Input to the Expert Mechanism on the Right to Development

Study on Artificial Intelligence, Cultural Rights, and the Right to Development

South Centre

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I. Aligning Artificial Intelligence with the Right to Development (RtD)

The rapid evolution and deployment of Artificial Intelligence (AI) present a complex challenge for the international community, notably the developing countries. While AI has the potential to advance human progress, it also poses new risks that could threaten established human rights, especially cultural rights, and endanger the realization of the Right to Development (RtD).

The RtD emphasises a human rights-based approach to development, focusing on improving the population's well-being, encouraging public participation, and respecting fundamental human rights. Managing AI in this context requires ensuring that technological progress promotes global fairness, poverty reduction, and cultural development rather than exacerbating existing global disparities.[1]

Achieving a coherent, inclusive, and responsible global AI governance requires strengthening UN-based processes to reduce institutional fragmentation.[2] This process will also require countries to preserve national policy space to develop and implement

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[1] Carlos Correa *et al*. (2023), 'The Global Digital Compact: opportunities and challenges for developing countries in a fragmented digital space', Research Paper No 187, South Centre, available in https://www.southcentre.int/wp-content/uploads/2023/12/RP187_The-Global-Digital-Compact_EN.pdf accessed 25 November 2025.

[2] Vahini Naidu and Danish (2025), 'From Fragmentation to Impact: Strengthening Southern Agency in Global AI Governance', Policy Brief No 148, South Centre, available in https://www.southcentre.int/wp-content/uploads/2025/11/PB148_From-Fragmentation-to-Impact-Strengthening-Southern-Agency-in-Global-AI-Governance_EN.pdf accessed 25 November 2025.

regulatory frameworks that incorporate diverse local knowledge and ensure fair compensation for data contributions, recognising data sovereignty and governance as a crucial element for equitable AI.[3]

Furthermore, the process of establishing new regulations or guidelines on AI should aim at generating a public good and avoid being influenced by dominant market players. Such regulations or guidelines should reduce the risk of market consolidation and monopolisation, which may hinder local innovation and adaptation that are essential for developing countries to shape their own digital transformation processes.[4] It is also necessary to consider that all 193 United Nations Member States recognised that human rights and fundamental freedoms must be respected, protected, and promoted throughout the entire lifecycle of AI systems, requiring that states avoid or cease deploying AI systems that pose undue risks to human rights.[5]

Based on this background, the South Centre submit these inputs to the thematic study prepared by the Expert Mechanism on the Right to Development on Artificial Intelligence, Cultural Rights, and the Right to Development to inform its efforts towards considering the essential regulatory, capacity-building, and accountability measures needed to ensure that AI systems serve humanity and uphold fundamental human rights throughout their life cycles. These measures are necessary to address AI's dual impact, the potential for inclusion and guaranteeing cultural rights, and the systemic risks of algorithmic bias, cultural appropriation and erosion of moral rights. It also presents recommendations to overcome the significant AI divide in Low and Middle-Income Countries (LMICs) by implementing a robust governance model that combines binding accountability standards with flexible frameworks based on a Human Rights-Based Approach (HRBA), ultimately guaranteeing global fairness, and the protection of cultural diversity against technological dominance and market control by a few advanced companies.

II. Dual Impacts: AI's Potential for Cultural Resurgence and the Threat of Digital Extraction

    a. **Catalytic Potential for Cultural Rights and Inclusion (Q1, Q2)**

Languages serve as essential means to guarantee cultural memory, tradition, and collective

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[3] South Centre, 'Statement by South Centre at the Ministerial Meeting on Artificial Intelligence, Data Governance and Innovation for Sustainable Development (G20 Task Force)' (30 September 2025) https://www.southcentre.int/wp-content/uploads/2025/10/SC-Statement-G20-AI-Task-Force_Sept-2025.pdf accessed 25 November 2025.

[4] Carlos Correa *et al*. (2023), n. 1.

[5] See: UN General Assembly (2024), 'Seizing the opportunities of safe, secure and trustworthy artificial intelligence systems for sustainable development', Resolution A/RES/78/265, United Nations, available in https://digitallibrary.un.org/record/4043244?v=pdf accessed 25 November 2025, and Viviana Munoz Tellez (2024), 'UNGA adopts first resolution on Artificial Intelligence', SouthViews No 269, South Centre, available in https://www.southcentre.int/wp-content/uploads/2024/07/SV269_240716-1.pdf accessed 25 November 2025.

wisdom.[6] Given the alarming pace of language extinction, AI technologies should help to document, analyse, and possibly revive endangered languages.[7] In this context, AI has significant potential to advance cultural rights, especially for marginalised and remote communities, through the use of user-friendly and locally tailored mechanisms "that empower communities with tools for independent language digitisation and preserve global linguistic diversity and cultural identity."[8]

Likewise, generative AI tools, such as advanced language translation models, could support bridging existing language gaps and promote accessibility and non-discrimination across diverse populations. This transformative potential extends to essential public services. For example, "Small AI" applications, referred to as efficient, affordable, and accessible AI in everyday devices, are being successfully piloted to support maternal care in remote Pacific Islands and to screen for tuberculosis in India using mobile devices, often without requiring broadband connectivity.[9]

These examples show that AI may play a crucial role in advancing cultural rights, while this will depend on technology that respects cultural and local differences. One good example is the development of voice-based diagnostic tools in Indigenous languages in Peru, aiming at fostering community trust and ensuring that technology supports cultural self-determination by incorporating cultural diversity into technological development.[10]

b. Systemic Risks: Algorithmic Bias, Cultural Appropriation, and Erosion of Moral Rights (Q5, Q6)

While AI promises significant progress for cultural rights and the right to development, its real-world application also presents systemic risks, particularly for developing countries, due to the persistent global AI divide. In principle, AI systems 'learn' by processing patterns in large datasets originated from human conduct.[11] This AI training mechanism relies on data that often reflects historical racial, socioeconomic, and ethnic biases embedded in existing societal records, such as criminal records, lending patterns, and credit qualifications.

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[6] Othon Viannis (2024), 'AI-Powered Preservation of Endangered Languages', Blog Post, Historica, available in https://www.historica.org/blog/ai-powered-preservation-of-endangered-languages accessed 25 November 2025.

[7] Ibid.

[8] Mingna Li (2025), 'AI for language revival: The Homai solution in Malta', AI for Good blog, AI for Good, available in https://aiforgood.itu.int/ai-for-language-revival-the-homai-solution-in-malta/ accessed 25 November 2025.

[9] Sangbu Kim and Christine Zhenwei Qiang (2025), 'Small AI, big impact: Harnessing artificial intelligence for development', Blog Post, World Bank, available in https://blogs.worldbank.org/en/voices/small-ai-big-impact-harnessing-artificial-intelligence-for-development accessed 25 November 2025.

[10] Ibid.

[11] Olga Akselrod (2021), 'How Artificial Intelligence Can Deepen Racial and Economic Inequities', News Article, ACLU, available in https://www.aclu.org/news/privacy-technology/how-artificial-intelligence-can-deepen-racial-and-economic-inequities accessed 25 November 2025.

Certain practices increase biases and promote historical marginalisation. For example, predictive policing uses historical over-policing records in marginalised neighbourhoods to predict future crime locations, creating a dangerous feedback loop of systemic discrimination against communities along racial and ethnic lines.[12] The daily use of AI without safeguards against rooted discrimination and bias could deepen existing socioeconomic divides, especially impacting marginalised groups, including Indigenous women and people of African descent.[13]

Given that AI frequently replicates and exacerbates these disparities and social divides,[14] it is necessary to identify and address bias in the AI pipeline as a segmented feedback loop.[15] While most attention is placed on mitigating data-to-algorithm bias (found in datasets, requiring work from data curators) for protecting and fulfilling cultural rights, a holistic approach is needed, ensuring that mitigation efforts also address algorithm-to-user bias (model design and use of machine learning (ML)) and the user-to-data feedback loop, focusing on the interaction of the MLs with end-users, rather than solely focusing on data administration.[16] Ensuring non-discrimination and non-bias requires identifying the right steps and efforts to mandate the inclusion of diverse cultural, linguistic, and regional sources in training datasets to minimise systemic bias in AI outputs, while also building capacities and knowledge for the use and understanding of such AI outputs to break bias in the AI feedback loop.

The UNESCO Recommendation on the Ethics of Artificial Intelligence[17] has been adopted as a useful framework to combat bias and discrimination. The Recommendation emphasises the principles of Fairness and Non-discrimination, through ensuring diversity and inclusiveness. For UNESCO, all AI stakeholders should actively work to reduce, prevent, or avoid reinforcing biased or discriminatory outcomes throughout the entire AI development process, particularly by promoting social justice and the inclusion of marginalised groups, ensuring that AI benefits are accessible and equitable for everyone, and in particular by addressing inequalities and digital gaps.

Likewise, generative AI models facilitate mass-scale cultural appropriation by utilising large

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[12] See: K P Ashwini (2024), 'Contemporary forms of racism, racial discrimination, xenophobia and related intolerance', Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Report A/HRC/56/68, United Nations, available in https://docs.un.org/en/A/HRC/56/68 accessed 25 November 2025.

[13] Olga Akselrod (2021), n. 11.

[14] Chiraag Bains (2024), 'The legal doctrine that will be key to preventing AI discrimination', Article, Brookings Institution, available in https://www.brookings.edu/articles/the-legal-doctrine-that-will-be-key-to-preventing-ai-discrimination/ accessed 25 November 2025.

[15] Anna Foka and others (2025), 'Tracing the bias loop: AI, cultural heritage and bias-mitigating in practice', *AI & Society*, Springer, available in https://link.springer.com/article/10.1007/s00146-025-02349-z accessed 26 November 2025.

[16] Ibid.

[17] UNESCO (2021), 'Recommendation on the Ethics of Artificial Intelligence', Recommendation, UNESCO, available in https://www.unesco.org/en/articles/recommendation-ethics-artificial-intelligence accessed 27 November 2025.

amounts of data, including from cultural heritage, traditional knowledge and wisdom, and other forms of cultural and artistic representations. This mass accumulation of cultural fragments in the hands of a few powerful private entities risks replicating historical patterns of cultural extractivism and technological colonialism, dehumanising the subjects of these representations and decontextualising the history associated with the creation of those artistic forms.[18] This situation raises unparallel questions about the protection and full enjoyment of cultural rights that extend beyond traditional concerns about intellectual property rights, and demands greater transparency and accountability from the 'holders', 'moderators', and end-users of the datasets.

Digital cultural extraction and misappropriation challenge the sovereign right to cultural wealth and the right to participation of source communities, not only in decision-making, but also in the sharing of the benefits of AI use.[19] Given that natural language processing (NLP) and image processing are among the most widely used forms of AI for generative design,[20] legal frameworks must address the challenges that AI poses not just to economic rights (reproduction and distribution) but crucially to authors' moral rights, specifically the right of attribution and the right to the integrity of the work.

Therefore, it is necessary to consider issues that include safeguarding local cultural rights and respecting the free, prior, and informed consent (FPIC) of communities, as mandated by the 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage.[21] It also requires preventing misrepresentation and appropriation in derivative works, a concern central to discussions on indigenous data sovereignty and traditional knowledge, while also mitigating commodification, which reduces cultural meaning to commercial value generally without equitable benefit-sharing. It is also necessary to consider addressing the limitations of existing copyright law, which was not designed to balance inheritance and innovation in the highly networked digital environment, and overcoming technical hurdles related to data handling and preservation, ensuring the security of and respect for cultural protocols, and the long-term accessibility of sensitive digital representations.[22]

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[18] Gabriel Menotti and others (2025), 'The model is the museum: generative AI and the expropriation of cultural heritage', *AI & Society*, Springer, available in https://link.springer.com/article/10.1007/s00146-025-02290-1 accessed 26 November 2025.

[19] See: Alexandra Xanthaki (2025), 'Digitalization of cultural heritage and its impact on cultural rights', Report of the Special Rapporteur in the field of cultural rights, Report A/HRC/58/60, United Nations, available in https://docs.un.org/en/A/HRC/58/60 accessed 26 November 2025.

[20] Jim Morrish (2025), 'Natural Language Processing and Image Processing & Analysis drive the adoption of AI onboard IoT devices', Blog Post, Transforma Insights, available in https://transformainsights.com/blog/nlp-image-processing-ai-onboard-iot accessed 26 November 2025.

[21] UNESCO (2003), 'Convention for the Safeguarding of the Intangible Cultural Heritage', Convention, UNESCO, available in https://ich.unesco.org/en/convention accessed 26 November 2025, also see: Alexandra Xanthaki (2025), n. 18.

[22] UNESCO (2017), 'Content Selection Guidelines (PERSIST Programme)', Guidelines, UNESCO, available in https://unesdoc.unesco.org/ark:/48223/pf0000244280 accessed 27 November 2025.

III. Governance, Accountability, and Mitigation Strategies for the RtD

a. Addressing the AI Divide and Capacity Gaps (Q3, Q4, Q14, Q15)

The main challenge for Low and Middle-Income Countries (LMICs) is the significant AI divide, marked by substantial gaps in digital infrastructure, connectivity, access to high-quality local datasets, and overall limited capacity to regulate rapidly advancing AI technologies.[23] This institutional shortfall risks further widening global disparities, reinforcing the dominance of a few private-sector actors from the developed world over digital infrastructure and AI development.[24] The lack of fundamental technical and institutional capacity in LMICs may leave them excluded from the enhanced capabilities AI systems offer, thereby deepening global inequalities and undermining the core principle of equity.[25]

LMICs generally lack the capacity to address these AI challenges, due to resource gaps, reliance on imported technologies, and the absence of mechanisms to address algorithmic harms.[26] Similarly, regional cooperation mechanisms often fall short by missing explicit provisions for fair benefit-sharing related to data use, clear responsibilities for addressing algorithmic harms, and mechanisms to manage the substantial energy requirements of large AI models and digital infrastructure.[27]

Development-oriented governance must systematically address these foundational issues. The implementation of global instruments, such as the Global Digital Compact (GDC), must reaffirm the commitment to connecting the unconnected and mandate robust mechanisms for technology transfer and capacity building to achieve digital literacy.[28] This support must be provided without imposing technological or intellectual property barriers, or restrictive end-use requirements, that impede local adaptation and innovation.[29]

b. Regulatory Imperatives: A Robust Governance Model (Q10, Q11, Q12, Q13, Q16, Q17, Q18)

A pragmatic regulatory approach could support a strong, legally binding global baseline for

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[23] Gabriel Menotti, Jeremy Ng, and Adele Barzelay (2024), 'Governing Artificial Intelligence Responsibility in Low to Middle Income Countries: Enabling Pathways to Sustainable Development', *California Western International Law Journal*, available in https://scholarlycommons.law.cwsl.edu/cgi/viewcontent.cgi?article=2063&context=cwilj accessed 27 November 2025.

[24] Ibid.

[25] International Labour Organization (2025), 'Bridging the digital divide: Key considerations for WSSD2', Policy Brief, International Labour Organization, available in https://www.ilo.org/sites/default/files/2025-10/12_WSSD_Research_brief_RGB_ENG.pdf accessed 27 November 2025.

[26] Gabriel Menotti, Jeremy Ng, and Adele Barzelay (2024), n. 22.

[27] Daniel Uribe Terán (2025), 'The AI Race: A Tightrope Walk Between Innovation, Inclusivity and Prosperity for All', Research Paper 221, South Centre, available in https://www.southcentre.int/wp-content/uploads/2025/07/RP221_The-AI-Race_EN.pdf accessed 27 November 2025.

[28] Carlos Correa *et al.* (2023), n. 1.

[29] Ibid.

accountability and rights protection, complemented by flexible domestic regulation to accommodate local development needs. A legally binding international instrument on businesses and human rights could be essential to establish a universal baseline for human rights protection and to mandate accountability for transnational private sector actors.[30] This framework must provide specific avenues for seeking accountability and access to effective remedies and redress in cases of human rights violations enabled by large platforms, which current institutional arrangements do not adequately cover.[31]

Self-regulation by technology companies is inadequate because it lacks essential mechanisms for external accountability, effective redress, and compulsory adherence to international human rights law.[32] Therefore, regulation is necessary and could target two key areas:[33]

High-Risk Systems: AI technology used in sensitive public-sector decision-making (e.g., criminal justice, social welfare allocation) must be strictly regulated or prohibited if it cannot guarantee compliance with international human rights law.

Generative AI/LLMs: Mandatory transparency and disclosure protocols regarding training data inputs are required to address issues of cultural appropriation and intellectual property infringement.[34]

Non-binding frameworks, such as the UNESCO Recommendation on the Ethics of AI, are crucial complements to binding regulation.[35] It incorporates Human Rights-Based Approach principles, including proportionality, transparency, fairness, and human oversight, which are vital for providing flexible, adaptable policy action that can respond rapidly to the fast-moving technological landscape of digital transformation.

For some stakeholders, binding regulations can pose disadvantages if overly prescriptive, potentially stifling localised innovation and becoming rapidly outdated in the face of technological change.[36] The need for policy flexibility to allow adaptation to local contexts is

[30] Daniel Uribe Terán (2025), 'Will the Global Digital Compact ensure an equitable future for Developing Countries?', Policy Brief 138, South Centre, available in https://www.southcentre.int/wp-content/uploads/2025/03/PB138_Will-the-Global-Digital-Compact-ensure-an-equitable-future-for-Developing-Countries_EN.pdf accessed 27 November 2025.

[31] Carlos Correa *et al.* (2023), n. 1.

[32] Ibid.

[33] Ashwini K.P. (2024), 'Contemporary forms of racism, racial discrimination, xenophobia and related intolerance', Report by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Report A/HRC/56/68, United Nations, available in https://docs.un.org/en/A/HRC/56/68 accessed 27 November 2025.

[34] UNESCO (2021), 'Recommendation on the Ethics of Artificial Intelligence', Recommendation, UNESCO, available in https://www.unesco.org/en/articles/recommendation-ethics-artificial-intelligence accessed 27 November 2025.

[35] Ibid.

[36] Adrien Book (2024), 'Should AI be Regulated? The Arguments For and Against', Magazine Article, WeAreDevelopers, available in https://www.wearedevelopers.com/en/magazine/271/eu-ai-regulation-artificial-intelligence-regulations accessed 27 November 2025.

paramount for the RtD. Therefore, incorporating the Human Rights-Based Approach (HRBA) into these non-binding instruments provides the space needed to respond rapidly to the evolving digital landscape and, most importantly, to accommodate local development needs and diverse contexts effectively. The future of effective governance lies in robust, legally binding regulation to enforce a global standard of human rights accountability, while remaining adaptive and nuanced enough to foster equitable, human-centric innovation worldwide.

IV. Recommendations

The rapid deployment of Artificial Intelligence (AI) presents opportunities to advance the Right to Development, but it also introduces significant risks, including increasing global inequalities and the erosion of cultural rights. Based on principles that support a human rights-centred approach to development, the following recommendations outline actions required to guarantee global fairness, protection of cultural diversity, and prevent technological dominance and market control by a few technologically advanced companies. The Expert Mechanism on the Right to Development could consider the recommendations to identify the essential regulatory, capacity-building, and accountability measures that are needed to ensure that AI systems serve humanity and uphold fundamental human rights throughout their life cycles.

Addressing the AI Divide and Capacity Gaps

The main challenge for Low and Middle-Income Countries (LMICs) is the significant AI divide. This is characterised by major gaps in digital infrastructure, connectivity, and access to, and protection of, high-quality local datasets that enable AI researchers and developers to promote local adaptation and innovation,[37] along with an overall lack of capacity to regulate rapidly developing AI technologies.

This institutional shortfall risks worsening global inequalities and strengthening the dominance of a few private-sector actors, thereby undermining the fundamental principle of equity. To address this, development-focused governance must systematically tackle these major gaps, connecting the unconnected and establishing strong mechanisms to support technology transfer and capacity building to promote digital literacy.

This vital support must be offered without imposing technological or intellectual property barriers or restrictive end-use conditions that hinder local adaptation and innovation in LMICs. Furthermore, regional and national frameworks should be strengthened to include specific legal tools for fair benefit-sharing related to data use, clear responsibilities for mitigating algorithmic harms, and mechanisms to manage the significant energy and water consumption of large AI models. They

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[37] Qazi Mamunur Rashid *et al* (2025), 'Amplify Initiative: Building A Localized Data Platform for Globalized AI', *arXiv* accessed 29 November 2025.

should also provide necessary digital infrastructure, as the current requirements of AI systems necessitate robust, reliable, and sustainable foundational networks and data centres for LMICs to participate in AI development and deployment.

Regulatory Imperatives: A Robust Governance Model

Self-regulation by technology companies is inadequate as it lacks essential mechanisms for external accountability, effective redress, and compulsory adherence to international human rights law. Therefore, a pragmatic regulatory approach is necessary, supporting a strong, legally binding global baseline complemented by flexible domestic regulation. A legally binding international instrument is essential to establish a universal baseline for human rights protection and to mandate accountability for transnational private sector actors.

Such an instrument must establish specific avenues for seeking effective remedies and redress in cases of human rights violations facilitated by large platforms, particularly emphasising High-Risk Systems used in sensitive public-sector decision-making and Generative AI/LLMs. National/regional instruments should mandate transparency and disclosure protocols regarding training data inputs to tackle issues of cultural appropriation and intellectual property infringement.

Complementing Binding Rules with Adaptable Frameworks

Non-binding frameworks, such as the UNESCO Recommendation on the Ethics of AI, are essential complements as they incorporate a Human Rights-Based Approach (HRBA) to the development and implementation of AI systems and technology. This approach, grounded in principles such as proportionality, transparency, fairness, and human oversight, is crucial for delivering flexible, adaptable policy actions that meet local development needs and respond to the rapidly evolving technological landscape.

Nevertheless, the future of effective governance depends on a strong, legally binding regulation to establish a global standard of human rights accountability, while remaining adaptable and nuanced enough to promote equitable, human-centred innovation worldwide.