The 12th session of the Expert Mechanism on the Right to Development

Item 5 of the Provisional Agenda
Implementation of the Mandate and Programme of Work –
Focused Thematic Discussions and Interactive Dialogues
Palais des Nations, Room XVI, Geneva

The impact of AI on creative industries, cultural rights, and the right to development

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I'm going to talk about the core concept of creativity and its relation to culture in the context of this discussion of AI. Artificial intelligence, as we have just heard, enables unprecedented opportunities for the production and preservation of culture. Yet recent accounts have also highlighted how its technology's risk, reinforcing algorithmic bias, obscuring cultural distinctiveness, and accelerating cultural homogenization. AI also threatens to displace humans as sources of cultural production, to dismantle creative authorship, and to colonize and distort the fruits of human thought and making. In assessing this, we need to consider the impact of AI on human creativity itself and the role of creativity in human culture, on which I will share just a few thoughts.

Creativity is an ancient feature of human culture, of which we can be reminded by pointing to just a few examples, very familiar works of the human imagination across our history, among the oldest other paintings on the cave walls of Lascaux, in some of which we can now discern mappings of the constellations, the Nazca Lines, or geoglyphs of Peru, offer monumental works showing animals, trees, and other figures, hundreds of feet long, which, since they cannot be seen as such from the ground where they were carved, would have had to have been imagined by their creators, as if from above. We can point also to the evident fascination with which, Leonardo da Vinci incorporated the study of the flight of birds and other insects and flying animals in designs for machines that could fly, we can point to the visionary empathy of Van Gogh's Starry Night which depicts the stars above a Provençal landscape in vital and explosive movement, and to Katsushika Hokusai's image of waves around Mount Fuji that likely also inspired it.

Creativity can be thought of as the creation of meaningful novelty, as I have described in one of my studies creativity involves the transformative engagement of mental or material sources to generate new iconic linguistic material or corporeal expressions, ideas or objects. Creativity expresses human imagination in its many modes. Through imagination, we can conjure what is not immediately present to our perception; we can consider hypothetical or counterfactual situations; we can pretend and play; we can see one thing as or in light of another through analogy and metaphor. We can shift perspectives and wonder about experiences beyond the scope of our own.

Creativity manifests human agency, for creativity is the expressive elaboration of modes of imagination in deliberate engagement of cognitive play. Because crest involves the integration of possibilities, it allows us to be not merely captured by experience, but to reflect on it, regarding it in light of alternatives, allowing for free initiative and originary participation in our existence.

Creativity is commonly described as simply putting together old ideas in new ways. Already we can see this does not fully capture creativity, neglecting what some philosophers have called the productive imagination. This goes beyond merely reproducing or combining already existing ideas

and deals with possibilities in the context of new potential significance. Creativity is enabled by structures, for example, the lines of a poem or its meter. Yet in seeking novelty, it also diverges from strict rule or habitual associations. Creative thinking thrives and wonder curiosity and heterogeneity rather than homogenization. Creativity allows for the making of worlds that differ from those we know, or it can invite us to see the familiar in new ways, and to be newly inspired by the past. Thus, human creativity is rooted in the world we encounter, even as it soars beyond it. We might say that creativity makes manifest and expressive the imagination that enlivens and liberates human thinking and supports our apprehension of a meaningful world. Because we are creative, the world is experienced as inviting our participation. Without creativity, we cannot progress beyond a given state of things. We cannot conceive of and thus strive for future goals. We cannot realize or negotiate the possibilities latent and the reality before us.

Of course, AI is itself a product of human creativity, which has long been associated with the striving to surpass limitations. A familiar ancient Greek myth recounted in Ovid's Metamorphoses tells of the master craftsman Daedalus imprisoned with his son Icarus in a labyrinth of his own design. As their means of escape, the inventor created pairs of wings from wax and feathers. Ovid's account refers to onlookers, a ploughman, an angler, and a shepherd who witnessed their flight, stood there amazed, believed them to be gods able to travel the sky. Yet of course Icarus, as we know, ignored the advice not to fly too close to the sun, fell into the sea, and drowned as the wax melted, and the wings weighed him down. The myth warns against hubris, but it also illustrates the human creative drive to surpass limitations.

A landscape painting by Pieter Bruegel the Elder shows a glorious seascape with ships floating peacefully, and the ploughman, an angler going about their work, the shepherd staring up at the sky. We might look at the painting and captivated by the image, notice only the pastoral scene it depicts. Just as no one in the painting takes notice of a pair of legs splashing in the water, we may not notice at first the disastrous result of Icarus is striving. To make sense of landscape with the fall of Icarus, viewers must fill in the narrative, create our own image of the fateful plunge, discerning its meaning around the perils of unwise striving. The painting requires involvement of the readers' own creative thought.

Of course, AI is itself a product of human activity. It is a material process, but it is not carried up like Icarus, by the wind, but by the burning of fuels and the use of water, among other resources already under strain and must be fed on the languages, literatures, images, art, music, and knowledge of our preserved cultural histories. If AI untethered creative production from human curiosity and agency, it is also abstracted from the human experience on which it draws and from the culture its products may come to saturate. AI has no limits of its own. In considering any human imperative to set them, it is crucial to recognize the central role of creativity in what makes us human, to nurture original human creativity, as well as making equal the participation in artificial intelligence, creativity, and to protect human creative works as the basis of any cultural development.

Thank you very much.

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Sources:
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