



2ND UCLG CULTURE SUMMIT
COMMITMENTS AND ACTIONS FOR
CULTURE IN SUSTAINABLE CITIES
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IMPLEMENTING AGENDA 21 FOR CULTURE
(AND CULTURAL RIGHTS) IN TODAY'S WORLD:
THE PERSPECTIVE OF THE **UN SPECIAL RAPPOREUR**
IN THE FIELD OF CULTURAL RIGHTS

MS. **KARIMA BENNOUNE** IS THE UNITED NATIONS
SPECIAL RAPPOREUR ON CULTURAL RIGHTS





Distinguished delegates, Ladies and Gentlemen,
An nyoung ha seh yo. Hello.

1. INTRODUCTORY REMARKS

It is wonderful to be here in Jeju, in the Republic of Korea and at the United Cities and Local Governments (UCLG) Agenda 21 Culture Summit. I am truly delighted to find myself in this gathering of cultural rights defenders and promoters of culture at the municipal and local levels from around the world, as we come together to discuss Commitments and Actions for Culture (and cultural rights) in Sustainable Cities. Let me first thank our Korean hosts for their gracious hospitality, and all of the organizers for inviting me, and for their work to bring us together to address these critical issues. I salute UCLG for its vital efforts to promote culture and cultural rights, and its committee on culture for undertaking the drafting of Agenda 21 for culture on the basis of extensive consultations.

I am a great admirer of Agenda 21, an important document for our times, and am very pleased to be a part of a gathering aimed at advancing and refining the implementation of the critical commitments it contains. As a Professor of international law, I am always eager to discuss implementation, as it is the only way that standards take flight and have meaning in people's lives. I hope that we all leave Jeju at the end of the week with a very specific task list that can contribute to this process.

»» IF PROPERLY TAKEN CARE OF AND NURTURED, CULTURE IS A RESOURCE THAT GROWS WITHOUT END, AND IS THEREFORE PERHAPS, THE MOST SUSTAINABLE ASPIRATION OF ALL

Today in the time allotted, I would like to explain why I think Agenda 21 is such an important vision from a cultural rights perspective, and how I think its vision is currently threatened by a number of global developments, then make a few suggestions for how to meet these challenges and flag a few items for discussion in your deliberations, as well as providing an overview of my current priorities as UN Special Rapporteur in the field of cultural rights, before concluding with some ideas for our future collaboration.

First, by way of background, let me explain what exactly a UN Special Rapporteur does. We are independent experts appointed by the Human Rights Council but we do not work for the UN. Every year I prepare a thematic report on a topic of my choosing within the field of cultural rights for the Council and one for the General Assembly. I also carry out two country missions a year and report on those. I am, moreover, able to send confidential communications to states with regard to allegations of violations of cultural rights and I hope you will consider submitting cases to the mandate for that purpose. Finally, I can make public statements on relevant issues. For more information, please visit the home page of the mandate and follow me on twitter @UNSRCulture.

2. THE IMPORTANCE OF AGENDA 21 FROM A CULTURAL RIGHTS PERSPECTIVE

From my perspective as the UN Special Rapporteur in the field of cultural rights, Agenda 21 is a core cultural rights document. Many of you are familiar with this document and some of you have worked closely on it, but let me stress some of the points that seem especially important from the cultural rights perspective. Agenda 21 recognizes that “cultural diversity is the main heritage of humanity,” and that diversity is not an excuse for violations or limitations of human rights, that “cultural freedom is an essential condition for democracy”, that local governments are vital human rights actors and that they represent “the citizens of the world,” that cities and local spaces are prime settings for ever-changing cultural invention, for creative diversity and for, in one of my favorite passages: “encounters amongst everything that is different and distinct.” Agenda 21 emphasizes coexistence, cultural heritage, creativity, and calls for responsible balancing of public and private interest, while recognizing the autonomous initiative of citizens as the basis of cultural freedom.

Let me highlight a few other aspects of the document that I find especially significant from a cultural rights perspective, especially in our current moment. These include: the call for guaranteeing the public funding of culture and the promotion of “the public spaces of the city”; the call for harmonious coexistence between what are eloquently termed “different spiritual and religious choices living side by side in the local area,” as well as for the promotion of “expression as a basic dimension of human dignity” and for championing the struggle against exclusion as likewise central for the struggle for the dignity of all. Agenda 21 is specific about inclusion inter alia of indigenous local cultures as well as immigrants, and persons with disabilities.





Reading the text of Agenda 21 against the backdrop of recent events around the world is especially compelling. It is a vision of the world in which I wish we lived, and in which we can live. That is a world in which cultural rights and other human rights are actualized for all at the heart of a sustainable development which recognizes the importance not just of profits but of people – and to borrow language from the UN Committee on Economic, Social and Cultural rights –expressions of their humanity, their world view and the meanings they give to their existence. It is a world in which differences amongst human beings are seen as a resource rather than as a problem, and in which we also highlight human beings’ all-too-often overlooked commonalities.

»» THE VALUES OF AGENDA 21 ARE UNDERMINED BY THE
PRIORITIZATION OF A NARROW CONCEPTION OF ECONOMIC
CONCERNS OVER HUMAN RIGHTS IN GENERAL AND CULTURAL
RIGHTS IN PARTICULAR

3. CONTEMPORARY CHALLENGES TO THE VISION AND VALUES OF AGENDA 21

Our discussions on how to take forward implementation of this agenda are urgently needed in a world where cultures are under siege from many forms of intolerance simultaneously. As I noted in my recent report to the 34th session of the Human Rights Council, there are common themes across contemporary fundamentalist and extremist abuses of cultural rights, whether committed by the far right in North America and Europe or diverse religious fundamentalists around the world. Such abuses often involve attempts at cultural engineering aimed at redesigning culture based on monolithic world views, imposing a claimed “true religion” or “authentic” or singular culture, stifling freedom of artistic expression and curtailing scientific freedom. They also aim to limit the enjoyment of women’s human rights and the expression and existence of minorities. What such efforts have in common is a mindset based on intolerance of differences and pluralism, and an attempt to stamp out cultural diversity and dissent. As the 12th century Andalusian Muslim philosopher Ibn Rushd whom some will know as Averroes noted: Ignorance leads to fear. Fear leads to hate. Hate leads to violence. This is the equation.” Cultural rights, as championed by Agenda 21, can help us add up a better equation.

In fact, cultural rights are a critical counterweight to all forms of fundamentalism and extremism, they promote inclusion, making space for peaceful contestation and protecting youth from radicalization. More must be done to guarantee the conditions for all to fully enjoy them. We also need to promote and where relevant protect the separation of religion and state, and while celebrating and protecting religious freedom not allow that to become an excuse for violating the rights of others.

Agenda 21 counters monolithic and polarizing ideologies and the stark, singular, segregating worldviews they represent. It recognizes that the default setting of the human spirit is open not closed, that, therefore, we must keep the doors open (and this should be a mantra for our times: keep the doors open). Likewise, Agenda 21 seeks to ensure that cultures and cultural heritages build bridges not walls. It responds to the challenge of the current moment as described by Dr. Chetan Bhatt at the recent side event I held which you can watch online: He noted: “one key area of challenge is between those who see culture as an exclusive property



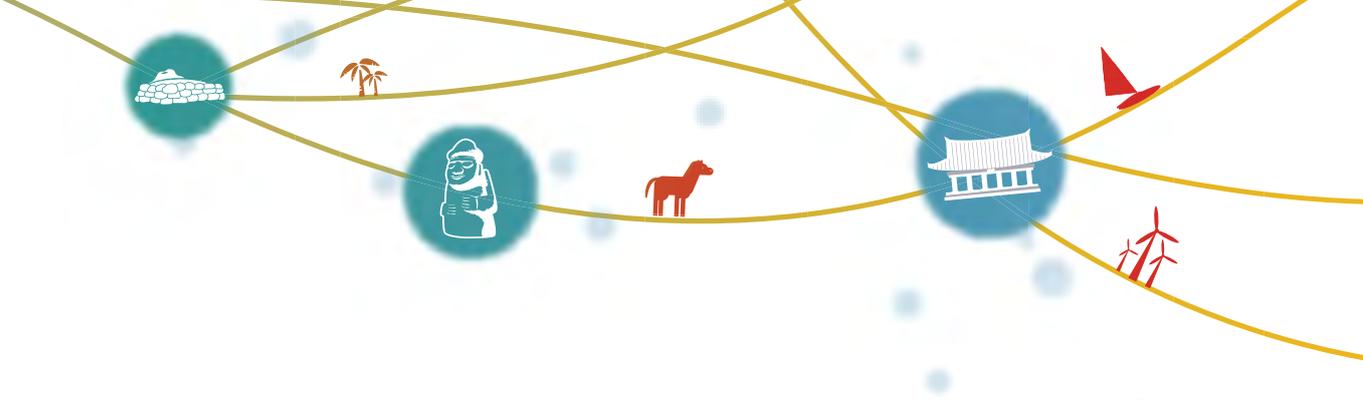
to which they are the sole inheritors and guardians, who turn culture into a prison, an enclave of the past that has to be defended with all violence. And against them those for whom cultures are open fields of endeavour, or potential, of the future in which humanity realises its possibilities as diversities – diversities of knowledge, art, sciences, histories and people.” This latter vision is the worldview of Agenda 21.

Another threat to this worldview is the intentional destruction of cultural heritage which was the first theme I chose to focus on when I became the Special Rapporteur in November 2015. Intentional destructions of heritage are attempts to erase the history and diversity which Agenda 21 champions, and to harm other human beings, not just the objects destroyed.

Cultural heritage is significant in the present, both as a message from the past and as a pathway to the future. Viewed from a human rights perspective, it is important not only in itself, but also in relation to its human dimension. I believe it is essential to understand cultural heritage as not only a technical issue, but also as a human rights issue to which a human rights approach is crucial and I am delighted to find this echoed in Agenda 21 and the actions document which followed it. At the heart of the human rights approach are the questions of participation and consultation with all relevant stakeholders, whether at the local, national, regional or international levels.

The values of Agenda 21 are today likewise threatened by the broader problem of the homogenization of culture and cultural experience due to a range of factors, including certain models of globalization and global media. They are undermined by the prioritization of a narrow conception of economic concerns over human rights in general and cultural rights in particular, as well as by the diminishing and erosion of public space, and perhaps most of all by the sense that culture is optional, a luxury item.

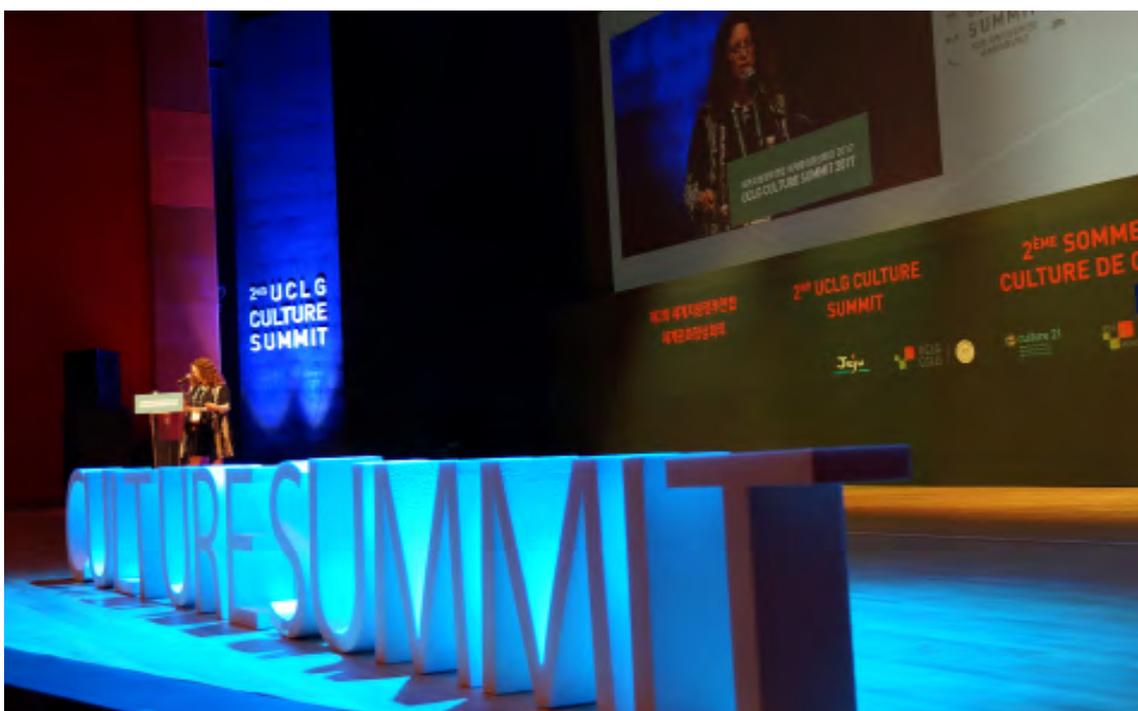


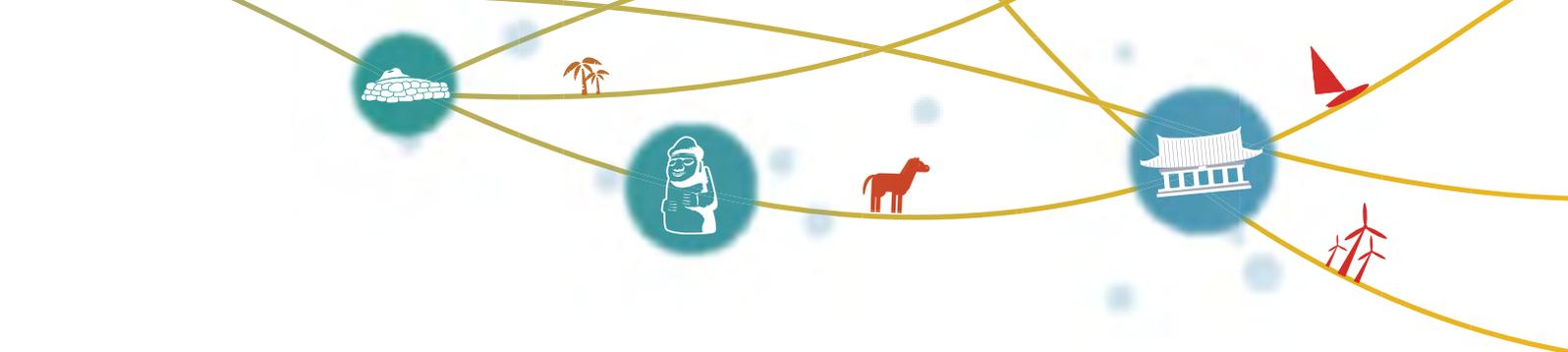


I have always believed that culture is almost like oxygen in its importance to human beings and human life. However, culture not only allows us to breathe metaphorically, it helps us grapple with our own understanding of why we do. Cultural rights are, as the Human Rights Council has regularly reiterated, “an integral part of human rights, which are universal, indivisible, interrelated and interdependent.” In and of themselves, cultural rights are key to the realization of the potential of all human beings, and also a sine qua non for the overall implementation of universal human rights, offering a crucial part of the necessary responses to the many challenges facing humankind globally, from conflicts to poverty to discrimination to sustainable development.

»» AGENDA 21 SEEKS TO ENSURE THAT CULTURES AND CULTURAL HERITAGES BUILD BRIDGES NOT WALLS. IT RECOGNIZES THAT THE DEFAULT SETTING OF THE HUMAN SPIRIT IS OPEN NOT CLOSED, THAT, THEREFORE, WE MUST KEEP THE DOORS OPEN

Indeed, municipalities deliver a significant part of the obligation states have to fulfill cultural rights. The local governments you represent must adopt policies that ensure the protection and promotion of cultural diversity, whilst facilitating access to and participation in a rich and diversified range of cultural expressions. Our municipalities must enable people to engage freely and without discrimination in their own cultural practices and those of others, and to choose freely their way of life. The intimate relationship between a city and its population provokes a direct investment in democracy by its inhabitants. Your municipalities are the canvas on which groups come together to exercise their cultural rights.





4. PRIORITY ISSUES IN REGARDS TO IMPLEMENTATION OF AGENDA 21 TODAY

The importance of culture and cultural rights and their interrelationship with sustainable development are not merely enunciated in hortatory language in Agenda 21, they are embedded in specific recommendations to local governments, state and national governments, and to international organizations, including the UN. These recommendations should be central in our discussions here today. They call for a centering of culture in local policymaking, a mainstreaming of cultural rights, the development of a system of cultural indicators, allocation of necessary funding for culture at the national level, with the standard of 1% of the budget being the minimum, and local implementation of international standards on cultural diversity.

This focus on specific implementation measures was enhanced in the excellent Culture 21: Actions document adopted at the first culture summit in 2015 in Bilbao which aimed, as it expressed it, “to provide an international framework supported by commitments and actions that are both achievable and measurable,” and at making Agenda 21 more effective. I want to take a moment to say how much I appreciate the actions document’s commitment 1: cultural rights. This commitment’s elaboration underscores that local cultural policies and civil society organization must be explicitly based on cultural rights and include cultural rights among their priorities. I think it is essential that in your deliberations here in Jeju, your discussions be not only about culture but about cultural rights which grounds this discussion in universal human rights, including the principles of universality, equality and non-discrimination, emphasizes the mandatory and binding nature of cultural commitments, and insists on the participatory and democratic components of discussions about culture.

»» CULTURAL RIGHTS ARE KEY TO THE REALIZATION OF THE POTENTIAL OF ALL HUMAN BEINGS, AND ALSO A SINE QUA NON FOR THE OVERALL IMPLEMENTATION OF UNIVERSAL HUMAN RIGHTS, OFFERING A CRUCIAL PART OF THE NECESSARY RESPONSES TO THE MANY CHALLENGES FACING HUMANKIND GLOBALLY, FROM CONFLICTS TO POVERTY TO DISCRIMINATION TO SUSTAINABLE DEVELOPMENT

A. Public Space

Let me now turn to a few specific substantive areas that should be prioritized in the implementation process today from a cultural rights perspective, the first of which is public space. I urge you all, as Agenda 21 suggests, to not only protect but celebrate your public spaces and to carefully consider the designation and design of these spaces, how they are managed, whether access is open to all, who curates the public space, whose voice is dominant, and how public space can be used as a tool for mutual exchange and interaction. The Habitat III New Urban Agenda likewise committed to “promoting safe, inclusive, accessible, green and quality public spaces... that are multifunctional areas for social interaction and inclusion, ... cultural expression and dialogue among a wide diversity of people and cultures...”

Our public spaces play a starring role in strengthening social cohesion by providing a place to engage in dialogue and new narratives, both as individuals and as groups. Events such as annual LGBT Pride marches which take place from San Francisco to Belgrade and beyond, or the Carthage Festival in Tunis which brings together cultural heritage of the past and a wide



array of contemporary performing arts encourage city dwellers and others to live together in dignity and harmony, and to communicate and contemplate and celebrate through arts and a diversity of cultural expressions.

However, as a recent European Union study notes, “public space is under threat... If we do not protect and in some instances reinvent our public spaces, the potential of cities and their public spaces as platforms for collective expression and democratic discourse and problem solving will not flourish”.¹ I hope in future to do a report on this issue and count on your expert input when I do.

B. Funding

The next priority area I wish to underline with regard to implementation is that of funding. We cannot speak of cultural rights without consideration of the financial investment required to fulfill those rights. Due to various financial crises and austerity measures adopted in a number of States globally, programmes in the field of culture often suffer the most. This is a serious mistake.

Funding reductions across State and Federal governments have seen local governments step up and find new ways to support artists and cultural practice. I note the Culture Finance Report released last week by the World Cities Culture Forum – the first global comparative study of how culture is financed in world cities. Data provided by sixteen of the thirty-three forum members showed that over one-third of all public, direct culture funding is provided by local government.² This is a figure to be proud of, however we must continue to advocate at a State and Federal level for continued and sufficient funding of culture.



1 This quote has been paraphrased from the EU Report/Study “Culture, Cities and Identity in Europe”, 2016, p. 3 www.eesc.europa.eu/resources/docs/qe-01-16-463-en-n.pdf

2 Page 5, www.worldcitiescultureforum.com/assets/others/170503_WCCF_FullReport_%281%29.pdf



C. Gender Perspective

The final priority area I wish to emphasize is the full inclusion of women across all the issues I have addressed. We must recognize the work of women – as artists, as cultural heritage defenders and as people who wish to exercise their cultural rights just like any one else. Women often face gender discrimination, including the exclusion of women experts in relevant forums and institutions, including within city governments and municipal work forces. The particular impact of fundamentalism and extremism on the cultural rights of women will be the focus of my next report to the UN General Assembly and I look forward to sharing that with you later this year. I welcome your submissions to this report in response to the call for submissions posted on the home page of the mandate in English, French and Spanish.

»» CULTURAL RIGHTS ARE A CRITICAL COUNTERWEIGHT TO ALL FORMS OF FUNDAMENTALISM AND EXTREMISM, THEY PROMOTE INCLUSION, MAKING SPACE FOR PEACEFUL CONTESTATION AND PROTECTING YOUTH FROM RADICALIZATION

5. CONCLUSION: OUR SHARED COMMITMENTS, OUR COLLABORATION

Despite the many challenges to Agenda 21, it is not a moment for despair but for hope based on concrete action such as those that you will discuss in the coming days. The foundation for this work can be found in the nine areas of commitment of the 'Culture 21: Actions.'³ I urge you all to keep these commitments in mind over the coming days, and to leave with an agreed set of diverse workplans.

I would like to again pay tribute to the great work being done by the United Cities and Local Governments – Global Network and fully endorse your call for culture to be the fourth pillar of sustainable development, alongside; economic growth, social inclusion, and environmental balance. If properly taken care of and nurtured, culture is a resource that grows without end, and is therefore perhaps, the most sustainable aspiration of all. There is much we still have to achieve together, however I must salute the Network and your valuable efforts in creating this Summit as a place to exchange experiences, learn from each other and develop joint initiatives for advocacy of the role of local government, all in a space that is truly fueled by cultural diversity and democracy.

On my end, I will strive to foster collaboration with the Network in my activities by amongst other things:

- Including cities and local governments as relevant and essential counterparts here at the summit, as well as throughout my mandate, including in my country missions;
- Continuing to call on governments to include a cultural dimension in all public policies;
- Recommending that public policy and budgets at federal, state and municipal levels should be based on the International Covenant of Economic, Social and Cultural Rights and other relevant human rights instruments and approaches.

³ www.agenda21culture.net/sites/default/files/files/documents/en/c21_015_en.pdf

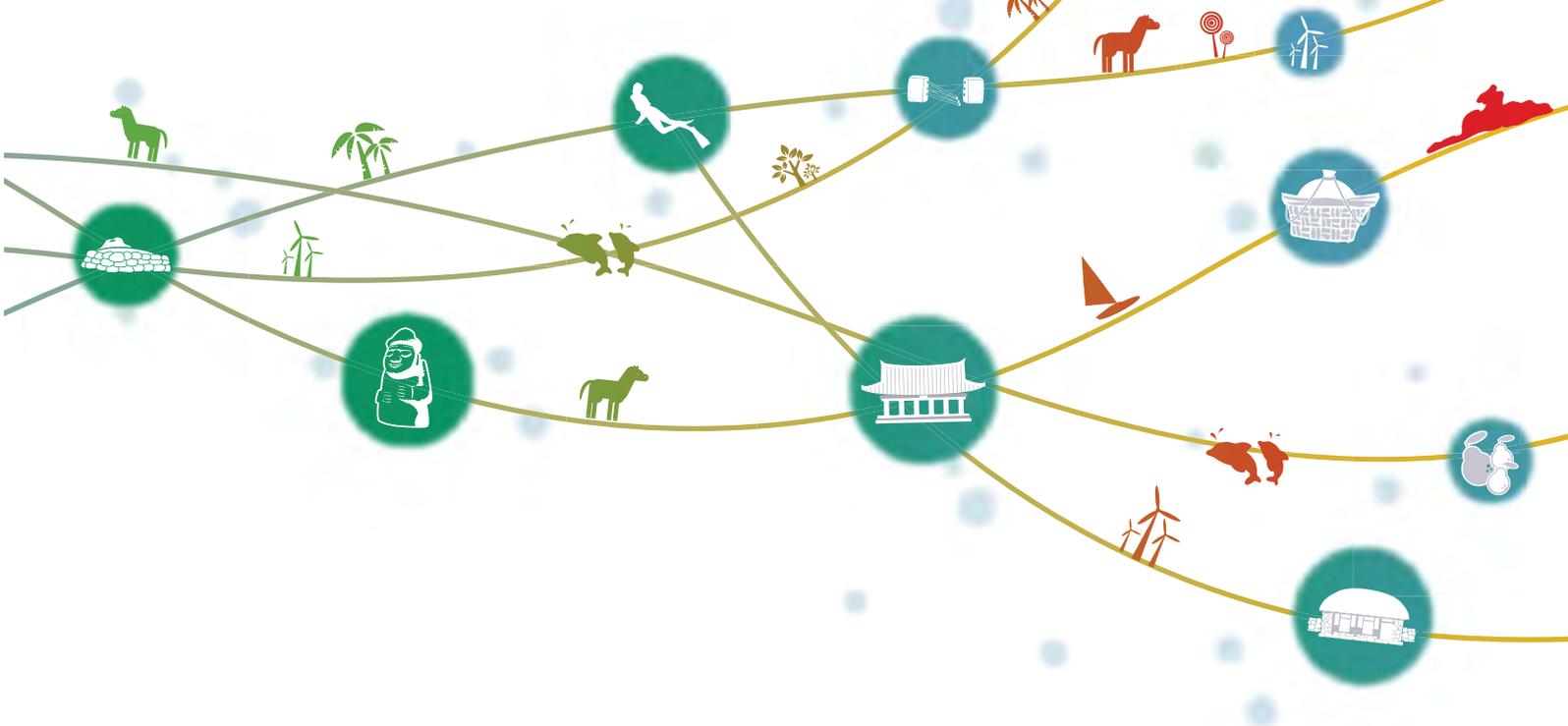


»» CULTURE IS ALMOST LIKE OXYGEN IN ITS IMPORTANCE TO HUMAN BEINGS AND HUMAN LIFE. CULTURE NOT ONLY ALLOWS US TO BREATHE METAPHORICALLY, IT HELPS US GRAPPLE WITH OUR OWN UNDERSTANDING OF WHY WE DO

In closing, let me wish you a most productive summit. Fulfilling the role of Special Rapporteur in the field of cultural rights, is, by its nature intensely collaborative. I look forward to cooperating with all of you – states, municipalities, civil society, experts, and city and local government representatives – to implement our shared goals. Let us work together to defend the cultural rights of all.

Thank you for your kind attention. Gamsa hamnida.

The integrality of this text can also be found on the official website of the Office of the High Commissioner on Human Rights of the United Nations organization (OHCHR), under the title “Implementing Agenda 21 for culture (and Cultural Rights) in Today’s World”.



www.agenda21culture.net

CONTACT INFORMATION

UCLG Committee on Culture

Email [info \[at\] agenda21culture.net](mailto:info@agenda21culture.net)

Web www.agenda21culture.net

Twitter [@agenda21culture](https://twitter.com/agenda21culture)

