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NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: Cultural heritage and heritage rights
in the context of sustainable development and the future of Europe
- *Policy debate*
(*Public debate in accordance with Article 8(2) of the Council's Rules of Procedure*)
[Proposed by the Presidency]

Following consultation of the Cultural Affairs Committee, the Presidency has prepared the attached discussion paper, which is submitted as the basis for the policy debate to take place at the Education, Youth, Culture and Sport Council meeting on 29-30 November 2021.

Cultural heritage and heritage rights
in the context of sustainable development and the future of Europe
Policy debate at the EYCS Council (Culture Ministers) on 30 November 2021

- Presidency discussion paper -

1. Cultural heritage and heritage rights

Engaging on cultural heritage, including its protection and preservation, helps protect identities for individuals and communities, serving as a basis for sustainable recovery and lasting peace, and thus contributing to the overall resilience of societies. In that respect, the economic, social and environmental aspects related to cultural heritage are crucial, and we must adopt an approach and concrete actions aimed at enhancing inclusive and sustainable development, including in terms of employment opportunities for local communities.

'Rights to cultural heritage' or 'heritage rights' are an inherent part of the right to participate in cultural life as defined in the Universal Declaration of Human Rights. This encompasses the right of everyone to benefit from cultural heritage and to contribute to its enrichment in the framework of public action. The right to cultural heritage is an individual right but is exercised when shared within a community.

2. The global context: Human Rights and the 2030 Agenda

The United Nations 2030 Agenda for Sustainable Development, adopted by the UN General Assembly in September 2015, includes under its Goal 11 a specific target, 11.4, that aims to 'strengthen efforts to **protect and safeguard the world's cultural and natural heritage**'.

On 6 October 2016, the United Nations Human Rights Council adopted unanimously a resolution calling upon all states to respect, promote and protect **the right of everyone to take part in cultural life, including the ability to access and enjoy cultural heritage**, and to take relevant actions to achieve this.

3. The European context: recent events in the area of cultural heritage and the right to heritage

The international conference ‘**The Right to Heritage as a Catalyst for Sustainable Development**’ (Ljubljana, 10-11 September 2021) focused on heritage as the intertwining of traditions and contemporary creativity. Various cultural backgrounds have continuously enriched heritage through human interactions. Today, as an expression of dynamic identities and creative processes, heritage is an essential building block of sustainable development. The conference highlighted the heritage dimension of sustainable development and facilitated debates on topics such as the exercise of heritage rights in cases of difficult heritage, the legal and administrative aspects of the right to heritage, the New European Bauhaus and high-quality Baukultur as generators of future heritage.

The **European Cultural Heritage Summit 2021** took place in Venice from 21 to 24 September and was organised by Europa Nostra and the European Union, in collaboration with the Slovenian Presidency and other European and Italian partners. The summit stressed the mutually reinforcing synergies between cultural heritage and peace building; sought to underpin a sustainable future for endangered heritage sites in Europe and beyond, including Venice and its lagoon; and promoted the Davos Baukultur Quality Principles via a debate on high-quality Baukultur. The main outcome of the summit was the **Venice Call to Action for a New European Renaissance**, which aims to integrate the transformative power of culture and cultural heritage into the strategic priorities for the reshaping of our societies. In order to do that, the call outlines a series of pressing challenges that Europe is facing (from the post-pandemic recovery to climate change) and stresses the vital positive contribution of culture and cultural heritage in successfully addressing them. The call puts forward 12 proposals that aim at unleashing the potential of cultural heritage for the European Green Deal, the New European Bauhaus and the forthcoming 2022 Year of European Youth, as well as for achieving the sustainable development goals and targets of the UN 2030 Agenda.

4. The Slovenian Presidency's approach to cultural heritage and heritage rights

The Slovenian presidency firmly believes that the **principles and values of heritage rights** play an important strategic role for the future of Europe. Therefore, building on the outcomes of the abovementioned Ljubljana Conference and Venice Summit, we would like to put a special emphasis on this topic and start a debate on heritage rights as an indispensable ingredient of our democracies. This particular aspect of cultural rights refers not only to archaeological, landscape and intangible heritage, but also to the heritage of knowledge.

At a time when Europe's countries, regions and cities are recovering after a long period of crisis, we should regain our sense of belonging and our shared cultural heritage and values. The **transformative power of culture and cultural heritage** must become the strategic priority for the reshaping of our societies, and promoting and protecting heritage rights is an effective way to achieve this goal.

Heritage rights are essential not only for the future of Europe but globally as well. On 21 June 2021, the Council approved conclusions recognising the key role of cultural heritage in promoting peace, democracy and sustainable development at global level¹.

¹ Council conclusions on EU approach to cultural heritage in conflicts and crises (document 9837/21).

5. Focus on Afghanistan

We cannot turn our back to what is going on elsewhere in the world right now, in particular in **Afghanistan**, where the Taliban's policies and measures are having a devastating impact on Afghan artists and creators (especially women) and constitute a serious threat to Afghan intangible and tangible cultural heritage.

So far, there has been no looting of museums or destruction of pre-Islamic cultural heritage in Afghanistan since the takeover by the Taliban. However, there is concern that this might change. An **EU Counter-Terrorism Action Plan on Afghanistan** (developed in coordination with Commission services, the EEAS, the Presidency and relevant EU justice and home affairs agencies) was released on 29 September and welcomed by the Justice and Home Affairs Council earlier in October. It sets out 23 recommendations for action. Action 22 focusses on fighting the 'Trafficking of antiquities'. It contains proposals such as an alert to the art market and border management authorities, asking them to exercise vigilance and due diligence with regard to cultural goods from Afghanistan. Another proposal is a comprehensive and temporary ban on the import of cultural goods from Afghanistan.

6. Questions for the policy debate

Against this background, we propose that EU culture ministers frame their interventions around the following questions:

1. What, in your view, are the most efficient ways to protect and promote heritage rights and sustainable heritage management in Europe and beyond?
2. What role should heritage rights play in the context of European Union action – both domestically and externally – regarding cultural heritage?
3. How can we facilitate the humanitarian admission of Afghan female artists who wish to leave Afghanistan to our Member States?