academics, valued participants;

I extend my respectful greetings to you all, and I would like to thank you for your kind invitation to the 20th Anniversary Celebration of the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005 Convention), adopted at UNESCO's 2005 General Conference. On this occasion, I am pleased to share with you the Ministry's work in this field.

With the awareness that cultural industries play a key role in protecting and promoting cultural diversity within the scope of the Convention, the support for innovative productions in this area is also of great importance to our Ministry.

In this context, as the Ministry of Trade, we develop policies and supports aimed at the global distribution and dissemination of the cultural value chain of creative industries. These supports also encourage entrepreneurship in cultural and creative industries.

At this point, as the Ministry of Trade, we work in close cooperation and interaction with the Ministry of Culture and Tourism—particularly the Directorate General of Copyrights and the Directorate General of Cinema—as well as the Ministry of Industry and Technology, especially the Directorate General of Development Agencies and the Directorate General of National Technology, along with other relevant public institutions and umbrella organizations of the private sector.

Dear participants,

As we are all well aware, creative industries around the world today have become a major area of economic productivity—one that is highly intensive in intellectual property, therefore generating considerable economic added value, where knowledge and technology form the main axis, and which creates broad-based income and employment opportunities for different segments of society. Indeed, in light of this vision, the United Nations declared the year 2021 as the International Year of Creative Economy.

The strength of creative industries, which constitute a broad and interdisciplinary field, stems from their coverage of a wide range of subsectors—from advertising to design and architecture; from audiovisual services to the IT/software sector and digital games; from visual arts to performing arts.

Today, our creative industries provide high added value to our country's goods and services exports, and in this regard, they significantly contribute to our next-generation export vision.

Therefore, as the Ministry of Trade, we closely monitor global developments among our competitors, Türkiye's global position in these sectors, and national-sectoral progress in coordination with our public institutions, private-sector representatives, and academia.

In fact, to enable more in-depth work in this field, in July 2021 we established the Department of Cultural Services and Creative Industries under the Directorate General of International Service Trade of our Ministry.

To further highlight the importance of these sectors, I would like to share with you some noteworthy data from the *Creative Economy Outlook 2024* Report published by the United Nations Conference on Trade and Development (UNCTAD), which is currently recognized as the most up-to-date and comprehensive report globally.

According to the report, in 2022 global creative goods exports reached 713 billion USD, accounting for 3% of total goods exports; global creative services exports reached 1.4 trillion USD, accounting for 19% of total services exports. The same report indicates that cultural and creative industries contribute 6.2% to total global employment. These figures signal that we must focus further on creative services exports in the near future to increase value-added export performance.

When creative goods exports are considered, Türkiye's exports in 2022 amounted to 15.9 billion USD, corresponding to a 2.2% share of global creative goods exports. Türkiye ranked 5th among developing countries. (*Globally, the top five countries in creative goods exports are China (35%), USA (6.4%), Italy (5.4%), France (4.2%), and Hong Kong (4.1%).*)

When creative services exports are considered, the same report shows that Türkiye ranked 5th among developing countries in 2022 with a 0.2% share of global creative services exports. However, taking into account recent years' export successes in software (41%), R&D (30%), advertising–market research and architecture (16%), audiovisual services (8%), information services (4%), and cultural and entertainment services (0.6%), we can say that Türkiye's exports in this field have risen significantly within global creative services exports. (*Globally, the top five countries in creative services exports are USA (17.7%), Ireland (16.8%), United Kingdom (6.3%), Germany (5.7%), and China (4.9%).*)

Considering the export year 2022 as the baseline, and looking at the sectoral export successes achieved by our country in the period since then, it is reasonable to predict that these ratios will be much higher as of 2025.

Moreover, the Global Innovation Index 2023 published by the World Intellectual Property Organization (WIPO) highlights that Türkiye has risen from 68th to 39th place over the last 10 years, becoming one of the fastest-rising countries. It also underlines that the driving force behind this rise consists of creative outputs including our TV series/film sector, IT/software, and gaming industries.

Indeed, all this data clearly reveals the high potential of our country in creativity-based goods exports and in services exports in the fields of TV/film, IT, software, and gaming—sectors that have achieved remarkable global success in the last decade.

To illustrate this potential, I would like to briefly touch on some creative service sectors that have reached remarkable global success and which we have long supported as the Ministry of Trade.

Today, our TV series, films, animations, documentaries, and program formats compete with productions from countries such as South Korea, India, and Brazil—our global competitors after the USA—and have risen to a remarkable position in the global market over the last 20 years. Türkiye consistently remains among the top five countries in this sector worldwide.

In 2012, Türkiye exported nearly 50 productions to 39 countries. Today, our country reaches more than 500 unique productions annually across a wide content spectrum, broadcast in more than 150 countries—from the Middle East to Latin America, Southeast Asia to Africa, Europe to North America—bringing together over 800 million viewers (*in terms of individual viewers directly reached*).

According to the latest available Turkish Statistical Institute (TÜİK) data announced in September 2024, the export value of our audiovisual services sector reached 623

million USD in 2023. Considering the sales to online/digital streaming platforms, we estimate that our export value in this sector is much higher.

One of the key strengths of creative industries is their ability to generate added value not only within their own sector but also across related sectors. We see the best examples of this cross-sector interaction through our TV/film industry.

Today, our productions play an important role in promoting both goods and services exports, contributing significantly to our country's travel and accommodation services, tourism (including health and gastronomy tourism), education services, and also to the export performance of sectors such as furniture and interior decoration, jewelry, textiles and apparel, white goods, and consumer products.

As a reflection of digital transformation, we are now experiencing diversification in the distribution channels of our content exports.

Although traditional broadcasting channels such as television still constitute a major share of export revenues, since 2020 our productions have increasingly appeared on global online/digital streaming platforms with various content types based on direct viewer demand.

In addition, our sector has diversified its export models through co-production/distribution agreements and adaptation/remake production agreements with different countries.

The sector is rapidly building a global brand, increasing its competitiveness through innovative production models and market diversification across distant geographies, in addition to state supports.

Recognizing the strong export potential of our productions, we have been supporting this sector through tailored support mechanisms since 2012.

Our supports are designed to cover a wide spectrum of economic actors—from micro-scale firms to large-scale firms. In particular, for SMEs in this sector, we develop projects based on the clustering principle to prepare the sector for exports.

Dear Participants,

Another leading sector in this field is our IT, software, and especially gaming industry. The global information and communication technologies (ICT) market grew by 1.1% in 2023, reaching 4.5 trillion USD. In parallel with this trend, according to data from the Turkish Informatics Industry Association (TÜBİSAD), the ICT market in Türkiye also grew, reaching 784.6 billion TL (33 billion USD) in 2023. According to TÜİK data, our IT services exports amounted to approximately 3.4 billion USD in 2023.

Within the IT sector, digital games are among the fastest-growing areas. Our country is keeping pace with the rapidly digitalizing world; the number of Turkish game developers and locally produced games increases every year, and correspondingly, the domestic digital gaming market is expanding rapidly. Our gaming companies stand out not only with their export successes but also with their company valuations and the investments they attract.

The global gaming market reached 185 billion USD in 2023. In Türkiye, a total of 30.2 million USD in domestic and foreign investment was made in 40 game companies in 2023.

These two example sectors supported by our Ministry's service export programs have led us to further evaluate the export potential and performance that could emerge if other creative industry subsectors were also supported.

Within the framework of the policy measure "evaluation of incorporating new subsectors into the scope of service export supports" set out in the Twelfth Development Plan (2024–2028), we have identified new creative industry subsectors with high export potential that could be eligible for support in order to increase the share of creative industries in service exports. We are working on opportunities to update our support legislation to include these sectors in the new period.

Once again, I thank you all and extend my respects.



## **2. PANEL: DIGITALIZATION and 2005 CONVENTION'S ROLE in the CREATIVE CULTURE INDUSTRIES**

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**Panel Moderator:**  
Özlem ECE



# Evaluating Artificial Intelligence Regulations Through the Lens of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions

**Atty. Assoc. Prof. Dr. Mete TEVETOĞLU\***

Member of the Specialised Committee on the Diversity of the Cultural Expressions of the Turkish National Commission for UNESCO

## **Introduction**

The Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005) ("Convention"), adopted by UNESCO, emphasizes that cultural products are not merely economic commodities, but also carriers of identity, values, and meaning. This convention aims to protect culture at both the national and international levels and to maintain diversity, granting states the right to establish and implement their own cultural policies.

The diversity of cultural expressions is a fundamental component of sustainable development and international cooperation. In this context, the Convention highlights that culture is not only an economic value but also a social, humanistic and cultural element. Strengthening intercultural dialogue, protecting cultural rights, and preserving diversity are among the main principles of the Convention.

The Convention provides a normative framework and a unique vision against the homogenization trend created by globalization in cultural areas. It recognizes the right of states to develop interventionist cultural policies against risks such as the complete abandonment of cultural production to market conditions, the decline in the visibility of local cultures, and the weakening of cultural identities. Thus, the goal is not only to preserve cultural diversity but also to actively support it.

Today, a new testing ground for this vision and normative framework has emerged with the direct inclusion of digitalization and artificial intelligence technologies

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\* Istanbul Bar Association.

in cultural production processes. Artificial intelligence systems now create and shape cultural expressions from scratch or reproduce them in creative fields such as text, visuals, music, and film; this situation and these developments give rise to new debates regarding cultural authenticity, ethical responsibility, and intellectual property.

This article aims to evaluate the cultural dimension of artificial intelligence regulations by focusing on the fundamental principles, vision, and cultural diversity principles outlined in the 2005 UNESCO Convention. The study will examine the European Union's Artificial Intelligence Act (AI Act) and the regulatory approaches of the United States in particular, interpreting the relationship between this normative framework and cultural rights, freedom of expression, and creative production processes.

The goal is to reveal the extent to which the new technological outputs brought about by artificial intelligence and the legal regulations pertaining to them coincide with UNESCO's vision of cultural diversity and the areas in which they conflict. Thus, a multidimensional assessment of the sustainability of cultural rights in the digital age is targeted.

### **The 2005 UNESCO Convention and the Obligations It Imposes**

The convention imposes a series of obligations on the signatory states. Chief among these are the development of cultural policies, support for local artists and creative industries, the protection of cultural products, and the promotion of cultural diversity in the marketplace (UNESCO 2005). States are also expected to increase international cooperation, facilitate the circulation of cultural products, and support cultural exchange (UNESCO 2005).

Supporting cultural industries, particularly small-scale enterprises, and protecting the fundamental rights of artists and cultural professionals, such as freedom of expression, fair remuneration, and social security, are issues that must be addressed and evaluated within this scope. In light of the new dynamics brought about by the digital age, preventing monopolization in media and digital platforms and ensuring the visibility of different cultures have come to the fore. Türkiye, like other contracting states, has committed itself nationally and internationally to protecting and developing cultural diversity through this Convention.

The 2005 UNESCO Convention requires states not only to establish an economic order that allows for the free circulation of cultural products, but also to design their cultural policies in line with human rights and sustainable development principles. In this respect, the Convention aims to create a cultural ecosystem that is not solely dependent on market conditions, but is strengthened by public support, regulation, and protection mechanisms.

The obligation of state parties to ensure fair competition conditions in the production, distribution, and access to cultural expressions aims to strike a balance between the commercialization of culture and the preservation of cultural diversity. In this context, states are responsible for implementing their cultural policies not only in accordance with national interests but also in a manner that promotes intercultural solidarity and mutual understanding.

Another important obligation introduced by the Convention is the development of new policy tools that take into account the transformation of cultural production in the age of digitalization. The threat to cultural diversity posed by monopolization and algorithmic steering in digital media environments has broadened the scope of intervention envisaged by the Convention. States must now regulate not only physical cultural heritage but also digital content production from the perspective of cultural diversity.

Türkiye's ratification of the 2005 Convention reflects an orientation toward international normative frameworks in terms of the country's cultural policies. This ratification has imposed both constitutional and international obligations on Türkiye regarding the protection of cultural heritage, the sustainable support of local cultures, and the strengthening of artists' economic rights. The implementation of the Convention is of strategic importance not only for the preservation of cultural identity, but also for the development of intercultural dialogue and the diversity of creative industries. Therefore, for Türkiye, the 2005 Convention serves as a normative reference point for the democratization of cultural policies and the comprehensive guarantee of cultural rights.

### **The Intersection Between Artificial Intelligence and Cultural Expressions**

Artificial intelligence currently plays an active role in the production of text, images, music, and video; it has become an important part of cultural production processes. Cultural expressions reflect a society's values, aesthetic understanding, and identity. Therefore, artificial intelligence's production or reproduction of these expressions has a direct impact on cultural identity and diversity.

At this point, issues of "cultural accuracy" and "copyright" become important. For example, it is debatable whether a piece of music produced by artificial intelligence accurately represents motifs belonging to a traditional culture. This debate opens up a new legal and cultural field in terms of the preservation of cultural heritage, ethical boundaries, and the redefinition of intellectual property.

The inclusion of artificial intelligence technologies in the cultural production process is fundamentally transforming the ways in which culture is created. Artistic activities, traditionally based on human creativity, are now supported by algorithmic analysis and data-driven learning models. This situation calls into

question the classical understanding of who the “creative subject” is. This new form of production, where the boundaries of human intervention are becoming blurred, is bringing debates about cultural authenticity and originality back to the forefront.

On the other hand, there is also a risk that content generated by artificial intelligence may reproduce certain cultural patterns or normative representations. The fact that algorithms reflect the biases in the data sets they are trained on brings with it the danger of cultural uniformity and homogenization. This situation may lead to the risk of minority languages, local art forms, and traditional cultures becoming invisible. In this context, artificial intelligence has become not just a technology, but an actor that reshapes the power relations of cultural representations.

Artificial intelligence-powered production tools also have a dual function in terms of preserving cultural heritage. On the one hand, they offer opportunities such as digitizing, archiving, and reviving historical artifacts, while on the other hand, there is a risk of distorting the cultural context or reducing meaning in the process. Therefore, ethical rules and principles of cultural accuracy must be clearly defined in the process of digitally reproducing cultural heritage.

In conclusion, the intersection of artificial intelligence and cultural expressions is not merely a technological issue; it is a multi-layered area of debate involving legal, ethical, and cultural policy dimensions. The principles of cultural diversity envisaged by the 2005 UNESCO Convention provide a strong normative framework that can be used as a reference in regulating these new forms of production.

### **Key Areas of Artificial Intelligence Regulation**

Regulations concerning artificial intelligence generally focus on security, data privacy, ethical principles, liability, and intellectual property issues. However, within this framework, the protection of cultural expressions is also gaining importance. This is because the reproduction of a cultural work through artificial intelligence gives rise to copyright and ethical responsibilities.

The impact of artificial intelligence on cultural expressions is multidimensional. While it creates new opportunities in content production (music, cinema, literature, visual arts), it also brings threats to cultural diversity. Algorithmic biases and monopolized digital platforms, in particular, increase the risk of cultural homogenization. Conversely, artificial intelligence can also be used as a tool that strengthens cross-cultural interaction, multilingual production, and accessibility.

Legal regulations concerning artificial intelligence have a dynamic structure that strives to keep pace with the speed of technological development. At the heart of regulatory discussions lies the goal of ensuring the predictability and accountability of artificial intelligence. However, these regulations have long been of secondary

importance in the context of cultural rights. Yet, artificial intelligence technologies, which directly impact cultural production processes, have made the preservation of cultural diversity an integral part of the regulatory agenda.

In this context, the protection of cultural expressions has moved beyond the scope of intellectual property law and has been brought to the intersection of human rights and cultural policies. Regulations defining the limits of AI use in creative industries must take into account both economic competition and cultural pluralism. Therefore, in contemporary regulatory debates, “ethical principles” no longer serve solely to protect individual privacy; they also take on the function of preventing the reproduction of cultural biases, ensuring representational justice, and safeguarding cultural authenticity.

Another dimension of artificial intelligence regulations is the principles of transparency and accountability. How cultural content is selected, ranked, and presented to users through algorithmic systems is directly related to cultural visibility and diversity (Kop, 2021). For this reason, regulations such as the European Union’s Artificial Intelligence Act (AI Act) and Digital Services Act (DSA) have included provisions on the transparency of content recommendation systems, thereby bringing the cultural sphere within the scope of regulation.

Consequently, the fundamental axis of artificial intelligence regulations determines not only technological risks but also the future of cultural rights. In today’s world, where cultural production is integrated into algorithmic processes, a regulatory framework that is human-centered, mindful of cultural diversity, and based on ethical principles is no longer a preference but a necessity.

### **International Regulations: AI Act and UNESCO Ethical Guidelines**

The leading international regulations on artificial intelligence are the European Union’s 2024 Artificial Intelligence Act (AI Act) and UNESCO’s 2021 Ethical AI Recommendations. These documents center on human rights, ethics, data protection, and transparency principles. The approach to cultural diversity in the 2005 UNESCO Convention is indirectly reflected in both EU and US artificial intelligence regulations.

The AI Act indirectly protects cultural rights within the framework of human rights and democratic values. It also opposes monopolization by imposing algorithmic transparency obligations on content recommendation systems (e.g., Spotify, YouTube). This approach is consistent with the spirit of the 2005 UNESCO Convention (Kop, 2021, pp. 2-3). When considered alongside the Digital Services Act (DSA), the goal of strengthening media diversity and increasing the visibility of different cultures is evident. The EU’s multilingualism policy also emphasizes

support for minority languages, which is a direct reflection of the principle of cultural diversity.

The fundamental approach of the AI Act is to regulate artificial intelligence within a risk-based classification framework. Within this scope, stricter obligations are envisaged for high-risk systems, while more flexible oversight is anticipated for low-risk applications (Kop, 2021, p. 3-4; Fraunhofer IKS). Algorithmic systems in the fields of cultural production and media are of particular importance in these regulations because they can directly influence human behaviour and cultural preferences. Therefore, the principles of transparency, accountability, and prevention of discrimination are emphasized in terms of the circulation and visibility of cultural content (Fraunhofer IKS, 2025, p. 8).

UNESCO's 2021 Ethical Recommendations on Artificial Intelligence is the first international document to ground normative discussions on artificial intelligence at the global level in the principles of human dignity, cultural diversity, and social inclusion. This document not only establishes technical ethical principles but also envisions the integration of cultural subjectivity, local forms of knowledge, and different epistemologies into artificial intelligence policies. It thus creates a balance against the risk of technology producing cultural hegemony on a global scale.

There is an indirect parallel between UNESCO's Ethical Recommendations and the AI Act: both texts emphasize that artificial intelligence should be developed in a human-centered and rights-based manner. However, while the AI Act is more technical and application-oriented in nature, UNESCO's recommendations provide more normative and principle-based guidance. Considering these two approaches together allows for a comprehensive assessment of both the legal binding nature and the cultural dimension of ethical responsibility.

In the context of cultural rights, the 2005 UNESCO Convention and the 2021 UNESCO Recommendations provide two complementary foundations. The former establishes a legal framework for protecting cultural diversity, while the latter addresses the impact of technological developments on this diversity from an ethical perspective. The European Union's AI Act regulations also constitute a concrete example of protecting cultural rights in the digital age, at the intersection of these two documents.

### **Approach to Artificial Intelligence in the United States**

The US does not yet have an AI law as comprehensive as the one in Europe. Instead, regulations such as the 2023 AI Executive Order and the NIST AI Risk Management Framework are in force. In addition, there are scattered but effective regulations at the state level (e.g., New York, California).

The US approach focuses more on security and economic risks; cultural diversity is not directly regulated. However, indirect effects are observed through the content algorithms of large technology companies (Netflix, Meta, Google, etc.). In particular, copyright debates in music, cinema, and visual arts intersect with the principle of “protecting the rights of artists” in the 2005 UNESCO Convention. The US model, while market and innovation-focused, parallels cultural rights in the context of freedom of expression and artists’ rights.

The United States’ approach to artificial intelligence is shaped by policy documents that constitute “soft law,” despite the absence of binding federal legislation. These documents were prepared with the objectives of enhancing economic competitiveness and protecting national security through artificial intelligence. However, this approach appears to delay the systematic regulation of cultural rights and ethical responsibilities.

While the AI Executive Order envisions the development of artificial intelligence in a safe, transparent, and human rights-respecting manner, it does not directly refer to issues of cultural diversity or the protection of cultural content (The White House, Executive Order, 2019). In contrast, the algorithmic preferences of large technology companies operating in the field of content production and distribution play a decisive role in determining cultural visibility. This situation raises criticism that the fate of cultural diversity is left to private sector policies within a market-oriented model.

The US regulatory approach, unlike that of the European Union, prioritizes the principles of individual freedom of expression and innovation. In this regard, the effects of artificial intelligence applications on cultural production are discussed more in terms of copyright, ownership of works, and creative control. In particular, the decisions made in recent years by the U.S. Copyright Office regarding intellectual property protection for works produced by artificial intelligence concretely reflect this country’s approach. The “Zarya of the Dawn” decision emphasized that creative control is dependent on the human element by excluding content produced without human intervention from copyright protection.

Furthermore, the US guides discussions on cultural diversity in the field of artificial intelligence not through direct regulation, but rather through court decisions, industry standards, and ethical guidelines. While this increases the flexibility of the system, it creates uncertainties regarding issues such as cultural representation justice and the protection of minority cultures. On the other hand, the global content policies of US technology companies indirectly interact with the principles of cultural pluralism and freedom of expression envisaged by the 2005 UNESCO Convention.

In conclusion, while the US approach to artificial intelligence attempts to strike a balance between market freedom and ethical responsibility, it does not provide a framework that explicitly regulates cultural rights. Compared to the European Union's human rights-based regulatory model, this situation reveals a weaker normative infrastructure in terms of protecting cultural diversity.

### **Comparison of European Union and US Approaches**

The European Union has integrated the UNESCO 2005 Convention's approach to cultural diversity and rights-based principles into regulations such as the AI Act, DSA, and DMA. Multilingualism, content diversity, and protection against cultural homogenization are at the forefront of these regulations. In contrast, the US follows a more liberal and sector-focused framework; discussions on cultural rights arise in the context of copyright, freedom of expression, and artists' rights.

The European Union's approach is based on a holistic legal understanding that evaluates artificial intelligence alongside its social impacts. In this understanding, cultural diversity is accepted as a component of a democratic society. For this reason, through the AI Act, the Digital Services Act (DSA), and the Digital Markets Act (DMA), the EU has protected not only technological risks but also the principles of cultural autonomy, media pluralism, and fair access to information.

In contrast, the market-based model is at the forefront in the United States. The US argues that artificial intelligence should be considered a tool that encourages innovation (Highlights of the 2023 Executive Order on Artificial Intelligence for Congress). In this approach, regulations serve to guide rather than limit technological development. Therefore, while cultural diversity is not a direct subject of legislation, it is indirectly protected through the principles of freedom of expression, copyright, and creativity.

The European Union strengthens the regulatory role of the state in protecting cultural diversity, while the US links cultural production to individual creativity and market competition.

The common ground between both approaches is that the transformative impact of artificial intelligence on creative processes is now inevitable. However, while the European Union aims to limit this transformation with principles of ethics, transparency, and accountability, the US relies more on the self-regulating power of market mechanisms. Therefore, it can be said that the European Union regulations are the model that is institutionally closest to the vision of cultural diversity in the 2005 UNESCO Convention.

While the EU's rights-based approach ensures cultural sustainability, the US approach prioritizes innovation but increases the risk of cultural homogenization.

This difference will be decisive in determining the extent to which cultural rights will be included in the global standards for artificial intelligence regulation in the future.

### **Assessment from the Perspective of Turkish Law**

The European Union Artificial Intelligence Act (AI Act), adopted by the European Parliament in March 2024, marks a global turning point. The AI Act introduces important provisions regarding the protection of copyright in materials used to train artificial intelligence systems. In particular, Recital 105 stipulates that permission must be obtained from rights holders if the material used is protected by copyright and that rights holders must be granted an “opt-out” right.

Activities related to the development and training of artificial intelligence are evaluated within the scope of “text and data mining” and, in this respect, are directly linked to the Copyright in the Digital Single Market (CDSM) Directive. The CDSM Directive redefines the balance between freedom of access to information and intellectual property protection by granting certain rights to perform data mining, particularly to research and educational institutions as well as cultural heritage organizations, under specific conditions (Margoni and Kretschmer, 2022, pp. 687-690). This regulation provides a legal framework for the use of data sets necessary for training artificial intelligence systems and aims to protect the legitimate interests of copyright holders in this process. Text and data mining applications are considered a transformative use that contributes to the advancement of scientific research and, in this respect, are treated within an exception regime consistent with the fundamental purpose of copyright law (Carroll, 2019, pp. 905-907). Therefore, when evaluating the ethical, legal, and cultural dimensions of artificial intelligence regulations, this new balance created by data mining constitutes an important reference point in terms of both the freedom of information production and the preservation of the diversity of cultural expressions.

In the US, case law on this issue is expected to develop. The US Copyright Office denied copyright protection for images created with the Midjourney program in the “Zarya of the Dawn” case, granting protection only to those parts where human creative control was present<sup>1</sup>. This decision is considered a turning point in terms of intellectual property protection for AI-based works.

Under Turkish law, artificial intelligence products can be evaluated in different ways under the Intellectual and Artistic Works Law (FSEK) and the Industrial Property

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<sup>1</sup> For details of the decision, see: U.S. Copyright Office. Zarya of the Dawn – Copyright Registration Decision. Washington, D.C.: U.S. Copyright Office, Erişim 12 Kasım 2025 <https://www.copyright.gov/docs/zarya-of-the-dawn.pdf>

Law (SMK). Artificial intelligence is generally seen as a database and, depending on its characteristics, can be considered a “work” or a “sui generis intellectual product.” Sometimes, artificial intelligence systems can be evaluated as software falling under the category of scientific and literary works if they meet the relevant legal requirements.

When third-party works are used by artificial intelligence, the resulting product may qualify as a “derivative work” if certain conditions are met. However, if the artificial intelligence product is disconnected from the original work, it loses its derivative status. If the artificial intelligence processing does not meet the conditions for being a work, it may be considered a work product under unfair competition law.

While permission is not required for non-commercial uses, permission must be obtained from the rights holders for commercial uses. At this point, the transparency and prior disclosure requirements introduced by the AI Act need to be re-evaluated in terms of FSEK and SMK.

From the perspective of derivative works, individuals who develop or process using artificial intelligence should not be required to obtain permission from the relevant copyright holders for this processing activity, provided that it does not involve commercialization or gaining public disclosure. However, if the work is to be used commercially, permission must be obtained from the rights holders beforehand. The AI Act, on the other hand, stipulates transparency and ex ante disclosure requirements for AI-based developments. FSEK and SMK should be reviewed for compliance with the AI Act at this point. It should be added that works whose protection period has expired can be used in the development of AI systems without obtaining any permission.

Works produced entirely by artificial intelligence and without human intervention are not protected under Turkish law. However, in cases where human influence is present, the relevant person is considered the author of the work. In other words, works produced by artificial intelligence are not protected under FSEK and SMK if they are entirely the product of artificial intelligence without human intervention or control, due to the lack of creative influence. Of course, at this point, it is debatable whether a system that accepts that the creator can create what it creates should adopt the rule that the AI systems it creates cannot create (Selvili, 2023).

If there is human influence, the relevant person is the author, and protection applies.

Under Turkish law, whether artificial intelligence products are subject to intellectual property protection depends on the existence of the element of “creativity.” According to FSEK, for a product to be considered a work, it must bear the personal characteristics of its owner. In this context, content produced entirely

algorithmically without human intervention cannot be classified as a work due to the lack of a creative subject. However, if artificial intelligence is used as a tool and humans have a guiding or selective influence on the final product, the resulting product may qualify as a work. This approach should be interpreted as a criterion of creative control.

The assessment of content generated by artificial intelligence under FSEK is related not only to the dimension of property rights but also to ethical and responsibility principles. This is because the data sets used in artificial intelligence production often contain works belonging to third parties. This situation blurs the distinction between derivative works and independent works and complicates the issue of ownership. Therefore, the provisions on derivative works and joint works in Articles 6 and 8 of FSEK must be interpreted to cover AI-based production methods.

On the other hand, the patentability of artificial intelligence and its use in trademark design processes under the Industrial Property Law (IPL) also create new areas of debate. The role of artificial intelligence in developing technical solutions raises the question of “who is the inventor?”; the requirement for a human element in patent applications sets a normative limit in this area. The Turkish legal system, in line with international trends, does not yet recognize artificial intelligence as an independent subject of rights. Therefore, all rights and responsibilities for the technical or artistic products created by artificial intelligence are attributed to the human creator or the person directing it.

Ultimately, whether content generated by artificial intelligence is subject to intellectual property protection under Turkish law is determined based on the presence of human contribution and the degree of creative control (Aslan, 2024, pp. 468-470). However, this approach necessitates rethinking the boundaries of the concept of “work” in an era where artificial intelligence production processes are becoming increasingly autonomous<sup>2</sup>. The transparency obligations introduced by the AI Act require disclosure of the data sets used to train AI systems and the stage at which human intervention occurs in content production, thereby redefining the criterion of creative labor that underpins intellectual property (Altınmakas, 2025,

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<sup>2</sup> Creativity is not solely dependent on human consciousness; algorithmic productions exhibiting a certain level of formal innovation and complexity can also meet the criterion of “originality.” In this context, a new interpretation has been proposed for the assessment of the element of creativity in intellectual property law, focusing on the objective characteristics of the work rather than the internal intent of the creator. For this view, see: Yanisky-Ravid Shlomit and Luis Antonio Velez-Hernandez. “Copyrightability of Artworks Produced by Creative Robots and Originality: The Formality-Objective Model,” *Minnesota Journal of Law, Science & Technology*, Forthcoming 19, no. 1 (2018): 1-53 Accessed November 1, 2025 <https://scholarship.law.umn.edu/cgi/viewcontent.cgi?article=1437&context=mjlst>

pp. 472-474). In contrast, the current framework of the Copyright Law is based on a human-centered, classical understanding of works; therefore, it falls short in explaining the dimensions of ownership, liability, and rights of ownership of AI-generated works. Therefore, Turkish law needs to develop a normative framework regarding the status of AI-generated creations within the intellectual property system and update its legislation accordingly (Aslan, 2024, pp. 18-20). In this regard, Turkish law must develop a new intellectual property paradigm that takes into account the unique rights issues arising from AI-based creations, considering both the creative subject and the principle of transparency.

In light of all these findings and assessments, when we look at artificial intelligence systems and applications once again from the perspective of the 2005 UNESCO Convention, we see that the Convention accurately identifies and takes into account that the rapidly developing information and communication technologies and the globalization processes they facilitate create unprecedented conditions for advanced interaction between cultures, it also accurately identifies and takes into account the challenges they pose in terms of cultural diversity, particularly the risk of imbalances between rich and poor countries. Indeed, in Article 4 of the Convention, cultural diversity is defined quite accurately as being expressed, reproduced, and transmitted through various means of cultural expression, as well as through various forms of artistic creation, production, dissemination, distribution, and use, regardless of the tools and technologies used. At this point, the Convention takes an approach to the protection of cultural diversity that is independent of technology. This approach ensures that the rules and principles of the Convention are independent of changing technology and prevents technology from becoming an element of uncertainty or hesitation. The same perspective and vision, as set forth in Article 12, instrumentalizes artificial intelligence by supporting the use of new technologies such as artificial intelligence to promote international cooperation, encouraging partnerships to enhance information sharing and cultural understanding, and promoting the diversity of cultural expressions. In other words, artificial intelligence is positioned not as a risk factor but as a support mechanism for the preservation of cultural expressions.

Article 14 of the Convention, however, encourages the promotion of artificial intelligence as a type of technology, alongside all other technologies, in developing countries, including strategic and management capacities, policy development and implementation, development and dissemination of cultural expressions, development of small, medium and large enterprises, technology use, skills development and transfer in the public and private sectors, exchange of knowledge, experience and expertise, and training of human resources.

The Convention specifically embraces the goal of transferring technology through the implementation of appropriate incentive measures for the transfer of technology and technical knowledge in the field of cultural industries and enterprises. Therefore, artificial intelligence is currently the technology that can contribute most to this goal.

## **Conclusion and Evaluation**

The 2005 UNESCO Convention provides a cultural perspective on artificial intelligence regulations; it envisions the preservation of the balance between human rights and cultural rights. The protection of cultural diversity should be regarded not only as an ethical principle but also as a legal obligation.

Artificial intelligence has the potential to both enrich cultural diversity and pose a risk of homogenization. Therefore, the development and use of artificial intelligence should be shaped within the framework of human-centered regulatory policies that respect cultural rights. In this context, the protection and diversity of cultural expressions should be taken into account when developing artificial intelligence, especially large language models. There is no need to specify this requirement separately in any artificial intelligence regulation. The 2005 UNESCO Convention, with all its principles and objectives, is also applicable and valid for artificial intelligence applications.

The primary objective of the 2005 UNESCO Convention is to protect human creativity by evaluating cultural production processes beyond economic dynamics. In this context, artificial intelligence regulations must be consistent not only with technological security or market stability but also with the principle of cultural sustainability. The preservation of cultural diversity must be addressed alongside the concepts of freedom of expression, access to information, and justice in cultural representation in the digital age. Artificial intelligence is a highly suitable tool in this regard.

The use of artificial intelligence technologies in the field of cultural production can be a tool that supports human creativity, but it can also become a mechanism that creates pressure on cultural autonomy. This dual nature necessitates a search for balance in regulations. In particular, the transparency of algorithmic systems, the establishment of ethical standards, and the prevention of bias in cultural content are critical for the protection of cultural rights.

At this point, the human rights-based approach adopted by the European Union with the AI Act sets an example in matters related to cultural diversity. In line with the obligations Türkiye has undertaken under the 2005 UNESCO Convention, it must address artificial intelligence policies not merely as technical regulations but as a policy area encompassing cultural rights.

Consequently, the effects of artificial intelligence on the cultural sphere must be addressed at the intersection of law, ethics, and cultural policy. Regulations developed within this framework should be human-centered, preserve cultural heritage, and promote creative diversity. Protecting cultural rights in the age of digital transformation should be considered a shared responsibility not only of states but of the global community.

The future of cultural policies in the age of artificial intelligence depends on the capacity to position technology not as a cultural threat, but as an opportunity to strengthen pluralism. Therefore, a regulatory vision grounded in ethical principles, prioritizing justice in cultural representation and freedom of creativity, is a fundamental condition for the sustainability of cultural diversity at both national and international levels.

It is an appropriate approach to view artificial intelligence as a tool, product, and result developer in intellectual and industrial property law. In this way, the contributions of artificial intelligence as a tool, product, or production can be resolved to a significant extent according to existing laws and principles. Of course, atypical issues and situations may require special regulation. In determining such new rules, the commercial aspect of all types of intellectual and industrial products should be taken into account, as well as the fact that they are carriers of our society's culture, and the scope of protection and exceptions should be defined without forgetting this perspective.

The 2005 UNESCO Convention has evaluated technology in many of its provisions, taking into account both its current state and future new technologies. The Convention has correctly defined all its fundamental principles and objectives by including all developing and future technologies. In this respect, the Convention has adopted the principle of independence from tools and technologies as an element of its identity. Therefore, changing technologies can be tools that support, rather than threaten, complicate, or jeopardize the achievement of the Convention's objectives. Technology is merely a tool here. In light of the Treaty's fair, rational, and conscientious goals and principles, any temporary hesitation or manipulation that the potential complexity of artificial intelligence and other possible new technologies may create will not lead to the dilution or inapplicability of these fundamental principles and goals.

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# Artificial Intelligence and International Regulations: Global Approaches, Copyrights, and Cultural Implications

**Dr. Belgin ASLAN\***

Member of the Specialised Committee on the Diversity of the Cultural Expressions of the Turkish National Commission for UNESCO

## Introduction

As the most powerful determinant of digital transformation, Artificial Intelligence (AI) is reshaping both the global economy and cultural production processes. This transformation brings not only technological but also legal, sociocultural, and economic consequences. As a natural result of this process, humankind inevitably asks itself whether AI is truly an opportunity or a threat. Although states, regional blocs, and international organizations are attempting to formulate a set of principles, regulations, and standards to respond to the ethical, legal, and economic impacts of AI, no organization or state has yet fully decided on how to position itself in this field.

This paper aims to address fundamental questions regarding such an all-encompassing technology: whether the AI field should be regulated, the nature of recent national and international regulations adopted by other countries and international organizations, the specific obligations introduced by the EU AI Act, and its potential effects on Türkiye. Furthermore, it will discuss the legal and economic issues raised by the interplay between copyright and AI within the creative cultural industries, and the potential impact of recently adopted AI regulations on cultural diversity and creativity.

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\* Head of International Relations and Certification Department, Directorate General for Copyright, Republic of Türkiye Ministry of Culture and Tourism.

## **1. Should The Field of Artificial Intelligence Be Regulated?**

When the trend toward homogenization in AI production processes merges with the legal debates on whether AI can be considered an author or a patent inventor, the question of its impact on cultural diversity, creativity, and originality becomes even more critical. Whether the content and materials used to train AI systems are covered by copyright protection, the legal consequences of their unauthorized use, and the necessity of obtaining permission from right holders for machine learning constitute the most debated areas today. In connection with this, the question of whether AI outputs should be protected by copyright introduces new discussion topics for both creative industries and the legal system, while the risk of digital erosion of cultural collective memory is becoming an increasingly visible issue with the acceleration of digitalization.

As a high-impact and rapidly evolving technology, AI is positioned by many legal systems as an area that requires regulation. However, since the area to be regulated is seen as an opportunity for humanity, there is concern that excessively strict regulations could stifle development. Conversely, a soft or liberal regulatory approach risks the threatening aspects of AI becoming an uncontrollable force for humanity. The core reasons for the need for regulation include the protection of human rights, data security, intellectual property violations, the danger of economic monopolization, and potential negative effects on cultural diversity.

The operation of AI systems begins with the collection of training materials, consisting of creations and data, at the input stage. Subsequently, this content is processed through machine learning and transferred to the model, and finally, it is converted into digital productions and outputs by the AI. When we look at the intersection of creativity and artificial intelligence, two fundamental processes emerge: on the one hand, a production cycle that feeds, diversifies, and accelerates human creativity; on the other hand, a mechanism that carries the risk of homogenization, loss of originality, and narrowing of cultural diversity, depending on the quality of the data sets used.

Various academic studies warn that if AI is not regulated, both individual rights violations will increase and the information ecosystem will become overly centralized. Specifically, generative AI models, due to their large-scale data consumption, cause a transformation in the perception of originality and creativity, and the unauthorized inclusion of copyrighted content in machine learning leads to serious legal disputes. In this context, many countries have begun to intervene in the AI field through partial regulations, yet many issues are expected to be resolved through litigation.

## **2. Recent AI Regulations Around The World**

### **2.1. Country Examples**

#### **2.1.1. United States (US)**

The US currently lacks a comprehensive and binding federal framework law on AI. Instead, federal policy is shaped primarily through Presidential Executive Orders, institutional guidelines, and voluntary sector commitments. The most current example of this approach is “America’s AI Action Plan,” published on July 4, 2025, which aims to preserve US technological superiority in global AI competition, especially against China, enhance its innovation capacity, and establish an AI ecosystem focused on national security. The plan focuses on strategic areas such as accelerating innovation, strengthening data center and semiconductor infrastructure, supporting open-weight models, and tightening export controls.

The US regulatory approach, unlike the European Union’s risk-based binding model, grants more space for market actors to take voluntary responsibility. Voluntary safety protocols signed by companies such as Google, Microsoft, OpenAI, Amazon, and Meta in areas like secure model development, transparency, and model risk assessment are part of the federal government’s “soft regulation” strategy.

In the field of copyright, the US Copyright Office (USCO), as part of its “Copyright and Artificial Intelligence” review conducted since 2023, has adopted a clear and systematic stance that AI outputs produced entirely without human contribution are not eligible for copyright protection. The reports and decisions published by the USCO affirm the principle that “author of the work can only be human,” which is the clearest answer given by the US legal system to the question: “Can an AI be an author?” This approach is a critical reference point for determining both the legal status of AI outputs and the boundaries of human contribution in the creative sectors.

#### **2.1.2. France**

While France does not have a specific framework law regarding AI and intellectual property protection, Bill No. 1630, submitted to the National Assembly on September 12, 2023, stands out as one of the most advanced regulatory initiatives in Europe, especially in the field of copyright. The bill aimed to introduce clear and binding provisions on how generative AI systems can use copyrighted works for training or production.

Article 1 of the bill sought to mandate prior permission from the right holder for AI systems to process copyrighted works for training or production purposes. This provision indicates that France adopted an “opt-in” rather than an “opt-out” model, going beyond the EU’s Digital Single Market Copyright Directive (DSM).

Furthermore, the draft required the clear indication of “AI-generated” on content produced by AI, aiming to increase transparency and maintain the distinction between human creativity and machine output. Another important aspect of the bill was the requirement for crediting the right holders of content used in the training of AI systems and, where appropriate, compensating them through collective rights management organizations. This approach clearly demonstrates France’s prioritization of protecting the economic and moral rights of authors in the creative sectors.

This regulatory attempt showed that France sought to develop a model that protects both cultural production and creative labor in the AI field, adopting a proactive and rights-focused approach to limit the effects of generative AI on copyrights. However, while the bill of September 12, 2023, aimed to introduce significant provisions in the context of national copyright, it was ultimately not adopted and remained a proposal. On the other hand, being an EU member, the EU AI Act is a “Regulation,” meaning it is binding and directly applicable in all member states without the need for national parliaments to enact separate harmonization laws. The Act entered into force on August 1, 2024, and following a gradual transition period, all its provisions will become mandatory in all EU countries, including France, by August 2, 2026.

### **2.1.3. China**

China has established a comprehensive regulatory framework to balance the opportunities and potential risks brought by the rapidly developing generative AI technology. Central to this framework are the “Interim Measures for the Management of Generative Artificial Intelligence Services in China,” which came into effect on August 15, 2023, and the “Labeling Rules for AI-Generated Content,” which came into effect on September 1, 2025.

These measures target public-facing generative AI services, aiming to encourage technological development while also seeking to “put an end to the abuse of AI generation technologies and the spread of misinformation.” The AI Measures place great emphasis on the identification of AI-generated content that could mislead or cause confusion to the public.

In applicable situations, the inclusion of manifest (visible) labels on AI-generated or synthesized content such as text, audio, image, video, and virtual scenes is mandatory. These labels must be easily perceived by users (e.g., the text “AI-generated”). If the generated content can be filed, embedded (machine-readable) labels containing essential details like the service provider’s name and content ID must be embedded in the file’s metadata. These measures ensure the traceability of the content and the determination of its AI origin.

Furthermore, the same regulations state that intellectual property rights must be respected throughout all processes, including algorithm design, training data set, model creation, optimization, and service provision. However, it is noted that violations under this heading are not tied to a specific sanction.

## **2.2. AI Regulations in International Organizations**

### **2.2.1. United Nations Educational, Scientific and Cultural Organization (UNESCO)**

UNESCO is leading global governance efforts by focusing on the ethical challenges posed by AI and its effects on the cultural and creative industries. The foundation of these efforts is the Recommendation on the Ethics of Artificial Intelligence, unanimously adopted in 2021, which provides an international framework for the ethical use of AI. This Recommendation is the first globally accepted, non-binding standard aimed at protecting human rights and fundamental freedoms and promoting ethical principles and values in the design, development, and deployment of AI systems. Based on the principles of human-centeredness, transparency, equity, non-discrimination, responsibility, and accountability, this Recommendation guides the establishment of minimum legal and regulatory standards for the ethical governance of AI at the national level.

The second important area of work is the effective implementation of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005 Convention) in the digital environment. The rapid rise of digital technologies, especially generative AI, is creating both transformative and negative effects on the cultural and creative industries. Generative AI automates content production, which poses serious risks regarding the preservation of cultural diversity, the sustainability of artistic professions, and the safeguarding of artists' copyrights.

To counteract these risks and strengthen the 2005 Convention in the current digital context, the option of an Additional Protocol is being evaluated. The goal is to create a new, binding instrument that includes new tools and mechanisms for protecting cultural diversity. The planned protocol aims to establish clear and enforceable rules on the copyright ownership and fair remuneration for AI-generated content, ensure the transparency of AI algorithms—especially recommendation systems and data usage—and guarantee the discoverability of cultural content representing diverse cultures.

### **2.2.2. United Nations (UN)**

In July 2025, the United Nations (UN) announced the establishment of two new critical mechanisms to coordinate and strengthen global efforts on AI governance: the "Independent International Scientific Panel on AI" and the "Global AI

Governance Dialogue.” These mechanisms are designed to provide an evidence-based, multi-stakeholder approach to maximizing the opportunities offered by AI while managing potential risks and ethical challenges.

The Independent International Scientific Panel on Artificial Intelligence is tasked with collecting, analyzing, and presenting scientific knowledge on AI at an international level. The Panel consists of 40 independent scientists and experts appointed for a three-year term. Its primary duty is to prepare annual reports containing evidence-based scientific assessments that analyze existing research on AI opportunities, risks, impacts, and global governance challenges. The Global AI Governance Dialogue is designed as an inclusive platform to discuss strategies and practices for the responsible deployment of AI globally. It is expected to find global and balanced solutions to the complex effects of AI through the participation of governments, private sector representatives, civil society organizations, academia, and all relevant stakeholders.

### **3. The EU AI Act: The World’s First Comprehensive AI Regulation**

The EU Artificial Intelligence Act (EU AI Act), adopted by the European Parliament on March 13, 2024, signed by the EU Council in April, and published and entered into force on July 12, 2024, is the first comprehensive regulation in this field. The AI Act aims to foster a trust ecosystem by addressing the risks associated with specific uses of the technology. The general objective of this regulation is to ensure the proper functioning of the single market by creating the conditions for the development and use of trustworthy AI systems within the EU. The Act focuses on the specific use and associated risks of AI systems and seeks to create a technology-neutral definition for AI systems and a classification based on a risk-based approach with different requirements and obligations. The Act prohibits certain AI systems that pose “unacceptable” risks, while AI systems presenting “limited risk” are subject to transparency obligations.

The Act aims to create a technology-neutral definition for AI systems, opting for the term “AI System.” According to the final regulation in the Act, an “AI System” is defined as a machine-based system that is designed to operate with varying levels of autonomy and, after being deployed, can self-learn or adapt. It generates outputs such as predictions, content, recommendations, or decisions that can influence physical or virtual environments, in line with explicit or implicit objectives derived from the inputs it receives.

Furthermore, the AI Act imposes obligations on generative AI models like ChatGPT and Dall-E, which are classified under General-Purpose AI (GPAI). GPAI models, especially large generative AI models, which can produce text, images, and other content, offer unique innovation opportunities for artists, writers, and other creators,

but also bring disputes regarding how creative content is created, distributed, used, and consumed. GPAI technologies, also referred to as Artificial General Intelligence (AGI), are systems designed to perform a wide range of intelligent tasks, think abstractly, and adapt to new situations. These fundamental models, called general-purpose AI or foundation models, are trained on a broad, unlabeled dataset that can be used for different tasks with minimal fine-tuning. These foundation models are made accessible to downstream developers via Application Programming Interfaces (APIs) and open-source access, and are currently used as infrastructure by many companies to provide end-user services (e.g., ChatGPT, Dall-E, GPT-4).

Under the Act, to increase the transparency of the data used in training GPAI models, including texts and data protected by intellectual property rights, providers of such models are required to prepare and make publicly available a detailed summary of the content used to train the GPAI model. This summary is not intended to include technical details, but rather information regarding the works, performances, productions, or broadcasts used in the training. The goal is to facilitate the legitimate rights claims of right holders. Article 53, “Obligations for Providers of General-Purpose AI Models,” of the AI Act deems it sufficient for GPAI model providers to act in accordance with the template provided by the AI Office when preparing and submitting a detailed summary of the content used in the model’s training to the public. The AI Act’s transparency obligation, in particular, is thought to reduce the unauthorized use of IP-protected content, strengthen collective licensing models, have positive effects on the preservation of cultural diversity, and contribute to the economic sustainability of cultural industries.

#### **4. AI and Creative Cultural Industries: Issues and Interactions**

The rapid spread of generative AI creates serious ethical and legal challenges in the areas of creativity, copyright, and cultural diversity. Several fundamental issues emerge, such as the concept of authorship, the copyright assessment of training data, and the erosion of the concept of creativity.

AI models generate output based on algorithms trained by mimicking the statistical distribution of the massive datasets they are trained on. This process can have unexpected and potentially negative effects on creativity and cultural diversity. What might these negative effects be? AI models are trained on the most accessible and largest data pools (mostly Western-centric and English-heavy), which risks leading to the centralization of knowledge and the marginalization of local cultures. This centralization could create a single dominant knowledge system or epistemic infrastructure for the production and interpretation of information.

Because AI models tend to learn the most common or dominant styles and patterns, they can lead to stylistic repetition in AI-generated content over time,

causing creativity to become more predictable and mechanized. Particularly, large language models risk reinforcing cultural biases by globally standardizing content production. Reflecting dominant cultural content, AI models can lead to the erosion of cultural diversity, and ultimately, a model tends to produce the “average” of thousands of existing works rather than creating something fundamentally new, which carries the risk of genuine originality being lost in art and the creative industries.

Looking broadly at the authorship debate, the common and dominant view in international copyright law strictly links the concept of authorship to human creativity. In current international law and most national laws, the author of a work is only a human being. AI systems or algorithms lack a legal personality that grants them the capacity for legal action or the ability to hold rights. Therefore, AI outputs can only receive copyright protection to the extent they involve human creativity, selection, arrangement, or intervention. For example, complex prompts given to an AI model by a human user or creative modifications made to the output may fall under protection, while completely autonomous AI output may remain unprotected.

## **5. Implications for Türkiye and the National AI Strategy**

Türkiye has implemented the National Artificial Intelligence Strategy (2021-2025) to maximize its potential in the field of AI and strengthen its place in global competition. This strategy aims to take concrete steps with six main objectives and the 2024-2025 Action Plan serving these objectives.

Türkiye’s vision in the AI field is shaped around six strategic axes:

- Developing experts with advanced skills in the field of AI and harmonizing the education system in this context.
- Increasing R&D efforts in the field of AI, fostering entrepreneurship, and ensuring access to high-quality data and technical infrastructure.
- Creating a suitable ethical and legal framework for the AI field.
- Developing international collaborations in the AI field.
- Managing the impact of AI on employment and professions.
- Transforming institutions and firms through AI applications.

The Action Plan includes concrete steps to achieve the above objectives, particularly in regulation, domestic development, and education:

- A “Trustworthy Artificial Intelligence Stamp” will be created for the certification mechanism for the inspection and legal compliance of AI applications.

- The “AI Risk Management System Certification Program,” which allows for the risk-focused evaluation of AI products, will be implemented.
- An expert committee will be established to determine technical and ethical standards for domestically developed generative AI models (LLMs, LAMs, etc.) and to manage this process.
- Collaborations will be developed for sharing information and experience with countries that develop their own large language models or with global firms in this area.
- Cooperation mechanisms will be developed for acquiring data from Turkic Republics for the development of Turkish large language models and for the use of the developed model in Turkic Republics.
- An AI Literacy Campaign will be launched to instill AI awareness and increase understanding among the younger segments of society.
- A guide will be prepared to clarify the intellectual property rights of AI-generated content, and standardization efforts will be made regarding the patentability of AI products.
- The curricula of relevant pre-higher education courses will be improved based on algorithmic thinking, AI technologies, and ethical principles, and digital content will be prepared within the framework of relevant educational programs.

## **Conclusion**

The rapid proliferation of Artificial Intelligence (AI) technologies has initiated an unprecedented transformation in information and culture ecosystems. However, this transformation brings not only increased efficiency but also serious risks in terms of access to reliable information, the production of original content, and the sustainability of cultural diversity.

The ability of generative AI to produce limitless synthetic content risks creating a profound crisis of information reliability. The sources from which we verify information and receive knowledge (news platforms, blogs, online training, etc.) are increasingly fed by the same fundamental AI datasets. This situation leads to the appearance of non-original, similar content originating from the same source, in the form of the repetition of synthetic information on every platform. The repeated training of AI models with their own synthetic output leads to a degradation in the quality and originality of information. This cycle can cause models to gradually detach from real data, homogenize information, and increase the tendency to produce misleading content. Our exposure to a limitless amount of non-original, synthetic content across all digital, mobile, and social media platforms reduces the concept of creativity to a mechanized output.

Looking at our creativity-fueled cultural industries, they are seen as the sectors that will both benefit most from the opportunities brought by AI and be most affected economically and ethically by the risks. The most concrete reason for this is that the original works that constitute our cultural industries and embody our cultural elements continue to be used as data/raw material in AI machine learning processes. This situation not only violates the rights of artists and individuals engaged in intellectual production and creation but also increases the risk of AI models reinforcing dominant cultural biases, rendering local cultures invisible, and leading to the erosion of cultural diversity. This is a risk that UNESCO specifically highlights. To ensure the sustainability of creative industries, significant steps are being taken to make the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions (CDCE) more effective, with the aim of clarifying international copyright rules for AI-generated content to protect the rights of authors.

A regulatory approach that considers the risks as much as the opportunities brought by AI, one that is human-centered and protects cultural diversity, is now inevitable. International cooperation, transparency, and the protection of intellectual property rights must be the fundamental axes of AI regulation. In this sense, the EU offers a risk-focused regulation example, establishing a framework that concentrates on strict compliance requirements, transparency obligations, and the protection of fundamental rights for high-risk AI systems. National digital transformation visions, such as Türkiye's National Artificial Intelligence Strategy (2021–2025), are critically important for both domestic technology production and compliance with international standards. Türkiye's development of mechanisms like the "Reliable Artificial Intelligence Stamp" aims to provide ethical and legal security.

In conclusion, regardless of how impressive the great economic promise and innovation potential offered by AI may be, the sustainability of cultural industries and the reliable information ecosystem could be negatively affected unless an ethical framework and legal certainty are provided. To mitigate this risk, first and foremost, the transparency of AI systems' training data and the conditions of its use must be clearly defined. Strengthening copyright mechanisms to prevent the unauthorized use of copyrighted works, clarifying the principles of consent and fair use in data collection processes, and implementing diversity-focused data policies for AI models are crucial. Furthermore, the labeling of AI-generated content, the establishment of accountability standards, and increased international cooperation to protect both countries' national cultural heritage and the common heritage of humanity will support the healthy development of both the creative cultural industries and the information ecosystem.

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# The Increasing Value of the Creative Production Experience in the Age of Artificial Intelligence

**Dr. H. Cenk DERELİ\***

Member of the Specialised Committee on the Diversity of the Cultural Expressions of the Turkish National Commission for UNESCO

The Industrial Revolution led to the displacement of craft-based production from the economic center to the cultural periphery. Although crafts diminished in their prevalence and economic utility in meeting needs, they gained a new kind of value through their redefinition as intangible cultural heritage. A similar process is currently taking place in the field of creative industries due to the AI revolution. Artificial intelligence, through algorithm-based design, digital production methods, and advancements in material technologies, is increasingly rendering design and production processes autonomous, thereby marginalizing human-centered creative production. As these forms of production become endangered, efforts to protect them are simultaneously triggered, paving the way for their recognition as heritage worthy of preservation (Harrison, 2020, pp. 28–29). In this context, the article argues that human-centered creative practices will gain heritage value, and thus increased significance, as they become rarer and more fragile. This argument is explored through the creative domains of architecture, fashion, and film.

In the field of architecture, AI-assisted design software and robotic construction technologies have made it possible to design and build a desired architectural program with almost no human intervention. Building Information Modelling (BIM) integrates architectural design with engineering projects, while having accumulated data from numerous architectural programs and stylistic traditions to date. It is now possible to design a building that adapts parametrically to the construction constraints of any given site, offering flexibility for instant reshaping

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\* Architect

and the generation of limitless alternatives within the desired architectural aesthetic.

In the field of fashion, generative design software, biomaterials, and 3D printing technologies are transforming design and production. Designing clothing and accessories for virtual avatars has already entered the professional agenda. The anticipated proliferation of programmable fabrics and the growing accessibility of personalized generative AI designs indicate that certain aspects of fashion design will become increasingly independent from human involvement.

In film, especially in advertising and short-form content, productions with AI-generated scripts, visuals, and music that are almost indistinguishable from traditionally produced films have already circulated across social and mainstream media. These examples, featuring AI-generated actors and storylines, reveal the potential for fully autonomous filmmaking that could render human-driven creative labor, from performance to technical production, obsolete.

Similar developments are transforming other areas of cultural production. Although radical technological breakthroughs and examples of autonomous production are rapidly multiplying, existing creative practices will not vanish immediately. This coexistence forms the foundation of the hypothesis that the human-centered creative experience will gain in value and be reconsidered as a form of heritage. Contemporary approaches, such as heritage futures and critical heritage, consider heritage not as the preservation of the past but as the active construction of the future. They refer to practices of anticipating, planning, and preparing for what lies ahead (Harrison et al., 2020, p. 21). These approaches argue that heritage possesses the capacity to generate meanings that will shape the societies of the future (Holtorf & Högberg, 2020, pp. 1–28).

Contemporary approaches such as heritage futures and critical heritage regard heritage not merely as a means of preserving the past, but as a tool for constructing the future. They refer to practices of forecasting, planning, and preparing for the future (Harrison et al., 2020, p. 21). These approaches argue that heritage has the capacity to generate meanings that can shape the societies of the future (Holtorf & Högberg, 2020, pp. 1–28). When heritage is considered as a concept oriented toward building the future, the necessity of discussing how and in what ways today's human-centered creative productions can be preserved within the framework of UNESCO's Convention for the Safeguarding of the Intangible Cultural Heritage becomes even more meaningful. According to the Convention, intangible cultural heritage is continuously recreated by communities and groups in response to their environment and historical conditions, providing them with a sense of identity and continuity; thereby contributing to respect for cultural diversity and human creativity (Url-1). This definition pertains to the historical dimension; it was

written to refer to practices whose exact origins in the past may be unknown but have been passed down to the present. Today, however, we have the opportunity to discuss the intangible cultural heritage of the future at the very edge of all these transformations.

DeSilvey (2017, pp. 4–6, 9–10, 14–15) argues that when it comes to values defined as heritage, it is often transience rather than permanence, and experience rather than the object itself, that ought to be preserved. Smith (2006, pp. 82–83) similarly emphasizes that heritage is, at its core, relational rather than material; witnessing, experience, and practice lie at the heart of what constitutes heritage. She further asserts that values designated as heritage by institutions acquire that status through the interaction between professionals who interpret them and the social groups who encounter them. In the face of the radical changes brought about by the artificial intelligence revolution, protecting and developing the processes of making and witnessing creative productions through institutional structures and programs will give them heritage value and increase their value. The following examples of work in this context can be found in the fields of architecture, fashion, and film.

The Royal Institute of British Architects (RIBA) Collections offer an extensive archive that includes drawings, sketches, photographs, models, sound recordings, objects, documents, manuscripts, rare books, and journals. The archive records architectural production processes from different periods and contributes to the dissemination of architectural culture and its witnessing (Url-2). The Swedish Centre for Architecture and Design (ArkDes) holds one of the world's largest architecture archives. It curates exhibition processes that classify and stage archival materials in the display space, enabling direct interaction between visitors and archival professionals. In doing so, ArkDes turns the processes of heritage-making into experiential encounters. For example, by reconstructing the interior of Swedish architect Sigurd Lewerentz's final studio within the exhibition space, complete with the tools he used and the drawings he produced, visitors are offered a deeper engagement and a first-hand experience of the architectural process (Url-3). The Nieuwe Instituut in the Netherlands, which maintains one of the largest architecture collections in the world with approximately four million sketches, drawings, models, objects, photographs, letters, and digital files, also gathers archives related to garden design, and landscape architecture as part of its institutional activity. Spanning from late nineteenth-century documents to digital records from early computer-based design offices, the institute covers an extensive historical range. It also conducts research on new archiving methodologies and offers rich documentation of the diverse and evolving nature of architectural production (Url-4). Beyond institutional archives and their exhibition programs, major cyclical events such

as the Oslo Architecture Triennale also address these themes, exploring evolving construction processes, participatory design practices, and the changing meaning of architectural production within the context of heritage (Oslo, 2019, pp. 44–47).

The fashion industry is rich in acts of making and witnessing through craftsmanship, atelier practices, and runway performances. Traditional haute couture ateliers, characterized by master–apprentice relationships, hand stitching, pattern cutting, and material handling, can easily be recognized as forms of knowledge transmission that fall within the scope of intangible cultural heritage. The “Fashioned from Nature” exhibition at the Victoria & Albert Museum (V&A) in London explored the tension between nature and human labor, highlighting the relationship between the ethical origin of materials and the continuity of craft knowledge. The curators argued that the future of sustainable fashion depends on maintaining its connection with the handcraft traditions of the past, making this relationship visible and tangible (V&A, 2018, p. 62). In this sense, the runway is not merely a mode of presentation, but a ritual space in which emotional and aesthetic connections with the audience are formed. As Diana Taylor (2003, p. 20) notes, performance is a way in which knowledge is carried through the body and within the community. Thus, the fashion show can be read not only as an archive of fashion history but also as an archive of collective memory. The V&A’s “Fashion in Motion” program embodies this approach by turning runway shows into public performances within the museum, transforming acts of witnessing into a form of archiving (Url-5). Here, the audience becomes not merely observers, but co-witnesses to the heritage of the future. Similarly, the Centre for Textile Research (2014, pp. 22–24) revitalizes traditional knitting and weaving practices by organizing participatory workshops and educational programs that bring these techniques back into the public realm. These projects reframe “collective production” and “shared witnessing” as contemporary forms of heritage within the fashion domain.

In cinema, the British Film Institute (BFI) National Archive in London preserves not only films but also camera reports, lighting plans, shooting schedules, costume sketches, sound-mixing notes, and on-set photographs (Url-6). The Eye Filmmuseum in Amsterdam extends beyond its film collection by archiving machinery, musical scores, photographs, posters, and diverse documents related to individuals and organizations in the film and theater industries, making accessible the archaeological artifacts of creative production (Url-7). The Margaret Herrick Library of the Academy of Motion Picture Arts and Sciences houses over 52 million items, including scripts, production records, costume and production design drawings, each reflecting traces of creative decision-making. A dedicated access portal is available specifically for screenplay collections (Url-8). Just as production processes hold heritage value, so do viewing practices. The communal

nature of the cinema hall and festival venue represents a site of collective memory formation. Cinematic memory is not built solely through films themselves but through the experiences of viewing. The Cinema Memory and the Digital Archive project at Lancaster University collects audience testimonies about 1930s cinema culture, turning social witnessing into a digital archive. Its online platform and open collection serve as concrete, accessible examples of this approach (Url-9).

In conclusion, the rapid development of artificial intelligence-based production practices is pushing human creativity away from the center of creation processes. However, this very shift lays the groundwork for recognizing human-made creative production processes as a subject of cultural heritage that needs to be preserved. In fields such as architecture, fashion, and film, algorithmic design, robotic production, and digitalization are reducing human-centered practices; yet elements such as drawing, craftsmanship, artisanal traditions, workshop environments, runway shows, and set experiences continue to serve as vital carriers of knowledge transmission and collective memory. In today's world, where generative AI is displacing human-centered creative production methods, taking steps to define these practices as cultural heritage and shaping the cultural heritage of the future from today is of critical importance. Contemporary approaches grounded in the concepts of heritage futures and critical heritage consider heritage not as a means of preserving the past, but as a tool for constructing the future. They frame cultural heritage not as material objects, but as a constellation of relationships, experiences, and acts of witnessing. In this context, given the profound changes brought about by the AI revolution, preserving and fostering the "making" (production) and "witnessing" (viewing/experiencing) processes of creative practices through institutional structures and programs will bestow heritage value upon them and increase their significance. Existing archives, initiatives, and institutional programs in architecture, fashion, and film already demonstrate that this process has begun and serve as an inspiration for further development. Through inclusive, participatory, and critically framed archiving programs that document these practices of making and witnessing, human-centered creative production experiences will be recorded, shared, and reinterpreted. Thus, even if currently marginalized as intangible cultural heritage, human-centered creative practices will gain heritage status, and their value will continue to increase.

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