

Cultural rights, an ethical principle of cooperation and a lever for development

Patrice Meyer-Bisch

Cultural freedom aims to expand individual choices, not to preserve values and practices as an end in itself by means of blind allegiance to tradition.

UNDP, Cultural Freedom in a Diverse World, 2004, p. 4.

This year, world leaders have the opportunity to put the world back on the path of inclusive, sustainable and resilient development.

Helen Clark, UNDP Administrator, January 2015

Argument

It is not sufficient to state loud and clear that culture is an important aspect of international cooperation, particularly in the field which is dedicated to development – it is also necessary to demonstrate it. Here, we have a surprise: by going beyond the vague term of „culture“ in the singular and the ambiguous expression „artistic and cultural“, we find that access to, the practice of and contribution to cultural resources are not only an important aspect, but a fundamental question of ethics and priority effectiveness: the development of cultural rights is a cross-cutting condition for democratic legitimacy and produces a leverage effect on inclusive development. For this to happen, artists have to be integrated into all other cultural stakeholders. But first, a methodological question.

1. The exercising of human rights is a means, an end and a grammar of democratic – including sectoral – policy.¹

A human rights-based policy approach (ABDH) is clearly distinguished from an approach which is essentially based on needs (whether consumerist, electoralist or simply bureaucratic). The goal of a needs-based approach is to reduce shortages by means of transfers, while the goal of an ABDH is to enhance people's capabilities. Each human right is a capability to be developed, which makes effective use of the exercising of the freedoms and responsibilities included in this right. An ABDH is primarily aimed at developing these capabilities. Human rights are:

- Aims in themselves: ideals that indicate direction: education, information, quality housing, freedom of expression, optimum participation, ...
- Resources, or means: each right is also a freedom and a responsibility. It is the capability of the inhabitants to express themselves, to associate, to live, to circulate, to work, to be informed and to inform others..., which are the real springs of the life of the city.

Cultural rights have a specific, ethical and functional place at the heart of all human rights.

2. From access to culture to the realisation of cultural rights for all

For a long time reduced to the rights of minorities or confined to a „right to culture“ which was limited to the arts and heritage, cultural rights remained – until the beginning of this millennium – undervalued human rights, a large gap in their protective net. Why are cultural rights so frightening? Because they open up an even more liberal path, as this formula of Amartya Sen appears to indicate? Or because they attempt to relativise universal norms or, on the contrary, they fear relativism and communitarianism? Indeed, cultural rights are to be found on all frontiers, at the most intimate level of human capabilities, in this place of porosity, where everyone can be both the most dependent and the most unfettered at the same time, at the heart of his or her freedoms as well as that of the social fabric. What appears to be unclear is in reality the most concrete and the most fundamental – such is the paradox of these rights which have for so long been forgotten, concealed and widely flouted.

Cf. our work on the different levels of understanding of an ABDH in the work (online): *Souveraineté et coopérations: Guide pour fonder toute gouvernance démocratique sur l'interdépendance des droits de l'homme*, P. Meyer-Bisch, S. Gandolfi, G. Balliu (eds.), Geneva, 2016, Globethics.net.

A „right to culture“ embodies the idea that everyone has the right to something that is defined in variable geometry as „culture“. A right to be different gives credence to the idea that everyone is irremediably different, while at the same time concealing the fact that the most intimate of all identities is found from the universal: relationships with life, death, sex, age, others, water, sand, trees, ..., knowledge, filiations.

In a significant way, cultural freedoms, responsibilities and rights are capabilities relating to touching and being touched, thanks to a diversity of knowledge – of flavours – recognised, shared, chosen or refused, incorporated. What we will call cultural references. These are the rights / freedoms to identify and be identified by means of this diversity of cultural references.

From a theoretical point of view, cultural rights are the rights of an individual, alone or together with others, to choose and to express his or her identity, to access cultural references and as many resources as are necessary for his or her process of identification.²

The hypothesis is that the richer these references are, the more they enable people to develop by exercising real freedoms in a personal and collective manner. The wealth of references acquired, recognised, chosen or rejected conditions the freedom of the process of identification that each person develops throughout his or her life. The right to participate in cultural life (Article 27 of the Universal Declaration of Human Rights, immediately after Article 26 on the right to education), says much more than a right to „culture“; it refers to access to all the knowledge that is important for daily life which makes it „the bearer of an identity of value and meaning“.

The definition of culture adopted by international law is therefore broad, based on the famous UNESCO definition.³ It should be noted, however, that while this definition has the advantage of proposing a broad sense, it remains enumerative, descriptive and therefore vague, since it does not define either its dynamics or the role of individuals as actors, because it remains collectivist (a society or a social group) while disregarding diversities and internal freedoms. That is why, in the declaration of cultural rights, we have refocused the definition on people:

“The term ‚culture‘ refers to the values, beliefs, convictions, languages, knowledge and arts, traditions, institutions and ways of life through which a person or group expresses its humanity and the meanings it gives to its existence and its development”⁴; „Culture“ itself cannot be a subject; it is a verb, an action – more precisely an interaction – a life which each person must be able to access through knowledge and practices, and to which he or she must also have the freedom to contribute and create.

To recognize and protect specific rights is to recognize and promote for everyone the right to develop their internal and external freedoms – one through the other. But these freedoms are not in the void: between the „formal“ freedoms of classic liberals simplified by neo-liberals and the „real“ freedoms of those in favour of a more social approach, the thrust of democracy leads us to consider „educated“ liberties through participation in numerous cultural resources, freedoms which are tempered by their responsibilities.

3. The leverage effect of cultural rights in policies

“Cultural action is indeed primordial. It makes it possible to pose the question of human exclusion in a more radical manner 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 recognized.”⁵

1. **The cultural domain** refers to resources in terms of knowledge and meaning. If „a“ culture cannot have sufficiently clear-cut contours to be used as a subject, we can define „cultural factors“ as resources (even if they can also act as brakes) that span all domains, from the most advanced arts and sciences to everyday lifestyles (cuisine, housing, education, vocational training ...).

2 Meyer-Bisch, Bidault, 2010, Déclarer les droits culturels. Commentaire de la Déclaration de Fribourg, Geneva, Zurich, Basel, § 0.12, p. 17.

3 Adopted at the World Conference on Cultural Policies in Mexico City in 1982, taken over for the most part in all recent instruments: „Culture must be considered the totality of distinctive spiritual and material, intellectual and affective traits that characterise a society or a social group and which, in addition to the arts and letters, encompasses lifestyles, ways of living together, value systems, traditions and beliefs“.

4 Freiburg Declaration, Art. 2 (1). This definition has been taken over and developed in General Comment 21 of the Committee on Economic, Social and Cultural Rights in Article 13. See note 4 below.

5 Joseph Wresinski, Culture et grande pauvreté, Editions Quart-Monde, Paris, 2004, p. 40.

2. **Artists are cultural actors together with others.** Artists are not alone in bearing the critical and creative dimensions. Other cultural actors, especially scientists, share these functions of creativity, teamwork, training and information. Separating the arts and artists means keeping them away from the population and breaking the chains of creativity that make up the richness of cultural circles.
3. **A cultural resource** is understood here to be knowledge: everyone has the right to refer to and develop knowledge as so many quality cultural references. Each cultural factor can be considered a development resource. But these resources can be despised, degraded, destroyed, or simply ignored, especially when they are very embarrassing, too diverse, perhaps. When they constitute a brake (harmful practices with respect to freedoms and/or social ties), they cannot simply be ignored at the risk of provoking conflicts, but have to be debated in order to develop new interpretations.
4. **Cultural diversity** covers three types of cultural resources:
 - The diversity of **people** and their organisations: respect for and the development of the rights, freedoms and responsibilities that each person exercises, alone or in common, is the primary resource for sustainable development.
 - The diversity of **cultural disciplines** (according to a broad conception of the cultural field, including lifestyles) constitutes the resources of knowledge.
 - The diversity of **environments**, habitats (territories with their histories), or „cultural ecosystems“, constitute the totality of available heritages: the cultural capital from which a development adapted to the resources available in situ can be conceived in an appropriate manner.
5. **Cultural eco-systems.** Developing the richness of a social system from its different angles – ecological, economic, political, social – means observing and respecting first of all the value of its cultural resources (knowledge resources), in order to contribute to the development of the capabilities of individuals and organisations. For the process of enriching people and the „cultural eco-system“ to work, it is therefore necessary to observe, respect, collect and connect these resources.
6. **The leverage effect of cultural rights.** In democracy, each political dimension must correspond to a corresponding human rights dimension. In the cultural sphere, not only cultural policies, but also the cultural dimensions that cut across all policies, it is the cultural rights of each person that are at stake, along with the freedoms and responsibilities associated with them. If the effectiveness of each human right guarantees a personal capacity (food, health, housing, freedom of expression, association, etc.), cultural rights, as rights to knowledge, guarantee such capacities. This is the reason for their leverage effect in the social sector as well as in the economic sector, and of course in the political sector.
7. **In conclusion: enhancing cultural resources for a good economy.** Respect for the diversity of cultural references and rights exercised individually or collectively ensures the circulation of knowledge and the complementarity of actors in a „good knowledge economy“. Cultural factors – or learning factors – are the primary drivers of innovation. A „good economy“ is an economy that values and develops its primary resources: people and their links.
8. **Development is inclusive when it includes people, their actors and domains with respect for diversity:** all people, whatever their conditions, all their organisations, whatever their nature, as well as all the domains included in their interdependencies. Each human right is a principle of inclusion, respecting the diversity of people, their actors and their domains and knowledge. Cultural rights, guaranteeing access to, participation in and contributions to knowledge, are the primary factors connecting people, their organisations and domains.
9. **Developing instead of fighting poverty.** When people are poor, or even massively poor, they have very little access to cultural expression, to the quality of a language, to the quality of a truly humane and social cuisine, to the quality of housing that is a dignified dwelling. These are all connections between capabilities that need to be recognised in each situation with the appropriate knowledge, first and foremost the knowledge of the inhabitants, in order to be able to develop them. The expression „fight against poverty“ is a double negation, a grammatical error, which suggests that it is sufficient to meet needs while recognising and building capabilities (empowerment). Replacing this fight against shortcomings by wealth development means that, case by case, we must define with the people what wealth to develop. Technological neutrality – or failure to take into account the power of cultural factors – is an illusion, and one of the main causes of inefficiency and waste.

10. **In order to develop, it is also necessary to recognise the existence of envelopes.** In order to have a development logic that seeks capabilities, one must be able to respect the envelopes that protect and hide freedoms: the term „envelope“ can be globally understood as the links that a person or group maintains with their environment. A man living in poverty is not a man who has nothing, he is a man whose rights have been violated. Respecting the envelopes is, in my opinion, the primary obligation of any public authority, as well as of any other actor: observing the capabilities to see what can be removed from the envelope and developed.

In conclusion, cultural rights are factors for the interconnection of actors and domains, and therefore systems between them, which allows for mutual inclusion while respecting diversity. This is the greatest challenge of development policies: rich ecosystems are more closely interwoven; rich actors are more interacting. Cultural factors do not come after as a fourth pillar; they are the fundamental, transversal and permanent factors and levers of any development based on the capabilities of people and their cultural ecosystems.

In summary, cultural freedoms, responsibilities and rights are multifactors of cooperation and development.

Cultural rights, understood as part of the interdependent set of human rights, guarantee „knowledge links“, chosen, appropriate, shared.

1. They are first and foremost a question of **security**: access, practice and contribution to a cultural resource is an experience of recognition and peace (of admiration and solidarity and hope).
2. They are conditions of any **knowledge** and therefore of the use of resources;
3. They are a condition for resource **diversification**;
4. They have a **liberating effect** on the ability to choose the type of development, and therefore also on interactive adjustment;
5. They have a **multiplier effect** in each domain because knowledge gives access to other knowledge (the only domain of the economy that can (that must?) be growing indefinitely);
6. They have an **appropriation effect**: this is the link between different resources, especially between human and non-human resources; the link between people through works of knowledge (the sciences, the „arts“, ways of life, their objects and customs) is the fundamental link between the social fabric and the transmission of values;
7. They have an **effect of inclusion**, or mutual upgrading of the domains for each person, for each group or community, which is a definition of enrichment;
8. They have an **effect of resilience** and pacification, through the access, participation and contribution of everyone to the sources of knowledge that are the sources of peace, the places of mutual understanding and teaching.

Patrice Meyer-Bisch
President of the Observatory of Diversity and Cultural Rights
Coordinator of the UNESCO Chair for Human Rights and Democracy, University of Fribourg, Switzerland.
www.droitsculturels.org/observatoire