

The Right to Heritage as a Catalyst for Sustainable Development

SPEU 2021 - International Conference, September 10 – 11, 2021

Executive Summary and Follow-up Proposal

Rationale and findings of the conference

In Europe, **cultural heritage as a part of sustainable development** is a fact and appears in various strategies and financial frameworks. In sustainable development, its **economic dimension** is recognised and promoted. However, heritage is much more than that. To be able to assert all its aspects and values, we need to be aware of heritage rights and claiming them in favour of a development that will be truly sustainable.

We need to approach heritage in all its **complexity**, from architectural heritage, urban contexts, and landscapes to the intangible heritage, inextricably linked to the community and its identity.

Heritage plays an essential role in the quality of life of Europeans, so we need to cultivate an approach that focuses on individuals and the community, emphasising cultural aspects and the knowledge accumulated in heritage. In addition, several cross-cutting themes, some of which are also highlighted in current European initiatives, seek to achieve human well-being. These cross-cutting themes include sustainability, climate change, the European Green Deal, high-quality architecture (Baukultur) and the New European Bauhaus.

Cultural and heritage rights are recognised as a value based on specific international and European legal frameworks. The most frequently exposed are the Framework convention of the Council of Europe on the value of cultural heritage for society and the Council of Europe Convention on offences relating to cultural property. They guide the exercise of heritage rights and the obligations associated with those rights (to respect the heritage of others, to resolve various interpretations of heritage peacefully, restrictions arising from other human rights, and the duty to act against illegal conduct). Countries, including those outside the EU, are invited to ratify the conventions. However, only a broad transposition into national legal systems will enable efforts to ensure that heritage is adequately supported and that its destruction is sanctioned.

The right to heritage stems from the right to **insights into existential issues of modern man based on knowledge, ability to express, create and enjoy the values** reflected in our heritage and the quality and cultural diversity of our living environment. In this way, the right to heritage contributes to the sustainable development of both the individual and society.

At the level of individual communities, the right to heritage is identified with the **right to language**, which leads us to consider implementing the educational process so that this right will be exercised.

Suppose heritage rights in Europe and partly around the world have at least declarative support. In that case, adequate support for their implementation in sustainable development is not self-evident even in the European Union. While efforts are needed in third world countries to persuade governments and raise public awareness to recognise at least the economic potential of heritage, economic pressure on heritage is prevalent in Europe. Moreover, along with economic development and the current geopolitical situation, the European Union faces the challenges of migration, which raises the question of migrants' right to their heritage, its values and their attitude towards the majority's heritage and its values.

The level of exercise of the right to heritage is particularly recognisable in cases of **difficult heritage**, i.e., heritage related to the violation of human rights. The speakers touched on such painful points of the common past, which in the form of heritage represent the memory of the community's often silenced and dark stories.

The **active approach to cultural heritage is an essential element of sustainable development**, but this is not sufficiently recognised in the international community. It is also difficult to monitor the actual situation in this area because there are no **concrete indicators** for evaluating heritage sustainability.

The **idealisation of the paradigm of a non-conflicting relationship between natural and cultural sustainability** is often called into question, where a more balanced relationship between the two should be pursued.

In the context of the heritage impact assessment, the speakers drew attention to the **conflict of values within the concept of heritage rights** when, for example, interventions that endanger heritage values were carried out

to improve accessibility. The solution lies in inclusive communication, the establishment and cultivation of partnerships and respect for heritage values.

Discussions at the Conference showed that many European and global organisations, intergovernmental bodies, scholars, experts, and civil society respond to development challenges and opportunities in the heritage field. Those views are eventually integrated into European policies, programmes, and initiatives.

Conference main conclusions

From the discussions at the Conference, we can deduct specific guidelines and initiatives.

The **legislative framework** offers a first step towards regulating general issues. However, loose legislation tends to lead to a distorted attitude towards heritage and heritage rights.

Legislation must enable **public participation** in heritage protection in spatial planning and other procedures concerning the quality of life and where decisions are made on implementing the public interest related to heritage. This part is still relatively under-established.

In parallel with measures of a legal and administrative nature, **soft approaches** are needed, building an array of participatory tools and practices that promote dialogue, active stakeholders' involvement in heritage work, share responsibilities between authorities and the public concerned, and peaceful resolution of heritage disputes.

The problem of **difficult heritage** can be alleviated, at least in part, by legislation redressing injustices or regulating remembrance, or by practices, such as in museums that address the sensitive topic through personal stories and thus involve all parties affected. However, we mustn't trigger new conflicts by addressing such a conflict heritage. It takes courageous confrontation and awareness of difficult moments, overcoming them and establishing shared values that connect individual experiences.

Cultural **diversity** is as necessary **for humankind as biodiversity is for nature** is a crucial analogy indicated by the 2001 UNESCO Universal Declaration on Cultural Diversity. This realisation can be essential to our survival in times of crisis since it essentially reconnects humans and nature.

The potential for **public participation in promoting heritage digitalisation** and establishing a community in which individuals are not passive users, but essential co-creators of e-heritage content brings immense opportunities to museums and other heritage institutions.

We can sum up the conference conclusions with the following lines:

- Heritage rights and sustainable development are highly correlated.
- Exercising heritage rights depends more on soft approaches than legalistic ones.
- Heritage rights can give sustainable development policies better chances of success because of underpinning their humanistic dimension.

Considering European and international frameworks, complementarity and cooperation prove to be a necessary condition. We can only ensure heritage sustainability through a long-term approach, which is especially true of deliberating upon these aspects at the **Conference on the Future of Europe**.

From all these insights, the humanistic message of the Conference emanates. **Culture and heritage should become the humanistic agenda of Europe, united around European values**, as heritage is above all part of our humanistic tradition.

Possible follow-up

1. Address culture and cultural heritage as constituents of European Union strategic considerations:

- In line with the Rome Declaration of G20 ministers of culture, the Ljubljana Conference on the rights to heritage and the Europa nostra Venice call for action advocate cultural heritage at the G20 Heads of State and Government Summit 2021,
- At the Conference of the Future of Europe, raise the profile of cultural and heritage rights.



2. Keep mainstreaming cultural heritage into present EU policies, especially in:

- New Bauhaus Initiative,
- European Green Deal,
- EU external relations.

3. Prepare 2023 - 2026 Council Work Plan, which will:

- Develop tools for reaching sustainable development goals through exercising heritage rights for:
 - Dialogue and participatory approach,
 - Sustainable heritage management,
 - Implementing quality principles and indicators for evaluating the contribution of heritage rights to sustainable development goals.
- Combine such tools with the development of knowledge ecosystems where heritage wisdom gets community support to be creatively used for a sustainable future.

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Report and main highlights of speeches, presentations, and discussion

Introduction and opening addresses

The purpose of the conference was to shed light on the issues mentioned in the title of the conference from various angles, including the presentation of some concrete examples illustrating the right to heritage, its role in modern society and the significance of heritage for sustainable development. Defining the subject of discussion means a process that requires serious analysis and open dialogue. The opening addresses and keynote speeches, panels dedicated to the conference's main topics, three workshops and especially the discussions at the end of each part of the conference and its conclusion served this purpose.

Dr Vasko Simoniti, Minister of Culture and President of the EYCS Council of the EU, opened the conference. The main emphasis of his address was that all forms of cultural heritage and culture of memory touch on existential issues that fundamentally define us as individuals and the community. The conference within the Slovenian Presidency of the Council of the EU is dedicated to the individual right to heritage, and the role heritage plays in sustainable development, which is a shared achievement of a community. Experts and politicians still need to put a lot of effort into solving these issues. They must constantly pay attention and act responsibly so that our present-day will tomorrow become history and that we here and now preserve and build future heritage.

Then, European Commissioner Maria Gabriel addressed the audience. The Commissioner emphasised that our cultural heritage is a driver of sustainable development. Heritage builds human identity, connects communities and acts as a stimulus for growth and job creation. The European Commission aims to support research into digital culture and the digitisation of cultural heritage and find an innovative and inclusive approach to heritage. With the New European Bauhaus initiative, the Commission wants to ensure that our places will be beautiful, sustainable and inclusive. The aim is to combine the heritage of the past with future use.

Dr Milan Zver, Vice-Chair of the Committee on Culture and Education of the European Parliament, emphasised the importance that the Slovenian Presidency of the Council of the European Union attaches to culture and heritage. He drew particular attention to the role of the Erasmus program in the exchange of students and teachers, which emerging heritage experts also benefit from. The decision to address heritage rights in European fora proves that the role of heritage in building a European identity needs to be strengthened.

Dr Riin Alatalu, Vice-President of ICOMOS, addressed the conference by highlighting the role of the International Council on Monuments and Sites (ICOMOS). ICOMOS, as an international expert organisation, works closely with UNESCO as one of the three advisory bodies on the implementation of the Convention on the protection of world cultural and natural heritage. Through its national committees, it is very active in addressing the day-to-day challenges of field protection. ICOMOS Scientific Committees and Working Groups are recognisable at the international level; for the topic of the Conference, the International Scientific Committee on Legal, Administrative and Financial Affairs (ICLAFI) and the Working Groups on "Rights-Based Approach" and "Sustainable Development Goals" are specifically significant.

Mr Matjaž Gruden, Director for Democratic Participation of the Council of Europe, presented two internationally influential legal documents enabling the European and international community to

meet modern challenges successfully. The Council of Europe Framework convention on the value of cultural heritage for society defines the right to heritage as one of the human rights and at the same time establishes the crucial role of heritage communities in identifying, preserving and interpreting heritage. The Convention is open for adoption at the level of the European Union as a whole. The Convention on offences related to cultural property is an improved international legal act aimed at combating all aspects of deliberate destruction and illegal international trade in cultural heritage. One of the convention's aims is to prevent the financing of terrorism through the sale of illegally acquired heritage objects. He emphasised the good practice of cooperation between the Council of Europe and the European Union in achieving both conventions' objectives and getting as many countries as possible to accede to these instruments.

Mrs Sneška Quaedvlieg Mihailovič, Secretary-General of Europe Nostra, presented the work of this pan-European association of non-governmental organisations, which gives a voice to Europe's cultural heritage in all its diversity. Recently, its campaigns to raise awareness of the developmental potential of heritage (Heritage Counts for Europe, 2015), to take heritage into account in the European Green Deal (The European Heritage Green Paper, 2021) and to include culture and heritage in strategic discussions at the conference on the future of Europe (European Cultural Heritage Summit, 2021).

1. **Setting the scene – Keynote speeches** (Jernej Letnar Črnič, Patrice Meyer-Bisch, Polona Tratnik, Marjan Horvat, Sneška Quaedvlieg Mihailovič)

We can summarise the introductory contributions in the following points:

The right to cultural heritage in the light of the protection of human rights: although Council of Europe's Convention on the Protection of Human Rights and Fundamental Freedoms does not explicitly highlight the right to heritage and culture, states should protect it in the context of other human rights and shared values, such as dignity, equality, freedom of expression, solidarity and pluralism. Moreover, the European Court of Human Rights case law proves that heritage is recognised as a right and a value.

- a) **The holistic definition of the right to heritage** is not only the right to enjoy heritage but much more - the right to participate in the exchange of knowledge, which is the starting point of cultural life that we act out in bodily, linguistic and artistic expression, science, technology, worldview and the way of life. At the level of individual communities, the right to heritage relates to the **right to language**, which leads us to consider implementing the educational process to exercise this right. The right to heritage is by definition an individual right, but individuals can only exercise it in a community. Participation in cultural life means access, participation and contributing to sources of knowledge. The right to heritage stems from the right to insights into existential issues of modern man based on knowledge, ability to express, create and enjoy the values reflected in our heritage and the quality and cultural diversity of our living environment. In this way, the right to heritage contributes to the sustainable development of both the individual and society.
- c) **The exercise of the right to heritage is limited by obligations** such as the obligation to respect the heritage of others, to resolve various interpretations of heritage peacefully, the duty to act against illegal conduct concerning heritage and, above all, restrictions arising from other human rights. Therefore, heritage protection is the responsibility of governments and local communities, associations, businesses, and individuals.
- d) **The gap between government, experts, and the public needs to be bridged.** The right and responsibility of all are to contribute to the preservation of heritage according to the principle of participation and for constructive cooperation from the bottom up; to this end, it is essential

to strengthening the capacity of heritage rights holders. The responsibility of governments to heritage is not only negative (not to harm) but also positive, which means taking measures that actively protect the heritage.

2. Panel I: Heritage Rights (Thomas Adlercreutz, Afolasade A. Adewumi, Wojciech Kowalski, James K. Reap, Cyrill Von Planta)

Certain international legal acts adopted at the European or global level represent the legal framework for heritage rights. In practice, the cases of minorities and indigenous peoples' rights indicate the exercise of heritage rights to a certain degree. For instance, in the United States of America, legislation preserves Native American heritage through the protection of cultural practices and sacred land and serve as tools to manage the tangible and intangible cultural property of the tribes. Nevertheless, it falls short in addressing the demands of Native Americans for the protection of other rights, including the rights to control and utilise their cultural heritage for sustainable development. The examples presented demonstrate the essential importance of the right to use minority communities' languages. Not all communities have the characteristics of minorities and indigenous people, but language is an element of inclusiveness and education for coexistence. Europe has always been a place of migration. Still, recently there has been a marked increase in the immigration rate of groups that are culturally distant from the European way of life and find no answers in the increasingly secularised European society in finding elements of proximity. The European Union faces the challenges of migration, which raises the question of migrants' right to their heritage, its values and their attitude towards the majority's heritage and its values.

The attitude towards heritage may be completely different in the environments from which such groups originate. Africa is facing the negative consequences of colonisation which manifests, for instance, in the education of children in a foreign language. The presented examples of the situation in the field of heritage in Africa show that much work will be needed to raise awareness first of governments, and then society to realise the importance of heritage for sustainable development. Even though Africans can exercise their cultural rights in their culture primarily in connection with the broader family and community and have a legal framework to do so, the link between heritage and sustainable development is still relatively weak, often limited to preventing the destruction and misappropriation of heritage objects and the efforts to establish museums.

In Europe, cultural heritage is increasingly recognised as part of sustainable development. However, such formal recognition often focuses on economic benefits that limit a more complex use of heritage because of its values. Heritage is of interest to the economy and related policies from the point of view of economic benefit, and less so because of the complex benefits it brings to society. There are also economically prosperous countries in the European Union where the public protection service is understaffed and underfunded and at the same time lacks adequate political support. Too much national legislation is not designed to address all contemporary challenges in this area adequately and, therefore, falls short in its effectiveness. Heritage has good prospects for survival if the proximate or wider community identifies with it and participates in its management.

The right to enjoy heritage by individuals and communities with no legal title to their heritage may be limited by ownership and other rights (for example, copyright). Such situations can lead to conflicts of rights.

3. Panel II: Sustainable Development (Daniela Angelina Jelinčić, Kimmo Aulake, Yasemin Sarikaya Levent, Marcin Skrycki, Goran Zlodi, Riin Alatalu, Ave Paulus, Janko Rožič, Mona O'Rourke)

The active approach to cultural heritage is an essential element of sustainable development. Still, the participants note that collecting information on the situation and good practices is problematic for at least two reasons. First, even though the 2030 Agenda recognises heritage at the minimum in the contribution of world cultural and natural heritage to achieving sustainable development goals, in other goals, culture and heritage are present only indirectly. It is up to each country whether and how reporting on reaching sustainable development goals includes cultural and heritage aspects, which means that the reports are very diverse, and this blurs the clear picture of the state of the matter in this area. Second, the lack of special indicators to measure heritage sustainability is a particular challenge. That is why, at the interdisciplinary level, we need to elaborate, in addition to improvements in the management and diversification of heritage funding, appropriate and flexible indicators as soon as possible to evaluate the economic, environmental, and socio-cultural impacts of heritage programs and projects.

At the level of the European Union, there is a positive development towards the growing recognition of the significance of culture and heritage for sustainable development in the case of the European Regional Development Fund, where each new seven-year perspective increasingly includes these aspects.

The **potential for public participation / participatory approach** in promoting heritage digitalisation and establishing a community where individuals are not passive users but essential co-creators of e-heritage content was highlighted. At the same time, the challenges of adequate data quality, traceability (potential of blockchain technology), ownership, copyright, etc., were also pointed out. Participation in the digitisation in museums has three positive effects: for the museum as an institution, for the heritage being preserved and presented to the public in this format, and for the participating individuals and communities that consolidate their identity and sense of belonging.

Equally important is training the public at the local level on the benefits of dealing with heritage, for example, in developing World Heritage list nominations projects, thus demystifying the World Heritage protection system. At the local level, education and training for a participatory approach create new social capital.

ICOMOS, together with IUCN and ICRROM, is engaged in the Culture-Nature Journey activity. Cultural diversity is as necessary for humankind as biodiversity is for nature is a crucial analogy indicated by the 2021 UNESCO Universal Declaration on Cultural Diversity. This realisation can be essential for the survival of humanity in times of ecological, economic, health, social and psychological crises, as it decisively reconnects not only culture and sustainable development but humans and nature, which is also our contribution to the debate on the New European Bauhaus.

The following conclusions crystallised in the panel:

- a) The desire to better consider and promote cultural diversity within the concept of sustainable development. ICOMOS is currently revising its recommendations for implementing heritage impact assessments, which should become an integral part of the proactive management of world heritage sites and other heritage.
- b) The issue of conducting environmental impact assessments is part of the EU acquis. These legal provisions recognise heritage as an integral part of the environment. However, the examples presented show that heritage needs to achieve an equal position within these processes because decisions can be made that jeopardise sustainability by not considering the contribution of heritage to sustainable development.
- c) In the context of heritage impact assessment, the speakers drew attention to the conflict of values within the concept of heritage rights when, for example, interventions that endanger heritage values were carried out to improve accessibility. The solution lies in inclusive

communication, the establishment and cultivation of partnerships, and respect for the heritage from an aesthetic point of view and not only from the position services.

- d) It is easier for the local community to identify with the familial intangible heritage and more difficult with the tangible one, which is still considered a matter of the state and experts. Therefore, in involving the community in any heritage activity, we should emphasise its intangible dimensions, values, meanings, and message. Furthermore, we should make people aware that they are “their” heritage's right holders, while the authorities and experts are above all the ones who should support them in exercising these rights.

Plenary discussions of the conference sought, among other things, to find answers to the following questions:

- How to preserve heritage values and exercise heritage rights facing increased economic pressure?
- How to guarantee the minority rights to heritage and promote an inclusive minority-majority relationship?
- How to exercise heritage rights in case of difficult heritage?
- How to apply the participation of individuals and communities in legal and administrative processes?
- How to contribute to sustainable development through participation and co-creation, and how to measure heritage impact on sustainability?

We can only ensure heritage sustainability through a long-term approach, which is especially true of **deliberating upon these aspects at the conference on the Future of Europe**.

4. Workshops on specific issues of heritage rights and sustainable development

The rights-based approach in cases of difficult heritage

The effectiveness of exercising the right to heritage is particularly recognisable in cases of **difficult heritage**, i. e., the heritage of regimes that have violated human rights and committed various crimes. The speakers touched on such painful points of the common past, which in the form of heritage represent the memory of the community's often silenced and dark stories. The problem can be alleviated, at least in part, by legislation redressing injustices or regulating remembrance, or by practices, such as in museums that address the sensitive topic through personal stories and thus involve all parties affected. However, we mustn't trigger new conflicts by addressing such a conflict heritage. It takes courageous confrontation and awareness of difficult moments, overcoming them and establishing shared values that connect individual experiences.

From this realisation, the humanistic message of the conference emerges. With the help of cultural heritage, we understand the present and build a path to the future.

Legal and administrative issues relating to heritage rights

The legislative framework offers a first step towards regulating general issues. However, loose legislation tends to lead to a distorted attitude towards heritage and heritage rights.

The EU Member States and non-EU countries are invited to ratify the Nicosia Convention on offences relating to cultural property, which is the first step towards implementing the provisions of the Convention in national law. It bridges the exercise of the right to heritage with penalties for those who destroy it and illegally alienate it.

At the same time, in countries with soft heritage legislation, a certain degree of strictness is needed to preserve heritage values.

The legislation must enable public participation in heritage protection through spatial planning, in procedures impacting the quality of life and making decisions on implementing the public interest concerning heritage. However, this part is still relatively under-established.

In parallel with measures of a legal and administrative nature, **soft approaches** are needed, building an array of participatory tools and practices that promote dialogue, active stakeholders' involvement in heritage work, share responsibilities between authorities and the public concerned, and peaceful resolution of heritage disputes.

European heritage and Baukultur as a generator of future heritage

We need to approach heritage in all its complexity, from architectural heritage, which includes not only individual exceptional monuments but also urban context, landscape and sense of place, to intangible cultural heritage inextricably linked to the community, its identity and represents characteristic traditional knowledge and wisdom in society.

Heritage plays an essential role in the quality of life of Europeans, so we need to cultivate an approach that focuses on individuals and the community, emphasising cultural aspects and the knowledge accumulated in heritage. In addition, current European initiatives highlight several cross-cutting themes seeking to achieve human well-being. These cross-cutting themes include sustainability issues, climate change (as a critical task of our generation), the European Green Deal, high-quality architecture (Baukultur) and the New European Bauhaus.