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CRESPIAL
Centro Regional
para la Salvaguardia
del Patrimonio Cultural Inmaterial
de América Latina

Av. Brasil A-14,
Urbanización Quispicanchi, Cusco
Cusco, Perú

+51 84 615477
contactenos@crespial.org
www.crespial.org

CONCEPT NOTE

Forum
"Connecting Living Heritage, Cultural Rights, and Sustainable Development from Latin America"

October 17-18
Lima, Peru
In-person and on-line

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1. INTRODUCTION

CRESPIAL, together with the UNESCO Office in Peru, is organizing the Forum "Connecting Living Heritage, Cultural Rights, and Sustainable Development from Latin America," which will take place on October 17-18, 2024, in Lima, Peru. The Forum aims to create a high-level technical space to reflect on the intersections and challenges between living heritage, cultural rights, and sustainable development, fostering dialogue among various perspectives of stakeholders working on these issues in the region.

At CRESPIAL, we understand that working for the safeguarding of intangible cultural heritage is, above all, about promoting the guarantee of the exercise of cultural rights by communities, peoples, groups, and individuals. Additionally, the different expressions of living heritage have shown us how to generate actions that meet "the needs of the present without compromising the opportunities of future generations." For this reason, under a human rights approach, it is essential to seek clearer connections between cultural rights, sustainable development, and living heritage, especially in Latin America.

In this context, the Forum seeks to be a space to highlight and deepen the articulation between Living Heritage, Sustainable Development, and Cultural Rights, in line with the spirit of the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage and the Final Declaration of the World Conference on Cultural Policies and Sustainable Development – MONDIACULT 2022.

Likewise, this space will allow for reflection from a regional perspective on the contribution, challenges, and opportunities of ICH to sustainable development and the exercise of cultural rights. These inputs can be leveraged in the process of regional consultations that UNESCO has begun in preparation for Mondiacult 2025, which will take place in the second half of 2025 in Barcelona, Spain.

2. CONTEXT

Latin America is a geographical space characterized by its great cultural, ethnic and linguistic diversity. Hundreds of worldviews, diverse systems of ancestral knowledge and wisdom coexist in the region, as well as practices and elements that constitute the fundamental part of the architecture of the identity of our Afro-descendant, indigenous, peasant, rural and urban peoples. At the same time, Latin America experiences a complex scenario of inequality, political instability, social inequality and environmental challenges.

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Likewise, in the international legal system of human rights there are different binding and non-binding instruments that address the issue of culture, cultural life, its enjoyment and the preservation of heritage as an inherent part of the life and development of individuals.

International human rights instruments addressing cultural rights

The Universal Declaration of Human Rights (1948), states in articles 22 and 27, that everyone has the right to freely participate in cultural life, to enjoy the arts and to participate in scientific progress.

For its part, the International Covenant on Civil and Political Rights (1966), maintains in article 27 that persons belonging to ethnic, religious and linguistic minorities have the right to enjoy their own culture.

At the same time, the International Covenant on Economic, Social and Cultural Rights (1966) recognizes in its article 15 the right of every person to participate in cultural life and requires the States Parties to take the necessary measures to guarantee the conservation, development and diffusion of science and culture of their citizens.

At the inter-American level, the American Declaration of the Rights and Duties of Man (1948), in its article XIII, establishes the right to the benefits of culture and guarantees the right to participate in cultural life. This right is also stated in the Additional Protocol to the American Convention on Human Rights or the Protocol of El Salvador (1967) in its Article 14.

Likewise, article 26 of the American Convention on Human Rights or Pact of San José (1969) obliges the State Parties to develop the pertinent actions to guarantee the progressive and full compliance with the norms linked to economic, social and cultural rights.

The Study on the Regional Situation of the Right to Culture in Latin America, prepared by the OAS and the UNAM University Program on Human Rights, maintains that there are a series of gaps in access to and enjoyment of cultural rights in the region, highlighting that "indigenous groups in the Latin American region show large gaps in inequality that place them in a situation of aggravated vulnerability in terms of the guarantee of all their cultural rights." However, it was not possible to observe data on the Afro-descendant people.

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Other instances in the United Nations

On the other hand, within the United Nations there are a set of mechanisms that monitor and contribute to the better application of cultural rights by the States Parties. Thus, the Council on Economic, Social and Cultural Rights has addressed this issue, and then appointed a Committee on Economic, Social and Cultural Rights to be responsible for establishing recommendations for the States.

In reference to the issue of Cultural Rights and their enjoyment, the Committee on Economic, Social and Cultural Rights developed General Comment No. 21, Right of everyone to participate in cultural life, in reference to article 15 of the International Covenant on Economic, Social and Cultural Rights (ICESCR).

The aforementioned general observation proposes a set of elements for understanding what should be understood as culture, as the clear expression of the humanity of individuals, in addition to clarifying the aspects linked to effective participation in cultural life from a rights-based approach.

“Culture includes, among other things, ways of life, language, written and oral literature, music and song, non-verbal communication, religion and belief systems, rituals and ceremonies, sports and games, methods of production or technology, the natural and man-made environment, food, clothing and housing, and the arts, customs and traditions, through which individuals, groups and communities express their humanity and meaning of life, and shape a worldview that represents their encounter with the external forces that affect their lives. Culture reflects and shapes the values of well-being and the economic, social and political life of individuals, groups and communities”
CESCR . 2009. General Comment No. 21. Paragraph 13

At the same time, General Comment No. 21 establishes minimum standards for States to ensure the full exercise of the right of every person to participate in and enjoy cultural life, outlining criteria of accessibility, availability, acceptability, adaptability and suitability linked to services, policies and actions for the preservation and promotion of culture as a human right.

The Special Rapporteur on Cultural Rights of the OHCHR

On the other hand, the growing concern of the United Nations human rights system for the issue of cultural rights has led the United Nations High Commissioner for Human Rights to have a Special Rapporteur for Cultural Rights.

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This rapporteurship has the mandate to observe the conditions under which cultural rights are accessed, their enjoyment and the preservation of their heritage.

"(…) the mandate on cultural rights has not been established to protect culture and cultural heritage in themselves, but rather the conditions that allow all people, without discrimination, to access, contribute to and participate in cultural life through a process of continuous development"
Report of the Special Rapporteur on cultural rights (9 August 2016)

In 2019, as part of its tenth anniversary, this rapporteur issued a report with a set of recommendations for States to consolidate the full exercise of cultural rights and guide the responsibility of States.

The UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage 2003

It should be recalled that the preamble to the 2003 UNESCO Convention states in its first section:

"Referring to existing international instruments on human rights, in particular the Universal Declaration of Human Rights of 1948, the International Covenant on Economic, Social and Cultural Rights of 1966 and the International Covenant on Civil and Political Rights of 1966"

At the same time, Article 2 of the 2003 Convention states: "For the purposes of this Convention, only intangible cultural heritage that is compatible with existing international human rights instruments and with the imperatives of mutual respect among communities, groups and individuals and of sustainable development shall be taken into account."

In this sense, several of these instruments highlight that cultural life and the enjoyment of cultural rights are an inherent and essential part of the construction of the identity, for this reason the preservation of cultural heritage is of vital importance not for its universal value, but rather for the particular value in the life of these communities who share a common heritage and decide to transmit it from generation to generation.

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3. OBJECTIVES OF THE MEETING

The Forum "Connecting Living Heritage, Cultural Rights, and Sustainable Development from Latin America" aims to:

- **Highlight and deepen** the points of articulation between living heritage, cultural rights, and sustainable development.
- **Strengthen** the ties between different actors in the region working in these fields.
- **Emphasize** the importance of safeguarding living heritage for the exercise of cultural rights by individuals, peoples, and communities.

To achieve these proposed objectives, the Forum aims to develop spaces for dialogue and debate on issues related to living heritage and cultural rights, living heritage and sustainable development; as well as to highlight the importance of cultural policies with a rights-based approach, understanding culture as a global public good, and providing a space for the exchange of experiences.

4. PRELIMINARY PROGRAM STRUCTURE

Day	Time	Preliminary Agenda	Format / time
Day 1 [October 17]	All day	Inaugural Ceremony	In-person – open to the public with registration **(09:20-09:45)**
		Keynote Speech by the Rapporteur on Cultural Rights	On-line – open to the public with registration **(09:45-10:30)**
		WEAVING HORIZONS: Panel: "Living Heritage and Cultural Rights. Challenges and Opportunities"	In-person – open to the public with registration **(10:45-12:30)**
		Panel: "Living Heritage and Sustainable Development. Opportunities for the Present and the Future."	In-person – open to the public with registration **(14:30-17:00)**
Day 2 [October 18]	Half day	Roundtable: Experiences, Paths, and Multiple Voices for Safeguarding	In-person - open to the public with registration **(09:00-11:00)**

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		Panel: "Cultural Policies with a Rights-Based Approach"	In-person – open to the public with registration **(11:00-13:00)**

4. Methodology

The proposed methodology for the panels consists of two stages: 10-minute presentations by each participant, followed by a round of questions from the moderator and the audience.

Inaugural Ceremony:	**Connecting Living Heritage, Cultural Rights, and Sustainable Development from Latin America**
Participants	• Guiomar Alonso Cano, UNESCO Representative in Peru • Owan Lay González, General Director of CRESPIAL
Keynote Speech by the Special Rapporteur on Cultural Rights (to be confirmed).	
Panel	**Living Heritage and Cultural Rights: Challenges and Opportunities**
Moderator	Owan Lay Gonzalez, CRESPIAL, Director-General
Panelists	• Deyvesson Israel Alves Gusmao, Director of the Department of Intangible Heritage of the National Institute of Historical and Artistic Heritage-IPHAN (Brazil) • David Aruquipa Pérez, cultural manager, activist, and researcher (Bolivia)
Panel	**Living Heritage and Sustainable Development: Opportunities for the Present and Future**
Moderator	• Soledad Mujica, director of the UNESCO Chair on Cultural Heritage and Sustainable Tourism.
Panelists	• Cristina Amescua Chávez, Director of the UNESCO Chair of Intangible Heritage and Cultural Diversity (Mexico) • Mónica Guariglio, Representative of the Inter-University Network on Intangible Cultural Heritage of Latin America and the Caribbean and director of the UNESCO Chair of Cultural Diversity, Creativity, and Cultural Policies (Argentina) • Cristina Gálvez Gómez, Head of the National Subdirectorate of Intangible Cultural Heritage. (Chile) • Miguel Hernández Macedo, Anthropologist, Specialist in Intangible Cultural Heritage (Peru)

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	• Patricia Balbuena, Professor, Specialist in Interculturality and Public Management (Peru)
Roundtable	**Experiences, Paths, and Multiple Voices for Safeguarding**
Moderator	• Miguel Hernández Macedo, Anthropologist, Specialist in Intangible Cultural Heritage (Peru)
Panelists	• Carlos Portilla, Representative of the Ibero-American PCI Network (Mexico-virtual) • Andrés Ugaz, Representative of the Patronage for the Callao Cuisine (Peru) • Blanca Gómez and Enrique Rincón, Representatives of the District Institute of Cultural Heritage (Colombia-virtual) • Newton Mori, Representative of Chirapaq, Center for Indigenous Cultures of Peru • Marisol García Apagüeño, representative of the Federation of Kechwa Chazuta Indigenous Peoples of the Amazon - FEPIKECHA.
Panel	**Cultural Policies with a Rights-Based Approach: Culture as a Global Public Good**
Moderator	Ines Ruiz, Head of the Chair on Public Policies and Cultural Management
Panelists	• Santiago Alfaro Rotondo, Sociologist, Professor at PUCP (Peru). • Angie Cruickshank Lambert, Ombudsman of Costa Rica. • Desireé Tozi, Director of Articulation and Governance at the Ministry of Culture (Brazil). • Pablo Molina, Director of the Directorate of Intangible Heritage of Peru.