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THE RISKS OF "CULTURAL INVISIBILITY" IN THE AGE OF AI

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Abstract

Artificial intelligence (AI) has become a structural element of contemporary cultural systems, influencing how meaning, language, and identity are created and circulated. Its pervasive role raises a set of intertwined problems that affect the preservation of cultural diversity and the visibility of non-dominant traditions.

The rapid expansion of AI-generated content reinforces cultural homogenization and the invisibility of minority voices. The structure of algorithms and the biases embedded in training data reproduce hegemonic narratives, while the centralization of digital platforms concentrates control over access to cultural and creative content. This process generates new forms of discrimination, under-representation, and dependency within global cultural flows.

Further issues arise from over-reliance on synthetic data, leading to model collapse and loss of epistemic diversity, and from the absence of cultural impact assessments in existing regulatory frameworks. The EU AI Act, for instance, remains largely sector-neutral, neglecting the cultural implications of AI systems.

The paper examines these challenges—ethical, legal, and epistemic—that threaten cultural pluralism in the age of artificial intelligence.

TABLE OF CONTENTS

1. UNESCO's Cultural Policy Vision and AI in Culture

Artificial intelligence has become a foundational layer of global cultural infrastructure[1]. From generative systems that produce visual and literary works to algorithmic recommendation tools shaping media consumption, AI influences both the means and meanings of cultural creation[2]. Its scope, however, extends far

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[1] This work draws on the CULTAI Report of the Independent Expert Group on Artificial Intelligence and Culture (MONDIACULT 2025), which examines the risks of cultural invisibility and the implications of AI for cultural diversity.
It also relies on UNESCO's key documents — Re|Shaping Policies for Creativity (2022) and the Global Report on Cultural Policies. Culture: The Missing SDG (2025) — which frame AI governance in relation to cultural rights and the sustainability of cultural ecosystems. Lastly, it incorporates insights from Leopold Aschenbrenner (Situational Awareness. The Decade Ahead, 2024), whose perspective helps interpret the scaling dynamics of frontier AI and their systemic consequences.

[2] D'Orsogna (2013) offers a comprehensive analysis of the concept and evolution of culture, defining it as follows: "*The term* culture – *particularly with regard to the emergence of the principle of protection and promotion of cultural diversity – refers, at the European level, to two closely intertwined thematic areas: (a) the creation of a European constitutional identity through culture; and (b) the protection and enhancement of cultural diversity (at state, sub-state, and, to some extent, individual levels) in relation to national identity*". D'Orsogna conceives culture as a dynamic legal and political concept reflecting both the plurality of identities and the construction of a European space founded on diversity and interdependence among cultural traditions. He observes that, starting from the 1980s, the term culture acquired an inclusive and plural meaning (cultures), recognizing diversity as a structural element of European integration. Culture is not understood as a closed set of traditions but as a relational process in which communication among differences becomes the very condition for creativity and social cohesion. For D'Orsogna, cultural diversity represents a binding principle of the European constitutional order, an integral part of what he calls the European cultural constitution. This principle entails rejecting any assimilationist approach and adopting a pluralist perspective, where the protection of cultural difference is viewed as a direct expression of the principle of equality and as a foundation of citizenship rights that extend beyond national borders. In this vision, culture is not confined to the arts or heritage but includes individual and collective cultural rights—the right to participate in cultural life, to produce diverse forms of expression, and to access cultural content consistent with one's identity and values. Culture thus emerges as an open, relational, and dialogical

beyond artistic or creative sectors: it operates across the broader cultural domain—embracing social practices, linguistic systems, and cognitive processes through which meaning and identity are produced[3]. In this broader sense of culture, the impact of AI concerns not only artistic expression but the very structures of communication and collective understanding on which democratic societies rely. This technological transformation therefore carries profound implications for human rights, democracy, and the rule of law.

Within this expanded field, three structural factors determine how AI shapes culture: how algorithms are designed, which data are selected and synthesized, and the degree of centralization governing access and distribution[4]. The centralised, AI-mediated access to media content raises critical ethical and legal issues, questioning the role of lawmakers and digital platforms in regulating cultural and creative content distribution to prevent discrimination and under-representation[5]. In this sense, AI does not merely process cultural material—it configures the architecture through which cultural visibility, participation, and diversity are produced or constrained.

The 2025 *UNESCO Global Report on Cultural Policies* defines a new strategic horizon for cultural governance in the digital age[6]. It

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category, in which the protection of diversity becomes a means to promote inclusion, cohesion, and multicultural justice.

For a historical and theoretical analysis of the legal notion of cultural goods and their immaterial dimension, see Giannini (1976) and Cassese (1975).

[3] In international legal doctrine, culture and intangible cultural heritage are increasingly understood as dynamic and living dimensions of human experience, rather than as static collections of artistic or historical artifacts. This approach emphasizes the social, cognitive, and symbolic processes through which communities create, transmit, and reinterpret meaning over time. Cultural heritage—particularly in its intangible dimension—encompasses languages, rituals, knowledge systems, and creative practices that sustain identity and continuity across generations. Its safeguarding does not simply involve preservation, but rather the recognition of the communities that act as its bearers and interpreters, ensuring the conditions for transmission and renewal within evolving contexts.

This relational and processual understanding of culture has been developed within international legal scholarship, notably in the works of Petrillo (2020), Blake (2020), and Cornu (2020).

[4] European Parliament (2020).

[5] Brin et al. (2018).

[6] The UNESCO 2025 Global Report on Cultural Policies (https://www.unesco.org/en/culture/global-report) does not include a single

calls for a rights-based and human-centred approach to artificial intelligence, ensuring that technological innovation strengthens rather than threatens cultural diversity, freedom of artistic expression, and equitable access to creative opportunities. UNESCO views culture as both a driver and an enabler of sustainable development, and therefore places AI within a broader normative framework that integrates cultural rights, ethical governance, and digital sovereignty.

UNESCO's overarching objectives referred to IA can be summarized along four key policy lines:

1. Safeguarding cultural diversity by preventing the dominance of algorithmic systems that homogenize cultural expressions or marginalize non-dominant languages and traditions.
2. Ensuring transparency and accountability in AI design, training, and deployment, with particular attention to how cultural data are collected, classified, and monetized.
3. Empowering artists and cultural professionals to use AI as a creative tool while preserving human authorship, moral rights, and fair remuneration.
4. Promoting international cooperation to establish ethical and legal frameworks that protect cultural rights across digital ecosystems, bridging technological innovation and cultural justice.

Within this framework, UNESCO emphasizes that AI should serve as an instrument of creative empowerment, not as a replacement for human imagination. The Report warns that

formal 'definition' of culture in the sense of a closed, normative statement. Instead, it provides an interpretive description of what UNESCO means by culture across several passages.

The most explicit characterization appears in the Introduction (p. 8): "*Culture is not just a sector of society, but a system of meaning, belonging, creativity and care. Culture enables diverse multilateralism, animates context-sensitive climate action, supports representative digital transformation and contributes to inclusive economic growth*." Culture is not a static collection of heritage or artistic expressions, but a dynamic ecosystem of values, identities, knowledge and creativity that underpins social cohesion, sustainable development, and human flourishing. In policy terms, this understanding aligns with the MONDIACULT 2022 Declaration (https://www.unesco.org/en/articles/mondiacult-2022-states-adopt-historic-declaration-culture), which the Report repeatedly cites as affirming culture as a global public good and calling for its recognition as a stand-alone goal in development frameworks.

algorithmic systems, when driven solely by commercial logic, risk reinforcing inequalities in cultural visibility and access. As a result, UNESCO calls on States and supranational bodies to develop AI policies rooted in cultural sustainability, where public investment, regulation, and education converge to protect the integrity of cultural ecosystems.

Regarding artistic creation, UNESCO's position is both cautious and affirmative. It recognizes AI's potential to expand creative frontiers—enabling new forms of artistic collaboration and cross-cultural exchange—but insists that human intentionality and contextual meaning must remain central. It highlights that AI-generated art challenges existing legal notions of authorship and ownership, demanding updated frameworks that respect the rights of artists and communities whose works and traditions feed algorithmic creativity.

In this perspective, UNESCO promotes a vision of the arts as a cognitive common, where cultural knowledge and creativity circulate freely but responsibly. AI systems should therefore be designed to amplify the plurality of human expression and to ensure that the benefits of technological progress are shared equitably across regions, languages, and generations.

Building on UNESCO's vision, this paper examines how current AI governance frameworks intersect with cultural diversity, artistic freedom, and economic justice. Drawing on the *CULTAI Report* and the *Council of Europe Framework Convention on Artificial Intelligence*, it argues for a policy architecture that embeds cultural rights, collective stewardship, and epistemic plurality at the core of AI regulation. As the *CULTAI Report* warns, the exponential proliferation of AI-generated content risks deepening a new form of cultural invisibility, where minority languages, local traditions, and non-dominant aesthetics are gradually erased from the algorithmic field of vision. These risks are not merely technical but systemic, rooted in the political economy of data governance, unequal intellectual property regimes, and the concentration of cultural power within digital platforms. In this context, the emerging European regulatory framework offers a crucial opportunity to bring culture back into the centre of AI governance—transforming a paradigm of extraction and homogenization into one of cultural sustainability and democratic creativity.

2. The Role of Cultural Data in AI Systems

2.1 The Data Value Divide

AI models depend on vast datasets comprising texts, sounds, images, and languages. These datasets are, in essence, cultural repositories. They encode collective memory, traditions, and creative expressions that reflect humanity's cognitive and symbolic diversity. Yet, within the dominant AI development paradigm, cultural data is usually treated as a raw material for extraction, not as a resource requiring care, attribution, or stewardship.

This instrumental approach leads to the erosion of what may be termed the cultural provenance of data. Cultural materials are often appropriated without contextual awareness of their origins, meanings, or values. As a result, AI-generated representations risk flattening cultural complexity and transforming diverse traditions into uniform digital patterns optimized for efficiency rather than authenticity.

This unacknowledged dependence on cultural data creates what scholars and the CULTAI Report describe as a "data value divide". The cognitive, creative, and symbolic capital of communities fuels algorithmic progress, yet the resulting economic and social value accumulates privately in the hands of large AI developers. Public policies rarely recognize this asymmetry, leaving cultural creators, archives, and institutions excluded from value redistribution and decision-making about how their data is used.

Moreover, the cultural dimension of data integrity remains underexplored. When AI systems process cultural expressions detached from their social and linguistic context, they risk reproducing distorted interpretations of emotion, gesture, or communication norms. This concern is explicitly acknowledged in Recital 44 of the EU Artificial Intelligence Act (Regulation 2024/1689/EU), which states:

"*There are serious concerns about the scientific basis of AI systems aiming to identify or infer emotions, particularly as expression of emotions vary considerably across cultures and situations, and even within a single individual*".

Those provisions reveal the deeper epistemic fragility of AI models that rely on universalizing assumptions about human expression. Cultural data cannot be standardized without loss: it

embodies contextual variation, linguistic nuance, and historical continuity. When AI systems abstract these dimensions into generalized emotional or behavioural categories, they risk not only scientific error but cultural misrepresentation.

The governance challenge therefore lies in shifting from data extraction to cultural stewardship. Policies should establish safeguards to ensure that cultural datasets are collected, curated, and used in ways that respect their origin, cultural integrity, and social meaning. Such governance must include transparency requirements for dataset composition, consent procedures for cultural communities, and public registers of cultural data sources used in training.

Lastly, cultural data should be recognized as a strategic common—a shared resource essential for both innovation and cultural preservation. AI development that respects this principle can become a means of amplifying cultural diversity rather than eroding it. Ensuring this balance is crucial to preventing a new form of algorithmic colonialism, where global models appropriate local meaning systems without reciprocity or recognition.

2.2 From Recognition to Regulation

To correct this imbalance, cultural data should be explicitly recognized in AI governance frameworks. Recognition implies acknowledgment of its dual nature: both economic and patrimonial. Regulation should ensure transparency in the collection and use of cultural data, including consent mechanisms and cultural provenance tracing.

Lastly, redistribution is essential. As AI companies monetize synthetic outputs derived from collective cultural inputs, a portion of this economic benefit must return to the cultural ecosystem.

3. Risks for Cultural Diversity

3.1 Bias and Hegemony

Training data often reproduce existing biases in society, reflecting racial, gender, linguistic, or geopolitical imbalances. When these biases inform AI models, they amplify dominant narratives and marginalize minority voices. This process reinforces cultural hegemony and undermines pluralism—a direct affront to Article 5 of the *UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions* (2005).

Article 5, entitled "*Principle of the complementarity of economic and cultural aspects of development*", reads as follows: "*Since culture is one of the mainsprings of development, the cultural aspects of development are as important as its economic aspects, which individuals and peoples have the fundamental right to participate in and enjoy*".

This provision underlines that cultural and economic dimensions of development are inseparable, and that AI governance frameworks must therefore treat cultural diversity not as an accessory value but as a structural component of sustainable development.

3.2 Model Collapse and Cognitive Erosion

A second and increasingly visible risk lies in the phenomenon of "model collapse", a recursive degradation of AI systems that occurs when they are trained predominantly on synthetic or AI-generated data rather than on human-produced cultural material. This phenomenon produces a form of cognitive entropy within digital ecosystems: as successive generations of models learn from their own outputs, the informational variance of the training corpus narrows. The outcome is an exponential loss of originality, nuance, and contextual depth.

From a cultural perspective, model collapse functions as a slow erosion of epistemic diversity. It reproduces only the already-filtered representations encoded in prior machine outputs, thereby reinforcing dominant aesthetic and linguistic templates. Over time, this recursive dynamic yields a homogenized cultural landscape, where creative artefacts converge toward a statistically optimized mean rather than reflecting plural and evolving human imaginaries.

As emphasized in the CULTAI Report (2025, p. 24), "*A growing concern is the phenomenon of 'model collapse,' where AI systems*

increasingly trained on synthetic, rather than human-generated content risk losing their ability to generate diverse and high-quality outputs. The proliferation of synthetic content risks further marginalizing already underrepresented cultures and languages".

This statement underscores that the issue is not only one of model quality but of cultural sustainability. When synthetic data dominates, the informational space becomes narrower and self-referential, threatening the visibility of minority cultures and low-resource languages that are already marginalized within global digital infrastructures.

When AI systems are trained increasingly on AI-generated data rather than human-created material, they enter a self-referential loop. Outputs become more repetitive and detached from the diversity of real human experience. This dynamic risks degrading cultural pluralism and narrowing the range of meanings and expressions, especially where control over data and distribution is concentrated in a few global platforms. In this sense, model collapse is not only a technical pathology but also a cultural one.

Moreover, cognitive erosion extends beyond the algorithmic domain to the social arena. As synthetic content proliferates, human audiences increasingly interact with derivative or repetitive cultural materials. This alters perception, expectation, and creativity, normalizing the algorithmic average as a cultural norm. The danger is cumulative: as public imagination adjusts to the aesthetic regularities of machine output, human creativity may begin to imitate the machine, accelerating the feedback loop of homogenization.

Preventing model collapse therefore requires safeguarding epistemic heterogeneity in training datasets and maintaining transparent provenance of data sources. Policies should mandate the inclusion of verified human-generated cultural data and establish standards for dataset diversity audits. In parallel, support for independent archives, public cultural institutions, and local language repositories becomes essential to sustain the informational richness necessary for future cultural evolution.

Ultimately, resisting model collapse is not merely a technical safeguard but a democratic imperative. Preserving the diversity of cultural inputs ensures that AI systems remain anchored in human plurality rather than drifting toward an autocatalytic simulation of creativity devoid of meaning.

3.3 Linguistic and cultural diversity

The majority of large-scale models are trained predominantly in English and a few dominant languages[7]. Consequently, low-resource languages—often the bearers of minority worldviews—tend to become invisible within the algorithmic landscape. This linguistic imbalance generates epistemic exclusion, as entire ways of knowing risk being erased from the digital sphere[8].

Linguistic and cultural diversity constitute the epistemic foundation of human creativity. Each language embodies a distinctive worldview—a grammar of thought and emotion that shapes how communities interpret and transform their environments. As underscored in the CULTAI Report, however, most generative AI systems are trained on corpora dominated by a few global languages, primarily English, Mandarin, and Spanish, while thousands of smaller linguistic systems remain underrepresented or entirely excluded. This asymmetry results in an algorithmic monoculture, embedding the semantic and cultural logics of dominant groups into the architecture of machine learning itself and thereby narrowing the expressive range of human culture in the digital era.

In the digital sphere, this imbalance has cumulative effects. AI-driven recommendation systems tend to amplify content already prevalent in major languages, further marginalizing local expressions and dialects. This not only limits linguistic plurality but also constrains cultural imagination. When algorithmic curation narrows the spectrum of accessible voices, it affects democratic participation and the cultural rights of linguistic minorities.

As the *CULTAI Report* observes, linguistic diversity is not merely a technical challenge but a question of cultural justice. The invisibility of small languages in training datasets translates into the erosion of cultural memory and a loss of intergenerational continuity. Preserving linguistic diversity is thus a human rights obligation, directly linked to Article 27 of the *Universal Declaration of Human Rights* and Article 5 of the *UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions* (2005).

[7] Li Z., Shi Y., Liu Z., Yang F., Payani A., Liu N., & Du M. (2024).
[8] For more on this matter, see: AI and cultural and linguistic diversity, European Parliament (2020).

4. Cultural Rights within AI Governance

4.1 The Scope of the CoE Framework Convention

AI governance today must extend beyond the classical legal triad of human rights, democracy, and the rule of law to include culture, as defined at the beginning of this paper. While the protection of rights and procedural fairness remains fundamental, the cultural implications of artificial intelligence—its capacity to shape meaning, representation, and perception—are equally decisive for the quality of democratic life.

Culture is not a peripheral element of governance; it is both a human right and a precondition for democracy**.** Through cultural participation, individuals and communities interpret reality, exercise critical judgment, and engage in collective dialogue. When cultural diversity is diminished, public discourse loses depth and plurality, leading to a subtle erosion of democratic deliberation itself.

As the *CULTAI Report* observes, AI systems are increasingly mediating how culture is produced, accessed, and valued. Algorithms determine visibility, define relevance, and influence emotional engagement, thereby structuring the symbolic environments in which social imagination unfolds. Cultural policy in the AI era must therefore address not only access to information but also the diversity of the meanings and narratives through which societies understand themselves.

Integrating cultural rights into AI regulation means explicitly safeguarding three interdependent principles.

The first is the freedom of artistic and cultural expression, which must be protected from algorithmic bias, automated censorship, and opaque moderation mechanisms. When AI systems filter, rank, or suppress content, they indirectly shape what can be imagined and communicated. Ensuring transparency and accountability in these processes is essential to preserving artistic autonomy.

The second principle is access to diverse cultural content, which should be recognized as a public interest objective in digital governance. AI-driven recommendation systems must be designed to promote diversity rather than reinforce dominant patterns of consumption. Cultural diversity in digital environments is not

achieved by chance but requires deliberate policy instruments—such as diversity audits, exposure quotas, or pluralistic content discovery tools—that prevent informational monopolies from narrowing the cultural field.

The third principle is cognitive autonomy, understood as the individual's capacity to think, choose, and feel without undue algorithmic manipulation. Personalization technologies, while enhancing user experience, often operate through predictive profiling that limits exposure to new ideas and perspectives. Protecting cognitive autonomy therefore entails transparency in how algorithms infer preferences, as well as user control over the logics that shape their informational and cultural environment.

Incorporating these cultural safeguards into AI governance is not an ornamental addition—it is a structural requirement for democratic resilience in the digital age. Culture defines the symbolic space where values are negotiated, dissent is expressed, and meaning is collectively constructed. If AI systems mediate this space, then ensuring their cultural accountability is essential to preserving both freedom and plurality in human societies.

4.2 Human Oversight and Cultural Dignity

Human oversight constitutes one of the central guarantees for ensuring that artificial intelligence remains subordinate to human values and democratic control. As formulated in Article 8 of the *Council of Europe Framework Convention on Artificial Intelligence*, oversight and transparency are essential to "*ensure that adequate transparency and oversight requirements tailored to the specific contexts and risks are in place in respect of activities within the lifecycle of artificial intelligence systems*".

Yet the meaning of oversight must be understood in a broader sense: not merely as procedural supervision, but as the exercise of cultural responsibility in the governance of technological systems.

AI governance must recognize that human oversight extends beyond functional control or technical auditing. It involves the preservation of what is called *cultural dignity*—the right of individuals and communities to maintain authorship and interpretive agency over their symbolic representations. Cultural dignity expresses the principle that human beings are not passive subjects of algorithmic classification, but active participants in the creation and negotiation of meaning. From this perspective, transparency and accountability mechanisms should not only

ensure that AI decisions can be explained or contested, but also that the cultural contexts from which data and content originate are respected.

Algorithmic mediation increasingly determines how artistic works, linguistic variations, and cultural symbols are classified, circulated, and valued. Without adequate human oversight, these processes risk detaching cultural artefacts from their original social and historical roots, transforming them into commodified data points optimized for attention and consumption. This commodification of culture—in which creative expressions are stripped of context and reassembled by algorithmic logic—erodes the social bonds and interpretive diversity that sustain cultural meaning. Oversight, therefore, must serve as a counterbalance to automation: it ensures that the human dimension of cultural production remains visible and that culture continues to function as a relational, rather than extractive, domain.

Preserving cultural dignity also means upholding the rights of communities to define how their cultural data are used and represented within AI systems. This includes the recognition of collective moral rights over traditional knowledge, languages, and heritage materials, particularly those belonging to indigenous and minority groups. As the *CULTAI Report* emphasizes, respecting cultural dignity requires a participatory approach to technological governance in which affected communities can intervene in the design, training, and deployment of AI models that draw upon their cultural expressions[9].

[9] Delgado D., Yang Q., Madaio M. and Liao Q. V. (2023). The question of participation in AI design has become central to current debates on ethical and responsible artificial intelligence. The Authors analyse how participation is theorized and operationalized within AI design processes. Their systematic review of academic literature and empirical interviews shows that, while participatory rhetoric has gained prominence, actual practices often remain limited to consultation rather than co-creation. Participation is frequently symbolic, constrained by institutional and technical barriers, and rarely grants communities' genuine decision-making power. Delgado and colleagues argue that this discrepancy reflects a "participatory gap"—a misalignment between the democratic ideals of participation and the structural asymmetries of AI development. The study calls for a reframing of participation not as a procedural add-on but as a constitutive element of epistemic justice in AI, where affected communities can shape problem definitions, data collection, and system evaluation. This approach situates participation within a broader ethical framework that links design accountability, social inclusion, and cognitive diversity, making it essential for the legitimacy of AI governance.

To operationalize this principle, AI systems should be developed and audited through multi-level human oversight mechanisms that combine ethical, legal, and cultural expertise. Ethical oversight ensures compliance with human rights standards; legal oversight guarantees procedural accountability; and cultural oversight preserves the integrity of symbolic representation. Together, these layers form a holistic approach to human-centred governance—one that acknowledges that algorithmic systems not only process data but also mediate human meaning.

In sum, human oversight should be reinterpreted as an act of cultural guardianship. It affirms that technology must remain embedded within the human sphere of judgment, emotion, and creativity. Protecting cultural dignity within AI systems thus safeguards not only individuals' autonomy but also the collective capacity of societies to express, reinterpret, and transmit their identities through time.

5. Policy and Regulatory Gaps

5.1 The Limits of Current Frameworks

Current AI regulatory instruments, most notably the EU Artificial Intelligence Act (Regulation 2024/1689/EU), establish a comprehensive risk-based framework for the design, development, and use of AI systems. This model classifies AI applications into categories—unacceptable, high, limited, and minimal risk—defining corresponding obligations of transparency, documentation, and accountability. The objective is to ensure legal certainty and technological innovation while preventing harms to safety, fundamental rights, and democratic values.

While this approach represents a significant normative milestone, it reveals structural limitations when examined through the lens of cultural governance. The EU framework is explicitly sector-neutral, meaning it applies general principles across domains without tailoring obligations to the specific dynamics of cultural production and dissemination. This neutrality, though intended to guarantee coherence, has the unintended consequence of rendering cultural externalities invisible. AI systems that shape artistic creation, linguistic representation, or media circulation are regulated in the same way as those governing logistics, finance, or

manufacturing. As a result, the distinct symbolic and epistemic functions of culture receive little explicit protection.

The *CULTAI Report* notes that current governance structures leave unaddressed gaps equivalent to a cultural blind spot. By focusing primarily on individual rights and consumer protection, current frameworks overlook the collective and intergenerational dimensions of cultural value. The absence of Cultural Impact Assessments (CIA) in AI policymaking means that potential harms to linguistic diversity, local knowledge systems, and creative autonomy remain unexamined. Consequently, technologies that algorithmically prioritize dominant languages or aesthetics can erode minority representation without ever triggering compliance mechanisms.

Furthermore, the risk-based model tends to focus only on measurable harms—such as privacy violations or discrimination—while overlooking cultural deterioration, which occurs gradually through homogenization and the loss of symbolic diversity. The real challenge is not to expand regulation, but to rethink its approach, recognizing that algorithms deeply influence how culture is represented and perceived.

Another critical limitation concerns the asymmetry between public accountability and private control. The EU AI Act imposes transparency and documentation duties primarily on developers and deployers, but it seems it does not create explicit obligations for cultural equity or public-interest representation in algorithmic governance. Cultural institutions, artists, and minority communities—key stakeholders in the cultural ecosystem—are largely absent from the regulatory process. Their exclusion perpetuates a technocratic model of governance that treats culture as an economic sector rather than a public good.

Addressing these gaps requires complementing the existing legal framework with sector-specific cultural safeguards. These could include mandatory cultural impact assessments for AI systems operating in the media, creative, and educational sectors; diversity audits for training datasets; and participatory mechanisms allowing cultural actors to review and contest algorithmic practices affecting representation and access. Such measures would align AI regulation with broader commitments under UNESCO's *Convention on the Protection and Promotion of the Diversity of Cultural Expressions* (2005), ensuring that the governance of technology supports—not supplants—the governance of culture.

In summary, while the EU Artificial Intelligence Act provides a necessary baseline for the protection of human rights, it is insufficient to safeguard the cultural ecosystem upon which democratic societies depend. Without integrating cultural considerations into the design, deployment, and evaluation of AI systems, regulatory frameworks risk maintaining formal legality while permitting a gradual erosion of cultural diversity, creativity, and collective memory. In this sense, true AI accountability must encompass accountability to culture itself — not as something external to human rights, but as an autonomous and substantive dimension within them, essential to their full realization.

6. Conclusion

The challenges posed by AI to cultural diversity cannot be addressed solely through technical standards or data ethics. They demand a structural rethinking of how societies value and govern cultural data.

Within the accelerating trajectory of contemporary AI development, Aschenbrenner's analysis offers a particularly instructive lens for interpreting the cultural implications of large-scale model scaling[10]. His argument is grounded in a simple but powerful insight: each additional order of magnitude in computational scale does not merely enhance performance; it produces a qualitative transformation in the epistemic capabilities of the model. In cultural terms, this means that the transition from language model to agentic system does not merely expand output capacity — it reorganizes the structural conditions under which cultural meaning is produced, circulated, and validated.

The concern, therefore, is not limited to technological disruption but extends to the systemic reconfiguration of the cultural field. Aschenbrenner's "counting the OOMs" framework suggests that frontier systems inherently converge toward self-reinforcing learning loops. These loops amplify what is already visible within the training data while progressively marginalizing what falls outside dominant informational pathways. The result is a form of algorithmic path-dependence that risks generating what may be termed epistemic compression: less variance, reduced

[10] Aschenbrenner (2024), Situational Awareness The Decade Ahead, https://situational-awareness.ai.

contextual depth, and a progressive erosion of minority or low-resource cultural expressions.

This perspective carries a direct implication for cultural governance. The pace of algorithmic progression — driven simultaneously by computational scaling, algorithmic efficiencies, and unhobbling techniques — is currently outstripping the capacity of regulatory and cultural institutions to adapt. In Aschenbrenner's framework, this gap is not a temporary misalignment but a structural asymmetry: models evolve at exponential rates, whereas institutional adaptation remains bound to linear temporalities. If left unaddressed, this asymmetry could produce a situation in which frontier AI systems exert *de facto* authority over cultural representation simply by virtue of their scale, speed, and ubiquity.

From this standpoint, the central question facing policymakers is not whether culture should be included as a dimension of AI governance, but whether it is still possible to intervene meaningfully before algorithmic dynamics become self-determinative. This reasoning implies that, absent proactive intervention, the cultural ecosystem may soon be shaped less by democratic processes and more by the internal optimization logics of models trained on increasingly synthetic and homogenized data.

The normative conclusion is clear. Preserving cultural pluralism in the age of frontier AI requires anticipatory governance, not reactive regulation. Cultural rights, epistemic diversity, and the integrity of symbolic representation must be positioned as foundational constraints within AI policy — not ancillary considerations. In this sense, safeguarding cultural diversity is not merely an ethical imperative: it is a precondition for maintaining the democratic and epistemic infrastructures upon which societies rely.

References

Amershi S, Weld D, Vorvoreanu M, Fourney A, Nushi B, Collisson P, Suh J, Iqbal S, Bennett PN, Inkpen K and Teevan J (2019, May) Guidelines for human-ai interaction. In Proceedings of the 2019 CHI Conference on Human Factors in Computing Systems, p 1-13

Aschenbrenner L (2024, July) Situational Awareness. The Decade Ahead, https://situational-awareness.ai/

Blake J (2020) Safeguarding Intangible Cultural Heritage. In: F. Francioni, A. Filipa Vrdoljak (eds) The Oxford Handbook of International Cultural Heritage Law. Oxford Handbooks, p 347–370

Brin C, Mariage M, Saint-Pierre D and Guèvremont V (2018) Promouvoir la diversité des expressions culturelles à l'ère numérique: le rôle de l'État et des médias. Les Cahiers du journalisme-Recherches, (NS 2), pp R49-R68

Cassese S (1976) I beni culturali da Bottai a Spadolini. Rassegna dell'Archivio di Stato (1975) 1–3:116-142, now in L'amministrazione dello Stato. Giuffrè, Milano

Cornu M (2020) Defining the perimeter of the intangible culturla heritage. In: Cornu M, Vaivade A, Martinet L, Hance C (eds), Intangible cultural heritage under national and international law. Elgar, Cheltenham, p 54-68

D'Orsogna D (2013) Cultural Diversity, Citizenship, Migration Flows. In: Silveira A, Canotilho M, Madeira Froufe P (eds) Citizenship and Solidarity in the European Union. Peter Lang, Bruxelles, p 407-421

Delgado D, Yang Q, Madaio M, Liao QV (2023) The Participatory Turn in AI Design: Theoretical Foundations and the Current State of Practice. In Proceedings of the 2023 Conference on Equity and Access in Algorithms, Mechanisms, and Optimization (EAAMO '23). Association for Computing Machinery, New York – NY, p 1-23

European Parliament (2020) Research for CULT Committee – The Use of Artificial Intelligence in the Cultural and Creative Sectors. Policy Department for Structural and Cohesion Policies, Directorate-General for Internal Policies, European Parliament, PE 629.220.

Giannini MS (1976). I beni culturali. Rivista trimestrale di diritto pubblico, 1:3-38

Li Z, Shi Y, Liu Z, Yang F, Payani A, Liu N, Du M (2024). Language Ranker: A Metric for Quantifying LLM Performance Across High and Low-Resource Languages. In: arXiv preprint, arXiv:2404.11553. https://arxiv.org/abs/2404.11553

Manzetti V (2018) Il patrimonio culturale immateriale. Spunti dall'esperienza spagnola. Nomos 3:1-37

MONDIACULT (2025) Independent Expert Group on Artificial Intelligence and Culture. CULTAI: Report of the Independent Expert Group on Artificial Intelligence and

Culture. https://mondiacult2025.com/wp-content/uploads/2025/09/CULTAI_Report-of-the-Independent-Expert-Group-on-Artificial-Intelligence-and-Culture.pdf

Petrillo V (2023) La tutela giuridica del patrimonio culturale immateriale a vent'anni dall'adozione della Convenzione UNESCO del 2003. Profili di diritto comparato. DPCE Online, 59(2):1691-1729

UNESCO (2022). Re|Shaping Policies for Creativity – Addressing culture as a global public good. Paris: United Nations Educational, Scientific and Cultural Organization. https://www.unesco.org/creativity/sites/default/files/medias/fichiers/2023/01/380474eng.pdf

UNESCO (2025) Unesco Global Report on Cultural Policies. Culture: The missing SDG. Barcelona: United Nations Educational, Scientific and Cultural Organization. https://unesdoc.unesco.org/ark:/48223/pf0000395504