



Remarks by Ms. Karima Bennoune

UN SPECIAL RAPPORTEUR IN THE FIELD OF CULTURAL RIGHTS

Europa Nostra Finland

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Dear Colleagues and Friends at Europa Nostra Finland's European Heritage Congress,

It is my great pleasure to address you, as you begin this important discussion on "Sharing Heritage - Citizens Participating in Decision Making." I regret that my travel schedule makes it impossible for me to be with you in person today, but rest assured that I am with you in spirit.

First, I would like to thank Europa Nostra, and its esteemed President, Maestro Placido Domingo, for their support for the mandate of the Special Rapporteur in the field of cultural rights, and in particular the work on cultural heritage, support which is greatly appreciated and has made a significant contribution. I look forward to our continued collaboration toward our shared goals of defending cultural rights.

The intentional destruction of cultural heritage was the first theme I chose to focus on when I became the Special Rapporteur in November 2015, as I was, like so many people around the world, deeply horrified by the televised and openly proclaimed destructions of heritage by extremists in places like Syria. These were attempts to erase history and diversity, and to harm other human beings, not just the objects destroyed. However, I have also been determined to take a holistic approach to cultural heritage protection, whether in situations of war or peace, by state or non-state actors, of tangible or intangible heritage, or whether in regard to well-publicized attacks or less well known events such as the terrible histories of destruction of the cultural heritage of many indigenous peoples around the world.

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. While specific aspects of heritage may have

particular resonance for and connections to particular human groups, all of humanity has a link to such objects, which represent the “cultural heritage of all humankind.”

The right of access to and enjoyment of cultural heritage forms part of international human rights law, finding its legal basis, *inter alia* in the right to take part in cultural life. Cultural heritage is a fundamental resource for other human rights also, in particular, the rights to freedom of expression, freedom of thought, conscience and religion, as well as the economic rights of the many people who earn a living through tourism related to such heritage, and the right to development. The right of access to and enjoyment of cultural heritage includes the right of individuals and collectivities to know, understand, enter, visit, make use of, maintain, exchange elements of and develop cultural heritage, as well as to benefit from the cultural heritage and the creation of others.

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.

At the heart of the human rights approach are the questions of participation and consultation, and so I am especially delighted you will be discussing these important issues in your meeting. In my work on the topic of cultural heritage, I have always emphasized the need for consultation, with all relevant stakeholders, whether at the local, national, regional or international levels, in regards to the diverse meanings of heritage, its interpretations, uses, and about all aspects of its protection, preservation, reconstruction, re-establishment, memorialization, and even nomination to the UNESCO World Heritage List. I have heard from women and men on the ground about how they have been at times deeply affected when heritage with which they had close connections was reconstructed or used without any consultation with them or the constituencies with which they identify. I have seen the loss and disconnection that

this has caused often in situations of conflict or post-conflict, in which this adds to the cumulative weight of other great losses.

Cultural rights include the right to cultural syncretism: human history demonstrates that cultures are often mixed and are not fixed in time. In fact, much of what we consider heritage is the result of continuous re-creation throughout history, with each layer adding to its meaning and value. Because heritages are living resources, they should be open to ongoing interpretation and re-interpretation.

In order to ensure that this is possible, participation has to be at the center of all efforts related to heritage, including participation in the identification, interpretation and development of cultural heritage and the reformulation of the contents and contours of cultural identity. This involves deciding which cultural traditions, values, sites or practices are to be kept, reoriented, revised, (re)negotiated, modified or discarded in accordance with international human rights standards.

Participation is also essential to avoid fixing cultural heritage into a single meaning and interpretation, which creates a division between those who are considered (or consider themselves) entitled to be the sole guardians of that heritage, and others. This process disconnects and alienates people from their heritage, emptying it of meaning and of what made such heritage living resources for people. Without the continuous engagement and creativity of diverse people, cultural heritage is doomed to die. The best protection for heritage ultimately is found both in the work of local cultural heritage defenders and experts whom we must find effective ways to support, and in the commitment of populations that are engaged and involved. All this necessitates participation and consultation.

There are some difficult outstanding issues to consider in regard to participation and consultation that I do not have time to fully consider today, but I mark for your agendas, including what to do when diverse constituencies related to heritage have widely divergent views about what should be done (which is often the case), and how to consult those who have been displaced, and how to ascertain all the relevant constituencies to involve in consultations and take into consideration the different connections they may have to the heritage in question. We must more fully develop our understanding of the paradigms and meanings and requirements and methodologies and limitations of participation and consultation, taking into consideration both diverse popular views, and the views of cultural heritage experts, especially at the local level. I hope the three reports that I and my distinguished predecessor have prepared on the topic of cultural heritage and cultural rights, which you can find on the mandate website, can be of help in this regard.

Thank you all for your work defending cultural heritage and cultural rights, and for gathering together to consider these important questions. Much needs to be done on this topic to learn from the errors of the past in the governance of cultural heritage and to design new participatory, inclusive and human rights-respecting approaches for the future. I wish you a most fruitful meeting and look forward both to reading its conclusions and to our future collaboration in these areas.

Let me leave you with a reminder of what is at stake. In a poem entitled “The smothered murmurs of history”, Algerian poet Saleh Beddiari, himself a refugee from extremist violence in the 1990s, expressed the anguish many have felt after recent acts of cultural demolition. He gave voice to the fear that, if unchecked, there will be more destruction of heritage to come, writing that “The people of the new millennium are determined to reduce their ruins to the dust of

ruins...” It is up to us all to work together, to increase participation and involvement in heritage protection, and to make sure that what this poet feared, what so many others fear, does not come to pass – anywhere.

Thank you.