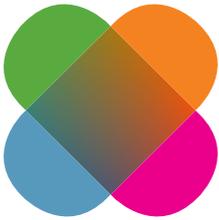


# ARTICLE



## PATRICE MEYER-BISCH

CULTURAL RIGHTS AS THE PRINCIPLE  
FOR POWER OF PEACE. AT THE HEART OF EVERY CITY



# PATRICE MEYER BISCH

## SYNOPSIS

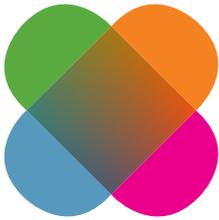
Big words used in the singular, such as culture, poverty, sustainable development, and diversity, are often deceptive because they reduce the multiplicity of relationships between subjects, verbs, and complements. A “culture” of what, and for whom? “Development” of what, and for whom? The same applies to the economy or poverty that we see on the surface, which hides the people and the complexity of social systems underneath. The definite plurals of the singular for human beings and non-humans, with their myriad of differences, is certainly disconcerting but quite necessary to get rid of “essentialisms” and their illusions. However, what are the subjects and objects of culture, the economy, and democracy, as well as of their mutual development? Human rights allow for this *political grammar of definiteness*, insofar as it does not make subjects, their verbs, and complements disappear behind obvious nouns.

To strongly insist that “culture” is an important part of development is not enough, especially since this can create a harmful blur between broad interpretations or simply be reduced to what is “artistic and cultural”, an ambiguous expression. The political and legal proof of this is reflected in different interrelated fields of cultural action. “Culture” cannot

be used as a subject, since the term refers to a series of actions, or rather interactions. The only correct use of the singular implies an element of nurturing, and a need to define the authors and areas within their unique contexts, such as in “the culture of...”: family, street art, or democracy. Such a plurality of singulars does not detract from the possibility of finding universals in each case. This same issue presents itself with respect to cultural rights, freedoms, and responsibilities, as well as to specific and enforceable cross-cutting standards.

## **EXERCISING HUMAN RIGHTS: THE MEANS, ENDS, AND GRAMMAR OF A DEMOCRATIC POLICY**

Throughout my previous work on the indivisibility of human rights, my concern has always been to contribute to the emergence of democratic ideals from its relativism by raising the threshold for objectivity and realism. I have done so not in spite of, or beyond, cultural diversity, but rather to emphasise their interactions. Indeed this is the only way to enhance their wealth. I already synthesised this point for UCLG in 2014: “*It is not a matter of establishing a certain type of development that respects human rights. Instead, it is about policies that consider*



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*every human right as a factor of development, both as a means and an end. Nor is it a question of a definition for sustainable development that leaves room for diversity and cultural rights. Indeed, it is about development that is based on these, as fundamental resources for exercising freedoms and responsibilities in a sustainable way*<sup>1</sup>.

While human rights are the main political grammar used in democracy, our group's thesis is that cultural rights, at their core, function as a link between civil and social rights. They occupy a specific, ethical, and functional place because they protect access to knowledge. Without this, no right, freedom, or responsibility is possible. These are the capabilities of abilities.

### **DIVERSITY WITHIN DIVERSITIES**

Difference makes it possible to nourish the universality of cultural diversities, and to connect varying diversity in search of a commonality that, for the most part, remains to be discovered. It is necessary to understand diversity in the singular, even when it refers to an indefinite plural. This grammatical paradox suggests that the term is clear and understood when stated as the opposite—a definite singular. In the real world, there are only interdependent diversities, and the concept, in its infinite nature, is daunting. It is tempting to limit diversity to connotations between supposedly homogeneous, "ethnic" groups of cultural communities that one believes are reflected in such language. The result is that "cultural diversity" is used to refer to "cultures" considered in their entirety along national or continental, ideological, and

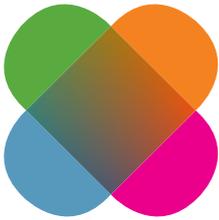
religious lines. In short, they become essentialised cultures. However, this negates the term "culture" itself. In attempting to relate to the immense richness of the diversity of diversities, one has to re-assess them in an ongoing and intersectional way by reading them, deconstructing them, interpreting them, admiring them, and rewriting them. From the outset, it is possible to distinguish at least four types of diversity:

- *between people* and within each person
- between their organisations, communities, and institutions as well as in each one of them
- *between cultural disciplines* (according to a broad understanding of the cultural sphere, including ways of life) and within each one of them
- *between environments* or "cultural ecosystems", and in each one of them independently.

The diversity of these interacting diversities constitutes the cultural capital, or wealth. Through this, development can be designed to emphasise the resources available in an area. Whether it is the development of a person or a group, and their open interconnectedness, development can only be inclusive when it includes people, their representatives, and their areas in showing respect for diversities. Each human right is a principle of inclusion, but cultural rights, guaranteed participation, and both access and contributions to knowledge, are the primary factors that connect people, their organisations, and spheres.

Obviously, this diversity of diversities is far from simple and peaceful; it is full of contradictions. However, we observe that these contradictions make up its logical and dynamic place, unlike those who seek or fear universality under ethnocentric standardisation. *Universality is not the smallest common denominator; it is the shared challenge*

<sup>1</sup> As part of the review of Agenda 21 for culture, UCLG 2014: « Cultural Rights within Development Grammar ». For more on the different levels of understanding the Human Rights Based Approach to Development HRBA, see: Souveraineté et coopérations: Guide pour fonder toute gouvernance démocratique sur l'interdépendance des droits de l'homme, P. Meyer-Bisch, S. Gandolfi, G. Balliu (éds.), Genève, 2016, Globethics.net. Access for free from: [www.globethics.net/fr](http://www.globethics.net/fr).



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*of cultivating the human condition by continuously working on our common contradictions. It is not opposed to diversity; understanding and sharing remain at the heart of a social fabric built by everyone. Universality cannot be a quiet consensus over, or under threat of, conflict. It is an act of personal and shared thought, an unfinished attempt to hold together values that are both in opposition and necessary. Universality is alive and dialectical.*

### **A QUESTION OF POLITICAL ETHICS: PEOPLE IN THEIR ENVIRONMENTS**

It is not simply a question of using well-intentioned humanism to argue in favour of a central person. Indeed, this this shows disregard for internal complexities and particularly its imposed, sustained, or freely chosen connections. It is not the person who should be placed at the centre, but people, and their connections within different environments, as free actors; people as the subjects of rights, whose interactions are verbs and complements. This approach is both personalistic and systemic. Each individual can be understood by their irreducible freedoms, as a node and a weaver within their own social fabric. From a philosophy of law point of view, this means that human rights can only be fully operational in our policies if we focus on connections between subject and object. The subjects are, of course, each and every person. The objects refer to participation in the right to valuable social interrelations. Objects are not isolated, but *culturally constructed social structures*. This is why the object, and not the subject, can largely be considered from the perspective of the group: a common object in which subjects recognise each other and interact.

### **FROM ACCESS TO CULTURE TO ESTABLISHING CULTURAL RIGHTS**

To be sure, cultural rights exist across all borders,

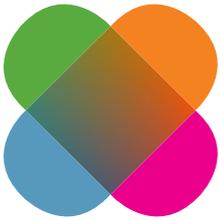
in the most private of human capacities, in a place of openness, where everyone can simultaneously be at their most dependent and liberated, at the core of their freedoms, and the centre of their social fabric. It is within the diversity of unique situations where relationships to life, death, sex, age, other people, water, sand, trees, knowledge, descent, universal values, and issues are lived. Everyone has the right to discover this relationship to universals within the singularity of their social and private lives.

A return to clear, definite fundamental freedoms makes it possible to take on the broad and cross-cutting significance of the cultural sphere. With only some variation, the definition of culture adopted at the World Conference on Cultural Policies in Mexico City in 1982 remains enumerative and descriptive. This is because it defines neither dynamics nor the role of people as actors, and stays collectivist. It “defines all the distinctive features (...) that characterise a society or social group” in spite of the diversities and freedoms within each person and each group. That is why, in the declaration of cultural rights, we refocused the definition on people<sup>2</sup>. Far from diluting the uniqueness of culture, the broad meaning forces us to define it in each of its spheres, and each of its disciplines<sup>3</sup>.

**In theory**, cultural rights are the rights of people, individually or collectively, to choose and express their identity, and to access both the cultural references and resources necessary for self-

<sup>2</sup> “The term “culture” covers those values, beliefs, convictions, languages, knowledge and the arts, traditions, institutions and ways of life through which a person or a group expresses their humanity and the meanings that they give to their existence and to their development” Fribourg Declaration, art. 2, para. 1. This definition was adopted and developed in General Comment 21 by the Committee on Economic, Social, and Cultural Rights in § 13.

<sup>3</sup> Artists are not the only people who possess critical and creative faculties. Other cultural actors such as scientists share these skills of creation, teamwork, training, and knowledge. To separate the arts from the artists is to distance them from the population, and to sever the networks of creativity that make up a rich cultural environment.



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identification.<sup>4</sup> These are the rights, freedoms, and responsibilities of: recognising others, recognising oneself, and being recognised through participation in a good, diverse cultural life.

**In practice**, cultural rights are the rights of each individual to be fully recognised as the author of their own life. Here the adverb “fully” means respect for people’s dignity throughout their lives, including their ability, whether individually or collectively, to discover and choose their values or ways of participating in the community.

**In reality**, cultural freedoms, responsibilities, and rights are the ability to affect others’ lives, and be affected by them, or to choose and be chosen.

The hypothesis is that the richer all these resources are, the more it allows people to grow through personal experience and true freedom. Of course, this wealth is made up of a diversity of proper cultural resources. A resource can be qualified as trait when it maintains and develops space for interpretation, instruction, and mutual critique, which requires everyone’s opinion and contribution in a logic of “respectful criticism”<sup>5</sup>. In turn, Cultural Rights are the rights and freedoms of access, participation, and contribution within a diversity of true cultural resources, which together make up the richness of any ecosystem.

### **POVERTY AND VIOLENCE: RESPECTING AND HARNESSING THE WEALTH OF VULNERABLE KNOWLEDGE**

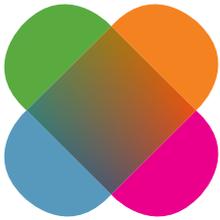
This personalist and systematic approach is necessary for observing the systems that violate cultural rights, and the responses to them, particularly in cases of poverty and violence.

<sup>4</sup> Meyer-Bisch, Bidault, 2010, *Declaring Cultural Rights*. Commentary on the Fribourg Declaration, Geneva, Zurich, Bale, § 0.12, p. 17.

<sup>5</sup> On the notion of “respectful criticism”, see our Commentary, *Op.cit.* § 3.12.

When people are poor, or even extremely poor, they have very little access to cultural expressions, to language, to a truly humane and social life, or to a dignified home. The “fight against poverty” is a double negative; a grammatical mistake which suggests that it is enough to fulfil needs while the only way forward is acknowledging and reinforcing capacities through the recognition of knowledges. If we are to fix societal needs by generating wealth, this implies that we must work with people on a case by case basis to redefine the riches that are to be developed. A development approach that focuses on capacities must still be able to respect the bubbles that protect freedoms, or may even obscure them. These “bubbles” can be understood broadly as the connections that a person or a group has with their environment. A person in poverty is not someone who has nothing, but a person whose rights have been violated. In my opinion, respect for these bubbles is the primary obligation of any public authority or any other actor. Such respect is essential in prioritising the act of gathering and analysing the stories and lived experiences of individuals or groups whose “intersectionality” exposes them to all the humiliation and discrimination at the crossroads of various human rights violations.<sup>6</sup> They share their stories not only because they are victims in need of aid, but to shed light on the injustice done to them, and to herald the more just and beautiful humanity to come. It is through this knowledge of vulnerability, and by witnessing both suffering and hope, that a strong democracy can put itself at the centre of public good. Presently, it is clear that public institutions develop escape strategies by providing the best half answers in order to avoid seeing or reacting to injustices.

<sup>6</sup> See: « L’intersectionnalité des violations des droits humains et les discriminations multiples », notably: J. Bouchard and P. Meyer-Bisch, “Intersectionality and Interdependence of Human Rights: Same or Different? ”, in *Equal Rights Review*, no. 16, April 2016 pp. 186-203. Accessed online.



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The same reasoning applies to the thousand and one forms of violence, from domestic to extreme large-scale violence. Everyone's exercise of cultural rights is the direct result of peace because it signals the discovery and enjoyment of a shared bond or place of wonder. The experience of meeting with other people and learning from others' knowledge creates real hope. All violence is both the fruit and cause of despair, while peace effects hope and is the result borne by shared knowledge.

### LEVERAGING CULTURAL RIGHTS IN POLICIES AND ECONOMICS

The political power of cultural rights lies within the possession and intersection of crucial knowledge. This includes all those who exist within the boundlessness of universal definitions such as artists, scientists, professionals of all kinds, and people in situations of violence, poverty, or migration. There are the challenges. This is the reason for leveraging them in the social, economic, and political sectors.<sup>7</sup>

Valuing resources is the foundation for a good economy. However, we must understand that the knowledge or people that possess and develop such resources are the primary source of that wealth. Respect for the diversity of cultural identities and rights, whether they are expressed individually or collectively, helps ensure the circulation of knowledge and synergy between actors in a "knowledge economy". We share a responsibility for developing innovative economic areas based on culture or learning. Cultural rights are interconnecting factors for actors and spheres, and therefore the systems

<sup>7</sup> This approach is largely based on the experience of the International Movement ATD Fourth World organisation. Its founder boldly stated: "Cultural action is indeed necessary. It raises the issue of human exclusion in a more radical way than access to the right to housing, work, resources, or health. One might think that access to these other rights becomes unavoidable when the right to culture is recognised." Joseph Wresinski, *Culture et grande pauvreté*, Editions Quart-Monde, Paris, 2004, p. 40.

between them. This allows for mutual inclusion in respecting diversities. The biggest challenges of development policies are that rich ecosystems are more interrelated and that rich actors interact more.

### COMMUNAL RESPONSIBILITY WITHIN AND AMONG CITIES

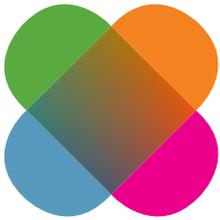
In every sense, cities—including villages, urban centres, and their surrounding areas—are the first levels of governance. In a multiplicity, links between people and ecosystems are more visible, but so too are interactions between different public, private, and civil actors. Developing the richness of a social system through its different environmental, economic, political, and social spheres implies observing and respecting the value of its cultural resources, or knowledge resources, in order to contribute to capacity-building for people and organisations. Neighbourhood responsibility is just as simple as that which exists on the national level. This is why developing solidarities between cities is essential, so as to compare experiences. The goal is to establish new governance that focuses on cultural factors.<sup>8</sup>

### CONCLUSION

Cultural rights are the catalysts of meaning. They undoubtedly form the strongest link between civil and political rights, and economic and social rights. This places the "teaching" of such freedoms at the heart of all rights; it is the condition for achieving them. To teach is to be able to move back and forth between the universal and the singular, and thereby gain an understanding of the individual.

Peace is not the fruit of a supposed cultural

<sup>8</sup> Geneva Declaration, "Human Rights and Cultural Heritage: Committed Cities Working Together", adopted in Geneva 26 March 2018: [www.ville-geneve.ch/actualites/detail/article/1521812824-protection-droits-humains-patrimoine-culturel-villes-signent-declaration-geneve/](http://www.ville-geneve.ch/actualites/detail/article/1521812824-protection-droits-humains-patrimoine-culturel-villes-signent-declaration-geneve/)



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homogeneity or common language that ensures “solidarity”. Rather, it is the result of a common awareness of a void, a lack thereof; a fundamental desire to understand, which everyone is invited to participate in no matter where they come from. A universal cannot carry predetermined understanding, and is only legitimate if it is “empty”. This is the meaning behind a “public” or “community”, in which participation in a free and open space is all the more free when conferred upon a diversity of living knowledge. It is not only a right for everyone, but a call to everyone, to their learned freedoms, their cultural freedoms, or their understood responsibilities. To the extent that our societies are democratic, they share in the sorrow of helplessness in the face of various forms of poverty and violence. In reality, we are responsible for the ignorance of others through our own ignorance of their knowledge.

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### INTERNATIONAL AWARD “UCLG - MEXICO CITY - CULTURE 21”

THE OBJECTIVE OF THE “INTERNATIONAL AWARD UCLG - MEXICO CITY - CULTURE 21” IS TO RECOGNISE LEADING CITIES AND PEOPLE THAT HAVE DISTINGUISHED THEMSELVES THROUGH THEIR CONTRIBUTION TO CULTURE AS A DIMENSION OF SUSTAINABLE DEVELOPMENT. ON 7-8 MAY 2018, THE JURY COMPOSED BY FARIDA SHAHEED (PRESIDENT), CATHERINE CULLEN, LUCINA JIMÉNEZ, EDUARDO NIVÓN BOLÁN, AND EDUARDO VÁZQUEZ MARTIN, HELD ITS LAST MEETING FOR DELIBERATING ON THE DESIGNATION OF A CITY AMONG THE 99 CANDIDATES AND A WINNING PERSONALITY. THE JURY DECIDED THAT THE “INDIVIDUAL AWARD” BE SHARED EX-AEQUO BY BASMA EL HUSSEINY AND PATRICE MEYER-BISCH. THE AWARD CEREMONY TOOK PLACE IN MEXICO CITY (MEXICO) ON 18TH OCTOBER 2018.

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