

UCLG CULTURE SUMMIT
CULTURE AND
SUSTAINABLE CITIES

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Cultural Rights in the City Ms. **Farida Shaheed**

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Ladies & Gentlemen, fellow travelers on the road to cultural rights;

It's an honour to address this august gathering, one already attuned to cultural rights which, after 5 years as Special Rapporteur in the field of Cultural rights, I can assure you is a true privilege.

Too many people still see culture as hermetically sealed manifestations. Like crystal shards, these may shine brightly and bedazzle us, but only reflect fragments of culture. Culture is like a prism through which we perceive – and are perceived by others – understand, respond to, and engage with our human, natural and manufactured environment, as individuals and collectives. It is how we assign meaning to our lives and what we think progress means.

Culture permeates all spheres of life: from dry legal texts to the vibrant colours and tempos of artistic endeavours; from our food, songs and dances, to art and architecture, science and technology, from the expansive urban cultural landscapes of mega-cities to quiet niches of small towns. Culture is the core of being human: it embodies our collective humanity, with all its fragilities and imperfections, creative geniuses but also darkneses, our pursuit of knowledge, innovation and pleasure.

Dynamic and vibrant, cultural processes are always sites for contesting, and for contested, meanings and values, jostling for acceptance in an ever-changing world¹. And nowhere is this more evident than in our cities. What makes cities exciting is not only the planned events and plethora of choices, but also the rich unknown: opportunities for spontaneous encounters when traversing public spaces; chancing upon a person, or a scene, an image, sound, or smell that triggers our imaginings, inviting us to engage and interpret even if in silent communion with ourselves.

City life stimulates thinking about ourselves, the other, our environment. In many ways, cities are like social synapses of humanity: centres receiving and transmitting a multitude of signals in which local governments, that govern public spaces for human interaction and engagement, creativity and contestation, are crucial.

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I am therefore deeply concerned about the over-commercialisation of our common public spaces, the subject of my report on the impact of advertising and marketing practices. But I am not the only one concerned and for example, just last week, in the NY Times, Matthew B Crawford, who had never heard of me let alone read my reports just two days ago, wrote:

“Attention is a resource; a person has only so much of it. And yet we’ve auctioned off more and more of our public space to private commercial interests, with their constant demands on us to look at the products on display or simply absorb some bit of corporate messaging. Lately, our self-appointed disrupters have opened up a new frontier... to boldly dig up and monetize every bit of private head space appropriating our collective attention. In the process we’ve sacrificed silence – the condition of not being addressed. And just as clean air makes it possible to breathe, silence makes it possible to think.”²

¹ See A/HRC/14/36.

² Matthew B. Crawford, *“The Cost of Paying Attention”, The New York Times*, accessed 13 March 2015.

So yes, we need to protect ourselves from the constantly increasing bombardment of our senses, especially in our urban settings. And I urge municipalities, urban planners and local government to prioritize this matter. I realise that there is a financial crunch everywhere, and that advertising is a means of generating revenue, but we must ask: At what cost?


Commercial messaging impacts the cultural and symbolic landscapes we inhabit. This constant messaging can deeply influence people's philosophical beliefs and aspirations, cultural values and practices, from food consumption models and burial rituals to beauty canons and what we think development is (and should be) It pushes us to shed our colourful cultural diversity and reach unthinkingly for the drab monotones of sameness, even when advertised as united colours. Cultural perceptions are shaped by the stimuli we receive; and an overdose of advertising pushes us to envisage a specific vision of the desirable as more and bigger, and what others have.

Of deep concern is that mass commercial messaging, always aiming to sell both ideas and specific tangibles, increasingly resorts to intrusive and subliminal techniques that by-pass our normal thinking processes. Cities that wish to protect cultural diversity, as stated in [Agenda 21 Actions](#), must protect their societies from undue levels of commercial advertising and marketing, and ensure that public and civic spaces remain spheres for deliberation, cultural exchange, social cohesiveness and diversity, places for debate and discussion, artistic and other self-expressions.

I am also deeply concerned at the seeming displacement of spaces for artistic expressions by advertising as well as by the differentiated treatment of artistic expressions that may not have prior authorisation as compared with how illegal billboards and advertising are dealt with. Some local authorities have even set up emergency numbers so that graffiti artists can be picked up within minutes and fined or even imprisoned. No parallel measures seem to be in place for illegal billboards and hoardings which stay in place obstructing views or jarring the senses, even for years after a complaint is filed. I understand that one reason illegal billboards remain in place for so long is due to the complexity and division of responsibilities amongst local government structures. I sincerely hope the cities of culture will help to redress this imbalance and strengthen the cultural rights of all.

I applaud Culture 21 Actions affirmation that "cultural democracy is an essential element of active citizenship" but of course cultural democracy can only be achieved by ensuring the cultural rights






of all: meaning the right of every child, woman, man and otherwise gendered person, to access, take part in and contribute to cultural life. Cultural rights concern human creativity: being able to create, whether in the form of scientific and technological advances or artistic expressions, being able to access these creations and benefit from the creativity of others while enjoying the moral and materials benefits of creation. In turn, this implies ensuring that everyone has the opportunities as well as the material and social wherewithal – including knowledge and technology – to not only access cultural life in all its aspects but also to participate in and contribute to cultural life.

» **CITIES THAT WISH TO PROTECT CULTURAL DIVERSITY (...)
MUST ENSURE THAT PUBLIC AND CIVIC SPACES REMAIN
SPHERES FOR DELIBERATION, CULTURAL EXCHANGE,
SOCIAL COHESIVENESS AND DIVERSITY.**

I welcome the Agenda's proposal of a "multi-actor governance frameworks", and the development of cross-cutting forms and multi-level governance frameworks. The proposal for cultural impact evaluations for urban planning is an excellent idea that can have a long-reaching impact, and I hope this is taken forward.

Cultural rights, I must stress, are not restricted to those who identify as artists (or scientists) but entail the rights of all people to cultural creativity and expression, including the right not to participate in aspects of culture that undermine human dignity, to leave, join and create new communities of shared cultural values, without fear. Education should therefore nurture children's creativity and self-expression, but equally instill critical thinking and a spirit of inquiry. Our municipalities have a vital role in making available opportunities and venues for all persons – young and old – for creativity and self-expression, in ensuring spaces that promote pluralism, debate





and dissent, enabling access as well as engagements with others: people in other cities – near and far – and in narrowing the rural-urban inequality of opportunities and recognition. It is important that exchanges be multi-directional: not just bringing people from the peripheries to the centre but encouraging those in the centres to engage in the cultural life of the peripheries.

Local governments should protect people's right to express themselves freely, assure the conditions necessary for everyone to continuously engage in critical thinking about themselves and the world they inhabit, and facilitate opportunities and wherewithal to interrogate, investigate and contribute new knowledge, ideas, expressions and innovative applications, regardless of frontiers.

A word of caution on tourism: From a human rights perspective, tourism should not folklorise people and their cultures into exotica to be performed for others rather than lived dynamically; local communities must be fully involved in the planning, implementation and review of initiatives; and people's whose culture is used in tourism must be primary beneficiaries, and not just benefit tangentially.

I completely agree with the Culture 21 Actions that Local government should identify and tackle discrimination of all kinds in the provision of not only access to services, but facilities for creativity and self-expression.

For persons with disabilities, local governments must ensure access to events and facilities, for example ensuring wheelchair accessibility, sign languages and oral facilitation in cultural spaces. Progress in this area is still slow but starting to become visible. However, representatives of persons with disabilities stress they do not wish to remain mere consumers of cultural life; they also desire to be contributors to cultural life. In Sao Paulo, I was impressed by an initiative that brought together the visually challenged with the visually talented in which the latter helped give concrete shape to the artistic vision of the former; and in Moscow, the Mimic Theatre is a vibrant example of artists with diverse impediments contributing to the cultural life of society as a whole. Unfortunately, such initiatives remain rare, and far more needs to be done.



For women, in addition to Culture 21 Actions, local governments can promote access and participation by adopting simple measures, for instance, ensuring event timings suit women, arranging childcare facilities, and, sorry for being so mundane, but providing adequate toilet facilities – believe me this makes a huge difference for access and participation. Local governments should take steps to ensure that night-times are safe in all areas of the city and in the countryside. Specific barriers for other groups should be identified, examined and addressed.

Embodying our joy and our fears as well as our hopes for the future, culture helps us overcome adversities and trauma. Cultural interventions can provide important means of building solidarity and understanding amongst all the people residing in the city. When cultural processes allow meaningful interactions amongst diverse people they can be a window that helps us move beyond cultural silos in both post-conflict situations and divided societies, and of course, all societies are divided in one way or another. Cities can provide critical spaces for such engagements.

I wholeheartedly support the concept of an engaged local citizenry participating in decision-making and the notion of partnerships to carry forward the Culture 21 Actions' nine sections – to which, allow me to add some thoughts.

» **CULTURAL RIGHTS ARE ABOUT (...) ENSURING THE CONDITIONS NECESSARILY FOR EVERYONE TO CONTINUOUSLY EXERCISE HUMAN CREATIVITY, CREATE CULTURAL LIFE AND MEANINGS.**

In terms of heritage, diversity and creativity: I believe that local cultural policies should not merely be situated at the cross-roads of the symbolic and the expressive, but take into account the functional and providing spaces for experimentations, chance encounters and social interactions.

Cities, their physical plans, policy frameworks and rules are crucial for facilitating much-needed – and inevitable – dialogues between 'tradition' and 'modernity'. But we should be remember that, as my social-psychologist friend, Ashish Nandy, says: "The greatest tradition is the tradition





of reinventing tradition.” Like culture itself, traditions are never static, they are constantly being reproduced by everyday praxis; their shape and significance both change, albeit sometimes too slowly for us to note in our lifetimes. What was a tradition yesterday may no longer be one today, and what is even radically innovative today may later become a tradition.

Cultural rights are not about preserving culture or cultural heritage per se but ensuring the conditions necessarily for everyone to continuously exercise human creativity, create cultural life and meanings. What is important is to enable discussions and debates, and to avoid being diverted into discussions of what is a tradition, or what makes something an ‘authentic’ tradition. In any case, not everything from the past is something we want to continue into the future, as I can guarantee as a woman. The importance of cultural heritage lies not in what happened in the past so much as how we interpret that past today, and what we want to leave as legacies for the future.

All physical heritage has an intangible aspect, and it is essential that our cities and policies enable and support multi-voice narratives of the past, present and desired future. Cultural rights mean the right to challenge as well as maintain, enjoy and further develop cultural heritage. Local governments should consider who is reflected in city-scapes and who is invisible and find ways for its residents and visitors to encounter – and hopefully fruitfully engage with – divergent, even conflicting, accounts of who we are.

Artistic expressions – whether by artists and cultural professions or amateur enthusiasts and general citizens – help us to explore the boundaries of received wisdom and create new meanings. City governance can either greatly facilitate or obstruct artistic creativity. Local authorities are pivotal for ensuring artistic freedoms, especially in terms of providing spaces for expression and enabling rules for public access and participation. Of course, artistic expression may challenge existing norms and beliefs and sometimes provoke angry responses from some people. But the freedom of expression must still be guaranteed, including when necessary by protecting the artists through security measures.

» JUST AS CITIES NEED GREEN LUNGS, I BELIEVE THEY ALSO NEED ‘RAINBOW LUNGS’ OF SOCIAL DIVERSITY.

More generally, I think we must ask ourselves what development means. Just as everything from outside is not better than what is produced locally – both tangible and intangible –, bigger is not always better; faster is not equivalent to being effective or bringing about understanding. Nor is more and more of everything necessarily a good thing. It is certainly not sustainable, nor do I think desirable. It saddens me to see city after city refashioning itself into a uniform mould of ‘modernity’, bleached of distinctive characteristics. I think we should fiercely defend our cultural diversity which is crucial for the wellbeing of humanity, taking a lesson from agriculture: years of monoculture on the land deprive it of essential nutrients for growth, and without diversity in cropping, eventually the land itself dies. Just as cities need green lungs, I believe they also need ‘rainbow lungs’ of social diversity.

The models of development we pursue should empower people and communities. Multi-actor governance frameworks that enable people’s right to take part in decision-making about public spaces, plans and fund allocations should ensure the human rights, including cultural rights, of all on a basis of equality and without discrimination.

To overcome the global challenges of today, we must reorient our dreams to be sustainable, with cities energised by green and rainbow lungs, and harness our creativity in pursuing these new



dreams. It is not enough to ask how culture can help to eradicate poverty, be a driver of the economy or promote sustainable development. We actively must work to ensure that, for example, the Post 2015 development agenda includes cultural rights as an objective and has indicators that assess (i) inclusiveness in planning and implementation; (ii) the ability of all to access, participate in, and contribute to cultural life as an inherent component of development.

Dear fellow travellers, we all have considerable learning to do: as citizens, as local authorities and other levels of government, as planners and regulators, as civil society actors and academics. Still, I believe we are making progress, which is good. When I assumed my mandate some 5 years ago, hardly anyone, including civil society actors, worked on cultural rights: people worked on culture or on human rights. I see a slow sea-change starting to take place: a growing recognition of the essential nature of cultural rights as empowering rights which facilitate many others. States, too, have come around to a better understanding of the vital nature of cultural rights and what these mean in practical terms.

Let me end by congratulating **Culture 21** and **UCLG** for the marvellously ambitious, but much needed and timely, **Culture 21: Actions** agenda, and express my deep appreciation of all those associated with the UCLG and Culture 21 here and elsewhere, for being the vanguard of cultural rights activists. Even if only half of Culture 21 Actions become a living reality in the coming years, I believe you will have accomplished a crucial paradigm shift in promoting human rights and cultural rights in particular.

So congratulations, I wish everyone inspired creativity in taking forward the agenda, and thank you for this opportunity and thanks to the city of **Bilbao** for hosting this event and its warm hospitality.



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