



CONVERSATION

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**LUCA
TRIFONE**

Ladies and gentlemen, good evening.

Let me thank you for this session. Thanks to the city of Izmir, for hosting us and organising this wonderful event. This is a very important session because we will be talking about the Rome Charter together with Karima Bennoune, Luca Bergamo and other speakers.

I am not afraid to say that actually the Rome Charter is extremely important. It is a milestone in the protection of cultural rights because it enshrines and widens the UN Declaration of Human Rights, which contains a small part on cultural rights, but also because since the Charter was approved, its contents have been recalled in every single document that came after.

This year I had the pleasure and the honour to chair the U20 as a sherpa. There is a part of the U20 final declaration devoted to culture. Not only Italy devoted a whole ministerial track of the G20 to culture; but some of the content of the Rome Charter are included in the final [U20] Rome Declaration.

Why is the Rome Charter so important? Because it empowers cities to guarantee cultural life as a key pillar of human development. Together with sustainable development, it is extremely important because, above all, in this particular year, in these particular times, Covid has entered into our lives, and the way out of the pandemic is not only a matter of health or an economic matter, but is also a matter of human development.

In this respect, acknowledging culture in everyday life and protecting culture can be really a turning point. On a more general viewpoint, it is important because the Charter explicitly includes the protection of minorities, women, different cultures, all diversities, and children. I would also like to point out what we could call the subtraction of culture, the disappearing of culture - a phenomenon that has always existed in human life, and that we, unfortunately, have the bad luck of witnessing day by day in present realities, such as Afghanistan. The Rome Charter also deals with the importance of culture as an economic return for cities, which is also a very important issue.



I would like to introduce our speakers, Karima Bennoune, connected from remote, Special Rapporteur of the UN on Cultural Rights, and Luca Bergamo, present here [UCLG Culture Summit main venue, in Izmir], former Vice Mayor of the City of Rome and, in some ways, father of the Rome Charter; he has probably contributed more than others to build this new reality to implement the Charter. It would be important, in my opinion, to have some messages from Karima and from Luca in the light of their experience and how they emphasise the Charter in their everyday life, in their task, .

I would like to ask some questions to Luca and Karima. Firstly, what is the relevance of the Rome Charter on cultural rights in the face of the recovery and the shaping of the UCLG Pact for the Future? Karima, the floor is yours, thank you.



**KARIMA
BENNOUNE**

Thank you very much.

Good morning, good afternoon.

I am so sorry not to be able to be with you in person, dear colleagues, but very pleased to be with you remotely.

I am so happy to have this opportunity to speak about the importance of the Rome Charter, which is something that I have cited in my own reports for the UN Human Rights Council.

One of the key messages from the Rome Charter, which is also very dear to me, as a professor of International Law, is the emphasis on the legal duties of governments at all levels, based on article 27 of the Universal Declaration of Human Rights, based on article 15 of the International Covenant on Economic, Social and Cultural Rights. The duty to ensure the right to take part in cultural life for everyone without discrimination. We are reminded that this is not a luxury, this is a legal obligation as well as a human necessity.

I think that many of the messages in the Rome Charter I try to echo in the culture's framework in my report on Covid-19 and culture, including the importance of consultation and the Charter itself is based on consultation. The idea that the decisions that we make now will determine the future of the 21st century, how we defend the cultural rights now, during and after the pandemic, will be defining of how those rights are enjoyed for years to come.

The importance of rights-based approaches and I am very pleased that the Rome Charter emphasises indeed rights, and of course the importance of solidarity. I think the language of the Charter is very inspiring, it reminds us that through our values and creative actions we shape this city of stones and dreams, and I think shaping that city really necessitates a human rights approach, a cultural rights approach.

**LUCA
TRIFONE**

Thank you, Karima.



Luca, I'm actually a lawyer too, and the problem of legal duties that Karima just pointed out has always been striking to me.

I would like to hear about your experience in the Charter, but I would like also to have your opinion, and Karima's as well, about the protection that the Charter is supposed to have and if there is a possibility that, of course not in a near future, there will be dedicated prosecutors for the criminal offences against cultural rights. That is something that can find its roots in the Rome Charter but also in the G20 declaration.



**LUCA
BERGAMO**

I would put it this way: most constitutions, and to this end, not the declaration itself, state that there is responsibility for the implementation of the rights and duties that they state. The Italian one has a very powerful article, the number 3, which refers to the duty to remove the obstacles that impede human development and social participation.

As Karima says recalling the Universal Declaration and putting rights at its core, the Charter strongly emphasizes the legal duties of governments, but also introduces the cultural and political implication of those duties and the related responsibilities. Working at the Charter's text we aimed at pointing out both and at showing that the large part of that responsibility bears in the shoulders of the local authorities because the city is where people live, and whether those rights can be enjoyed or not is part of and depends on, the everyday life that people live in their communities. To this end, people's empowerment is essential, and the Charter provides key views about the implication of those rights, both to empower government to develop adequate policy and people to hold government accountable.

That is why I think the Charter has a very important political role. To be clear on this, the Human Rights Declaration states that everyone has the right to freely participate in the cultural life of the community, enjoying the arts and sharing the scientific benefit and advancement. "Freely" implies, on one hand, the democracy or the system, and on the other hand, equal opportunities for all – because what is freedom without equal opportunities?

In the face of growing inequalities – which are not only economical, just think of those generated by the urban shape and how cities develop – "freely" implies that when you plan the city development, you need to consider how the cultural life can develop and how participation can actually happen in the not too far from where people physically live (i.e. just compare the cultural offer in urban centres to that in suburbs of metropolitan villages). If it is "freely", then you cannot think of bypassing the social dimension, enshrined in the declaration, because it impacts on the cultural life of the community and the individual freedom to take part in it.



After the 2nd World War, they, our predecessors, became aware that living cultural experiences together is one of the conditions for the generation of social capital and therefore, the creation of social bonds. That's why art 27 speaks about the participation to the cultural life of the community, while asserting that it must be free. I implore to not even think, that human experiences done by sharing the cultural ones, can be replaced by digital ones; the available and foreseeable digital experiences don't build that kind of community, they can foster or prevent it.



So, the Charter tried to put together these things, somehow put an end to a season during which participation in cultural life has only been seen as a commodity, state that there are responsibilities and responsible to its enjoyment and then, provide tools, powerful tools, by bringing the Amartya Sen and Martha Nussbaum's approach of capabilities into the cultural policy. The charter identifies 5 major capabilities that can be seen as a kind of perimeter wall foundation while designing urban development and cultural policy. They should not be understood as a directory to organise good practices, because every culture and every situation must be understood and dealt with the way it is. The Charter does not tell how to do things, but recalls that everyone has the right to discover, to create, to share, to enjoy, to protect... But the capabilities are powerful tools to analyse every context, assess it, question what the impediment are, and how overcome, and envision your original way to progress developing adequate strategies. For each one, equally enjoy the right to participate in culture. So, there is a very strong connection with the legal dimension, but I also think that there is a strong call to political responsibility and to real democracy.

**LUCA
TRIFONE**

Thank you, Luca.

We shifted actually in a very natural way to the implementation of the Charter. It is absolutely clear the importance of the implementation from the intervention of Karima and Luca.

I would like to ask you how can public authorities fulfil their duty to support inhabitants to Discover, Create, Enjoy, Share and Protect culture? On the implementation, in your personal experience, administrative experience, which have been the biggest challenges?

**KARIMA
BENNOUNE**

There are many challenges that, I think, need to be addressed.

One that I think we can never forget, as Luca emphasised, is about the word "freely" from the article 27 of the Universal Declaration of Human Rights. This includes the ability of cultural rights defenders to be able



to do their work freely, that is, those people who are working to implement cultural rights for all. They face many human rights challenges in many different contexts in every region of the world. I would ask that we all do all that we can to ensure their human rights and certainly to work for the freeing of those who may be imprisoned for doing this work. Unfortunately, there are many such cases around the world, but because I have the honour to address an event which is taking place in Turkey, I might mention one case: the case of Mr. Osman Kavala, a Turkish cultural rights defender who has been in detention for more than one thousand four hundred days now. There are many other examples that one could give, but I think one of our key tasks in making sure that we realise the Rome Charter is to support the human rights of those who are working to implement it on the ground in many contexts around the world.



I also think, in terms of implementation, as the Charter makes clear, we need policies, effective policies, and we need adequate resources, not just rhetoric. And that, I think, is also critically important. When I think of some of the major challenges that I have seen to the implementation of cultural rights around the world in my near 6 years in the mandate now, I think that the lack of adequate resources devoted to culture, both at the national and international levels, as well as the local levels around the world, has really been at the top of the list. If we don't address that aspect, I think it would be very difficult to make progress.

I also very much appreciated the point about accountability. We do need accountability for violations of cultural rights. I made this point clear, both to the General Assembly and the Human Rights Council at the UN, that we will make sure that these rights are taken seriously, only when there is actual accountability, whether is legal accountability, political accountability or other forms of accountability, for such violations. I think that this is also a very significant challenge that we need to address.

I will just finish quickly with what I see as one of the most significant challenges faced in by cultures around the world right now, which is the challenge, of course, of the climate emergency, which is really an overwhelming threat to cultures in some places, existential, where we literally have entire societies that may disappear in the sense that their territory may be submerged and their entire population may have to move elsewhere, but we also see so many of our cities threatened by extreme weather in ways that have a very negative impact on cultural life and cultural rights, and I am very pleased about the emphasis on the Rome Charter on sustainability. I think this is a critically important issue for the cultural rights mandate to take up in the future, but I think if we apply the approach of the Charter, if we apply a human rights-based and cultural rights-based approach to these issues, that the optimism expressed by the Charter that is to imagine the future in hope, is indeed very possible.

I think I remember what an Afghan woman once said to me: optimism is key to survival. So, I think that with the right strategies, working together in collaboration, we have every reason to believe that we can achieve that future in hope, thank you.



**LUCA
TRIFONE**

Thank you, Karima. Extremely important points. One can speak ages about every one of them.

I would like to hear what Luca thinks. The points I would like to highlight are the adequate resources, funding and accountability, which are really important. But probably more, is the climate emergency and the link with the safeguard of cultural heritage, which Italians are witnessing very close with important cultural heritages.

**LUCA
BERGAMO**

The Charter has been materially written by a small team, but it has been discussed by 45 cities, 45 international networks, more than a hundred experts, and then brought to the UCLG Executive Bureau for a first debate in May 2020, later to a Global Hybrid Conference in October and then to the final adoption at the UCLG World Council in November 2020.

Let me highlight one point Karima was making and I consider fundamental.

An important progress we make with the Charter is to actually link the human rights dimension with the sustainability dimension, because sustainability is an outcome of people behaviour, which yes includes decision making, making money, but it extends to everyday people behaviour, and unless there is an emancipated humanity, with an ethic that leads to sustainability, it is very hard to imagine that we change way of living. And our ethic is forged by the experiences that we live together with the others, among which the cultural are most important because they connect us each other, first and foremost by provoking common emotions on which basis we can elaborate shared meanings. Therefore, it is essential to do that work – empower people to be citizens in a sustainable world - in parallel with the one that is more political decision making, legal, and so on.

The Charter clearly connects to that dimension. What are the implications on culture of climate change that you are asking me, and Karima was highlighting? They are immense because climate change threatens the life, the survival of our species, it threatens culture... There was a wonderful expression from Edgar Morin. It says we are not 50% cultural and 50%



biological, we are 100% cultural and 100% biological: think about birth and death and what we have built around death, as we did around eating, defecating, smelling, ... Threatening human life, is threatening cultural one. Without humans, Arts or Science or Traditions have no meaning.

I think that the Charter, if it is seriously taken, provides a different scenario for decision makers and the society to look at the way we, as humans, develop our capacities to be citizens in a society that is not committed just to consumption, but to a dignified way of considering ourselves in relation with each other.

That takes time, and the problem is that we do not have much time. This is the dark side of things. But it seems to me that the pandemic has provided the wind which may



I allow this cause to move ahead, a wind which was not there before. It is important to push the accelerator as much as possible in this moment of broadening changes.

Again, the changes that we are talking about are largely in the hands of local governments decision making, not all of them, but many of them, and the issues of resources, which has been on the scene for a long time, cannot be solved unless we follow the philosophy of the Charter, which is considering culture not as “goods and services” to spare time, but considering cultural life as one of the fundamental experiences that shape our citizenship.

We shall reach the understanding that cultural rights are equivalent to universal education rights. If we come to this understanding, then the resources issue might probably be faced in a different way, not just a minority advocating for money to a sector, but as representatives of a societal push for having adequate resources allocated to a fundamental sphere of life. And resources are not only money, are legal resources to move in that direction, as an example freedom of expression and creation effective legal protection. I think what we need and can do to address the lack of resources,’ is changing the balances on the chessboard, move cultural rights up in the scale of priorities, and the Charter is somehow trying to do this thing.

**LUCA
TRIFONE**

Thank you, Luca.

The suggestions are piling up dramatically, so I just want to pick up one of them: the popular endorsement of the Charter, a need that you highlighted, means to reach out to the people and that the people feel part, feel free, feel that cultural rights are their own and they have to protect them.

In this respect, I would go to the last question:

In your personal experience, as administrators, which innovative projects related to the Rome Charter are being implemented in cities and territories? Has there been successful ones and why, and unsuccessful ones and why?



**KARIMA
BENNOUNE**

In some ways I think that this question is perhaps better answered by those within city administrations, but I can tell you, from my perspective as a Special Rapporteur on Cultural Rights, at the moment I am especially inspired by those cities, which I think really guided by values mentioned in the Rome Charter, have opened up themselves as safe havens to those from cultural institutions, cultural workers and artists fleeing from Afghanistan, and I really thank the cities around the world which have started to do this and I hope that other cities will emulate this approach very quickly.

I think it very much inspired by the generosity and the spirit of inclusion that is underscored in the Rome Charter. We are seeing literally hundreds of cultural workers and artists who have to flee Afghanistan. I know one organisation is working with the list. Just one organisation above 800 hundred cultural workers and artists who need to flee and I think cities can play a leadership role in this regard, pushing their governments, first of all to accept refugees and to make sure that they are including people from the cultural sector in any programmes for resettlement, but also then, affording them the possibility to continue their cultural work in these cities, which are going to serve as safe havens.

I think very much that the spirit of the Rome Charter is similar to the spirit for example of the Afghan National Museum, who's motto is that a nation stays alive when its culture stays alive, so I think in the face of the overarching crisis that we have seen in Afghanistan, the cultural peace is critically important.

I am also very pleased when I have seen cities adapt approaches that focus on and emphasise the diversities of culture, and my final report for the General Assembly is going to be about cultural mixing and mixed cultural identities, very much informed by the writing of a Haitian poet, Stephen Alexis, who said we are all the children of an infinity of cultures.

That is certainly true for great cities like Izmir, at the host for this event, and it is true for so many cities around the world, and I am especially pleased when I have seen initiatives at the local level that reflect those



diversities, even as the context for our engagement with those diversities remains the context of the universal human rights framework, and I have tried to emphasise this organic relationship between respect for universality, the universality of human rights and respect for diversity.

Let me finally say, as I am ending my term as special rapporteur on 31st October 2021, how grateful I have been for the cooperation with cities and local governments around the world, and with UCLG, and how much I salute all the work that you are doing in these areas to implement the values and commitments of the Rome Charter. I look forward to our cooperation continuing in a different capacity in the future.



**LUCA
TRIFONE**

Thank you very much, Karima.

I think that one of the main goals of culture is to protect diversity, to protect the weak and to protect people actually being prosecuted, such as in the case of Afghanistan. Luca, you have probably found very diverse experiences implementing the Rome Charter and struggling to ensure freedoms of people.

**LUCA
BERGAMO**

The Charter exists because there is a massive number of experiences that have put in practice some of its principles. I see here sitting in the first line, Marc Villarubias (Lyon) who has great experience in the rehabilitations of social parts of Lyon, or if I go back, I also think in the experiences in Medellín, Bogotá, Malmö... Each city has somehow worked in order to deal with the issues that led to the principles of the Rome Charter.

I can give you one example that is related to my recently finished job in Rome, which makes sense in Rome, but not necessarily everywhere.

Rome is a strange city because it is a community of 2.8 million souls settled over a very wide area, more than 1,200 square kilometres. Moreover, the city dramatically expanded after the second War without urban plan therefore results of a kind of ante litteram urban sprawl, but within the city. Consider this fact: in Roma on an average squared kilometre lives a population of 2,100 while in Paris is as much as 21,000, ten times. Obviously, being Rome a very ancient city, most cultural institutions are in the heart of the city because the cultural institutions were originally for the elites, not for everybody. Therefore, if you live in a suburb and you want to attend to, or take part in any cultural opportunity proposed by a major cultural institution, you need to take your car, and, considering the transportation system in Rome, maybe drive 30 kilometres in urban traffic, which means obviously that those that are far from the opportunity, they less make use of it. Therefore, to mitigate that limitation to the free participation in the cultural life, we decided to place the public libraries, that were the only existing cultural infrastructures distributed in all territories, at the heart of the system that connect them with the major



cultural institutions, mostly through moral suasion but also with new obligations and incentives to cooperation connected to the funding. This way, we brought some of the major festivals, as a science festival, growing from 200 events in one place for a week, to 1,000 events over a month in 70 different places, mostly distributed across the city peripheral areas.

We institutionalised that cooperative approach to transform a set of organisations in a complex organism pursuing common aims, each in its specific domain. That's an example of how adopting a single principle led to practical decision.

I think we are largely done with our time, there are interesting speakers who can tell you their own version of their things. I just want to really join Karima to thank the cities and UCLG because without the cities together and without UCLG that works to put cities together, I would hardly see a sustainable world ahead, but on the contrary, what I have been witnessing in the last few years being an active part of UCLG life, gives me reasonable hopes.



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