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Presentation by  
**Alexandra Xanthaki**

**SPECIAL RAPPORTEUR IN THE FIELD OF CULTURAL RIGHTS**

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Good afternoon.

I am honoured to share with you my first report as Special Rapporteur in the field of cultural rights which focuses on development and cultural rights.

It was only two weeks ago, that I sat in Mexico city, in the Mondiacult conference organised by UNESCO listening to Ministers of Culture from around the world reassuring participants that culture is an indispensable part of development in general and in their state in specific, and that cultural rights should be valued in sustainable development. 150 states unanimously adopted a Declaration that reiterates the set of cultural rights that need to be taken into account in public policies regarding development.

**But a look at the facts draws a very different picture on the respect of cultural rights in development processes.**

States assessments are correct:

- cultural rights are indeed an indispensable part of any development, if it is to be sustainable.
- Cultural rights are essential for the development of each person and community, their empowerment, and the construction of their respective identities.

In several resolutions, the General Assembly has repeatedly made the link between development and cultural rights and has acknowledged the role of culture as an enabler and a driver of sustainable development. In its resolution [76/214](#), the Assembly recognized that culture is an essential component of human development, that it represents a source of identity, innovation and creativity for the individual and the community.

**But my report confirms that cultural rights are the big absentee from development discussions priorities, programmes and structures.**

The reality is that cultural rights are still side-lined in sustainable development strategies. In the name of a vague notion of the overall benefit that stems from the main model of development, cultural rights are currently being violated all over the world.

In the Bahamas, the development of the Barbuda Ocean Beach Club, developed by a US-based investors' company registered in Antigua and Barbuda and built by a US-based developer, has a detrimental impact on the cultural rights of the local populations. We shared our concerns with the relevant authorities, but regret that we have not yet received any answer from the States concerned.

In Tanzania, despite our repeated interactions with the State, reports continue to reach us alleging that in the Ngorongoro conservation area, there are plans for relocation, forced evictions, home demolitions and additional restrictions which will have affected no less than 82,000 people by 2027. The Masai and the local people were never adequately consulted, and in the name of nature conservation and development, their cultural rights to maintain, exercise and transmit a way of life and their understanding of nature conservation are severely damaged. No one asked them what their development aspirations are. It appears that Tanzania has not really taken measures to mitigate for such violations and we are still waiting to hear from authorities with whom we raised these concerns.

Over the years, my mandate has joined communications concerning the construction of hydroelectric dams and oil pipelines in a number of countries, not least Malaysia, Canada, Turkey, to name a few. The response of States has been varied even though all had serious consequences for the traditional activities of local and nearby established populations. In all of them, meaningful consultation, participation of all concerned in decision making processes that have an impact on their cultural life and free, prior and informed consent of indigenous peoples were lacking.

In the UK, the cultural rights of Latin American migrants are also still under threat. The Latin Village, a market that has become a hub for Latin culture where migrants can learn the language, eat traditional food, dance and express and develop their culture is still under threat of being destroyed in the name of 'urban regeneration'. Domestic legislation has been unable to deal with cultural rights claims and planning laws sidestep living cultures.

Development projects are rarely community led, so they rarely incorporate the values, the philosophies and the visions of local people. **People and peoples must be the primary beneficiaries of sustainable development processes.**

My report reminds States of the **legal obligations** they have undertaken to respect and protect cultural rights of individuals and communities, including in development processes.

**How can the states ensure that cultural rights are protected in development processes? Even more so, how can cultural rights act as a basis for more inclusive and yet more sustainable development?**

The report offers a clear roadmap:

- Cultural development must get its position as a **pillar of sustainable development** alongside the social, economic and environmental pillars.

There is a need to adopt a **human-rights-based approach** that includes cultural rights throughout the implementation and monitoring of Sustainable Development Goals. So far, the theory that culture runs through all goals and therefore does not need to be one goal in particular has failed. My mandate supports voices for the **inclusion of culture as a standalone goal in the post 2030 agenda**. And until then, we all have to start including cultural rights in the discussions on development.

- Sustainable development has to be tailored to the specific people at which it is aimed. Therefore, the **one size fits all** approach is not consistent with cultural rights. To be truly inclusive, alternative visions of development have to be considered, and local populations allowed to make choices according to their values, their cultures and philosophies.
- The visions of individuals and communities for their future is part of the expression of their identities. Hence, it is part of their cultural rights. Protecting, respecting and engaging with such visions is part of the obligations states have undertaken to respect cultural rights. It is not sufficient for development to be culturally sensitive or culturally appropriate; it should be contextualized to specific cultural environments and seek to fully align itself with the aspirations, systems and world views of the individuals and

groups most likely to be affected, even if that questions or challenges the economic development model championed by States, intergovernmental organizations and international financial institutions. People must be the primary beneficiaries of this process.

- Active, continuous and informed consultation with and participation of the individuals and communities in all phases of development, from the inception to the implementation and delivery, is part of the human rights obligations, found in Article 15 ICESCR and Art 27 ICCPR. Very often, civil society is included only in the implementation phase. In line with International human rights standards, real participation and ensuring that inequalities are reversed may require positive measures from States.
- The current sustainable development agenda recognizes the cultural sector as a source for further income. But cultural workers it should also be valued and seen as partners in formulating imaginative and forward-looking visions of inclusive sustainable development.
- In the preparation of my report, I also observed that the “international development cooperation” framework is still very much based on a dominant economic model and does not consider the values and ways of life of local populations. But one can see the seeds of change in the operation of global investment and trade bodies, with new guidelines and new ways of work under way. I believe this deserve more investigation and it will be the focus of my next report to the General Assembly.

In short, sustainable development needs cultural rights; and cultural rights cannot be violated in the name of sustainable development.

I look forward to the interactive dialogue.