



The Spirit and the Substance: the Human Dimension of Cultural Heritage From the Perspective of Sustainability

This is a pre print version of the following article:

Original:

Lenzerini, F. (2023). The Spirit and the Substance: the Human Dimension of Cultural Heritage From the Perspective of Sustainability. In L. Pineschi (a cura di), Cultural Heritage, Sustainable Development and Human Rights: towards an Integrated Approach (pp. 46-65). Abingdon/New York : Routledge [10.4324/9781003357704].

Availability:

This version is available <http://hdl.handle.net/11365/1253235> since 2024-04-18T12:46:56Z

Publisher:

Routledge

Published:

DOI:10.4324/9781003357704

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(Article begins on next page)

Abstract The *spirit* and the *substance* represent the two inseparable and interdependent constituents of cultural heritage. In most cases, it is the intangible component which defines the spiritual dimension of cultural heritage, while the substance is usually identified in its tangible component. In light of their interdependency, tangible and intangible cultural heritage are not two ontologically distinct categories of heritage but correspond to two interrelated facets of the same composite entity, which are contextually necessary in order to allow cultural heritage to properly produce all the benefits for which it is conceived, created and transmitted to future generations. It is exactly the combination of these two components which defines the *human dimension* of cultural heritage, because both its *spirit* and its *substance* are connected to human perceptions. Through properly promoting and valorizing its human dimension, cultural heritage may greatly contribute to the process aimed at pursuing the realization of the three main dimensions of sustainable development – i.e., the social, economic and environmental ones – as well as to its fundamental requirement of promoting peace and security.

3

The Spirit and the Substance. The Human Dimension of Cultural Heritage From the Perspective of Sustainability

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1 The Spirit and the Substance

For several decades the legal significance of cultural heritage has been mainly identified as being linked to its tangible dimension, which produces a value that is objectively perceivable and appreciable by the international community as a whole. This value is embedded in the substance of cultural property and in the perceptions it produces in terms of artistic, aesthetic, historical, ethnological or archaeological significance, which distinguishes it from “ordinary” objects and qualifies its worth as an asset to be preserved in the interest of present and future generations.

This understanding of cultural heritage has found expression in a number of international instruments, at the top of which the Convention Concerning the Protection of the World Cultural and Natural Heritage stands, ¹ defining the significance of cultural heritage by reason of its ‘outstanding universal value’ ² – making it ‘so exceptional as to transcend national boundaries and to be of common importance for present and future generations of all humanity’ ³ – hence worth preserving ‘as part of the world heritage of mankind as a whole’ ⁴.

The said perception of cultural heritage is incomplete and does not fully valorize the spiritual dimension of cultural heritage. This dimension – often invisible and sometimes obscured by the sparkling attractiveness of the material substance of the heritage concerned – is

represented by the value that an element of cultural heritage has for its creators and bearers as an essential element of their own cultural identity and distinctiveness and is often a necessary prerequisite for the effective enjoyment of human rights. Most elements of tangible cultural heritage contextually incorporate both the material and spiritual dimensions – the main exception being historical or archaeological heritage which is not representative of any cultural model existing today. Apart from this or similar exceptions, all manifestations of cultural heritage bear – to use different terminology – both a tangible and an intangible facet, whose protection and safeguarding should be guaranteed through a comprehensive, integrated and differentiated approach.

1.1 The Spirit

In most cases, it is the intangible component in particular which defines the human and *spiritual* dimension of cultural heritage. Article 2 of the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage defines the latter as

the practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artefacts and cultural spaces associated therewith – that communities, groups and, in some cases, individuals recognize as part of their cultural heritage. This intangible cultural heritage, transmitted from generation to generation, is constantly recreated by communities and groups in response to their environment, their interaction with nature and their history, and provides them with a sense of identity and continuity, thus promoting respect for cultural diversity and human creativity. For the purposes of this Convention, consideration will be given solely to such intangible cultural heritage as is compatible with existing international human rights instruments, as well as with the requirements of mutual respect among communities, groups and individuals, and of sustainable development.

It is worth reiterating that, as emphasized a few lines above, tangible and intangible cultural heritage are not necessarily two ontologically distinct categories of heritage which in the real

world and in the life of people can be separated from one another as entities pursuing distinct purposes. On the contrary, in most cases the expressions “tangible cultural heritage” and “intangible cultural heritage” refer to two interrelated facets of the same composite entity, which are contextually necessary in order to allow the latter to properly produce all the benefits for which it is conceived, created and transmitted to future generations. For instance, religious buildings may certainly be valuable for their “universal” – generally perceivable – architectural, artistic and/or aesthetic values; many religious buildings are inscribed on the World Heritage List for their outstanding universal value, either in the form of churches or cathedrals, mosques, temples, monasteries, and so on.⁶ At the same time, however, the same buildings have a spiritual significance that is immaterial and transcends the walls and the other material elements of the property, which is totally permeated by such an intangible component, for the fulfilment of which it was originally built. The *spirit* of those buildings rests in their function and capacity to realize a non-physical value, which corresponds to an important – often essential – component of the cultural and social identity for the people for whom they represent a place of worship, as well as of their very existence. This significance has been recognized, among others, by the International Criminal Tribunal for the Former Yugoslavia (ICTY), which has held that hostile acts against cultural heritage may be used as a weapon for persecuting the communities especially attached to it, when the heritage concerned is particularly significant for those communities and the perpetrators are guided by a discriminatory intent.⁷

The crucial significance of this dimension of cultural heritage finds further evidence in the connection existing between the latter and the effective enjoyment of a number of internationally recognized human rights. As emphasized by the UN Special Rapporteur in the field of cultural rights in 2016,

[c]ultural heritage is significant in the present, both as a message from the past and as a pathway to the future. Viewed from a human rights perspective, it is important not only in itself, but also in relation to its human dimension, in particular its significance for individuals and groups and their

identity and development processes. Cultural heritage is to be understood as the resources enabling the cultural identification and development processes of individuals and groups, which they, implicitly or explicitly, wish to transmit to future generations.⁸

In equivalent terms, the 2003 UNESCO Declaration Concerning the Intentional Destruction of Cultural Heritage stresses that ‘cultural heritage is an important component of the cultural identity of communities, groups and individuals, and of social cohesion, so that its intentional destruction may have adverse consequences on human dignity and human rights’.⁹ Of course, the human rights–related value of cultural heritage may be affected not only by its blatant destruction, but also by many other actions and situations, including its mismanagement, its use for purposes that are not compatible with the traditional usage of the heritage concerned by its creators and/or bearers, the fact of depriving the latter of their own cultural heritage, and so on.

The connection between intangible cultural heritage and human rights is particularly evident as a fundamental element of the identity of its creators and bearers.¹⁰ In many cases, however, this connection is also clear with regard to *tangible* heritage. To be more precise, and consistent with the approach followed in this chapter, one can argue that it is a connection which springs from the intangible dimension of tangible heritage. In other words, it is a *spirit which emanates from the substance*. One may think, for instance, of the right to freedom of religion and belief. In the words of the Human Rights Committee (HRC),

[t]he freedom to manifest religion or belief in worship, observance, practice and teaching encompasses a broad range of acts. The concept of worship extends to ritual and ceremonial acts giving direct expression to belief, as well as various practices integral to such acts, including the building of places of worship, the use of ritual formulae and objects, the display of symbols, and the observance of holidays and days of rest. The observance and practice of religion or belief may include not only ceremonial acts but also such customs as the observance of dietary regulations, the wearing of distinctive clothing or head coverings, participation in rituals associated with certain stages of life, and the use of a particular language customarily spoken by a group.¹¹

The HRC refers to a number of expressions and elements of both intangible ('ceremonial acts . . . [and] various practices integral to such acts') and tangible ('ritual . . . objects . . . distinctive clothing or head coverings') heritage, which are indissolubly amalgamated together to create a *cohesive whole* indispensable for the proper enjoyment of the right to freedom of religion and belief. In this regard, among the elements subsumed within the concept of cultural heritage, land and natural resources are certainly included, provided that they are culturally significant for a given community. This holds true, in particular, as regards indigenous peoples, who have, with their traditional lands and the natural resources contained therein, a relationship which is not 'merely a matter of possession and production but a material and spiritual element which they must fully enjoy, even to preserve their cultural legacy and transmit it to future generations'. **12**

Along these lines, the African Court on Human and Peoples' Rights has emphasized that

in the context of traditional societies, where formal religious institutions often do not exist, the practice and profession of religion are usually inextricably linked with land and the environment. In indigenous societies in particular, the freedom to worship and to engage in religious ceremonies depends on access to land and the natural environment. Any impediment to, or interference with accessing the natural environment, including land, severely constrains their ability to conduct or engage in religious rituals with considerable repercussion on the enjoyment of their freedom of worship. **13**

The Court has consistently concluded that, 'given the link between indigenous populations and their land for purposes of practicing their religion, the evictions of [an indigenous community from its ancestral lands] rendered it impossible for the community to continue its religious practices and is an unjustifiable interference with [its] freedom of religion', **14** giving rise to a violation of Article 8 of the African Charter on Human and Peoples' Rights. **15**

Other human rights whose enjoyment depends on the preservation of the relationship between an individual or a community and cultural heritage *include*, but are not limited to, the right to take part in cultural life, which actually presupposes an obligation for States to '[r]espect

and protect cultural heritage in all its forms, in times of war and peace, and natural disasters’, as well as to ‘[r]espect and protect cultural heritage of all groups and communities’;¹⁶ the right of minorities and their members to enjoy their own culture, as sanctioned by Article 27 of the International Covenant on Civil and Political Rights,¹⁷ and by customary international law, since ‘protection of the right to culture . . . requires respect for, and protection of, [the] cultural heritage essential to [a minority] group’s identity’;¹⁸ the (collective) right to property, intended as ‘the right of a people or a community [(especially an indigenous community)] to keep possession of the cultural heritage of particular significance for its cultural identity, to preserve the social and spiritual connection existing with such a heritage, as well as to transmit it to future generations;¹⁹ and the rights of indigenous peoples – conceived of as a holistic ensemble – since ‘the intervention in and destruction of [indigenous peoples’] cultural heritage entail[s] a significant lack of respect for their social and cultural identity, their customs, traditions, worldview and way of life, which naturally cause[s] great concern, sadness and suffering among them’.²⁰

The spiritual aspect is certainly the most intimate among the values inherent to cultural heritage. In some cases, it cannot be properly and fully comprehended by people who do not belong to the communities especially concerned. Sometimes the significance and use of cultural heritage is connected to knowledge which is kept secret by the community and even within the community, being an exclusive prerogative of shamans, medicine men, religious or other leaders. This is the reason why the only appropriate way of ensuring the adequate safeguarding of such an intangible heritage consists in properly involving the representatives of the peoples and communities concerned, who know better than any other persons – or who only know – the role played by said heritage within the community and the ensuing heritage-related needs of the latter.

1.2 The Substance

Johann Wolfgang Von Goethe once said that ‘a man should hear a little music, read a little poetry and see a fine picture every day of his life, in order that worldly cares may not obliterate the sense of the beautiful which God has implanted in the human soul’.²¹ Goethe referred to music, poetry and pictures, but one could easily replace these goods with, for example, monuments, sculptures and paintings, without altering the essence of the message conveyed by the quote. And, in any event, it is not in doubt that music, poetry and pictures are expressions of cultural heritage. The point is that there is beauty in cultural heritage, and the perception of such beauty produces appreciation for the heritage and, a fortiori, for those who have produced it. Cultural heritage produces empathy and cohesion among human beings. When we are in a foreign country admiring a beautiful building or piece of art, we feel a sense of unity and sharing of positive feelings with all other people who are with us. We are all united by such a feeling of admiration for cultural heritage, pervaded by a magical atmosphere which makes all differences (e.g. ethnic, racial, national, religious) irrelevant. The positive sensations produced by cultural heritage normally remain with us for a long time, if not for the rest of our life, and, in supporting, promoting and protecting such heritage we are united with all other people who, across the world, share the same feelings. Therefore, cultural heritage creates an invisible, but strong, line uniting all human beings, or a notable part of them. At the end of this process, cultural heritage becomes the *common heritage of humanity*, if not technically in legal terms,²² certainly in terms of ethical perception. It follows that cultural heritage – for its objective qualities as embedded in its tangible substance – becomes a source of individual and community enrichment, and this happens by means not only of one’s own heritage, but of the heritage of others as well.

When cultural heritage bears such outstanding qualities that its protection upgrades to becoming an interest of the international community as a whole, it produces significant implications in the context of international law, including in terms of the *responsibility* linked to its protection and preservation. Consistently, in his separate opinion attached to the ICJ’s Order of 18 July 2011 on the *Request for Interpretation of the Judgment of 15 June 1962 in the Case Concerning the Temple of Preah Vihear*, Judge Cançado Trindade emphasized that ‘the ultimate

titulaires of the right to the safeguard and preservation of their cultural and spiritual heritage are the collectivities of human beings concerned, or else humankind as a whole'.²³ Along the same lines, in the renowned *Al Mahdi* judgment, the International Criminal Court (ICC) highlighted that the destruction of mausoleums of saints and mosques in Timbuktu between 30 June and 11 July 2012 caused suffering for the 'international community [as a whole], in the belief that heritage is part of cultural life'.²⁴ With respect to the same instance of destruction, the African Commission on Human and Peoples' Rights also emphasized the special importance of those mausoleums and mosques, determined by the circumstance that they were 'classified by UNESCO as a world heritage and are a symbol of the greatness of Africa . . . an eloquent testimony to the significant role played by Africa in the history of humanity'.²⁵

The finding of the ICC in the *Al Mahdi* judgment echoed a position reiterated on several occasions by the ICTY, especially as regards the Old Town of Dubrovnik, in Croatia, whose 'outstanding universal value' was already certified in 1979, when it was inscribed on World Heritage List.²⁶ In light of the fact that the site was protected in the interest of the entire international community, in 2004 the ICTY found that the shelling of the Old Town perpetrated in 1991 by the Yugoslav forces resulted in 'a violation of values especially protected by the international community'.²⁷ As a consequence, '[t]he shelling attack on the Old Town was an attack not only against the history and heritage of the region, but also against the cultural heritage of humankind'.²⁸ In fact, the Old Town of Dubrovnik is to be considered as being of 'great importance to the cultural heritage of every people'.²⁹ While – as stressed by Article II.2 of the 2003 Declaration – the intentional destruction of cultural heritage in general is to be considered an 'unjustifiable offence to the principles of humanity and dictates of public conscience',³⁰ 'it is a crime of even greater seriousness to direct an attack on an especially protected site',³¹ in light of its special significance for humanity as a whole.

2 The Human Dimension of Cultural Heritage

There are different ways of conceiving the human dimension of cultural heritage. The most obvious approach consists of linking the expression ‘human dimension’ to the intangible facet of cultural heritage. However, according to a partially different perspective – consistent with the reflections developed in the previous section – both the *spirit* and the *substance* of cultural heritage are linked to human perceptions, due to the sense of belonging and identity usually determined by the former, and to the feeling of admiration and personal enrichment conveyed by the latter. As emphasized and reiterated in the previous section, most elements of cultural heritage are the result of an indissoluble combination of tangible and intangible components, which interact with each other in defining the value of the heritage concerned, including as regards its connection with human rights. Such a combination also determines the extent of the need to adopt an integrated approach in establishing the criteria and strategies for ensuring the protection/safeguarding of cultural heritage. The spirit and the substance, therefore, converge into a unique whole entirely permeated by human content. The reason why cultural heritage – together with human rights and nature – represents one of the three main *common goods* protected by international law ³² is that it is as equally necessary for human existence as the two other goods just mentioned. Maybe, cultural heritage is less necessary than human rights and nature in terms of *physical* existence, but it is definitely indispensable for the *spiritual* life of the human being, including from an inter-generational perspective. It follows that the *human dimension* is not a characteristic that cultural heritage assumes in the presence of certain conditions or when it is considered from a specific perspective. The human dimension is rather an *inherent attribute* of cultural heritage, certainly the most significant of its qualities in defining its importance under international law. While a growing number of authors advocate an ecocentric approach as regards the protection of the environment (*rectius*: nature), ³³ it is indubitable that still today the evolution of international law is guided by an anthropocentric attitude. This – without taking any ethical or ideological position on the debate of anthropocentrism versus ecocentrism – is what appears to this author as factual evidence. In this framework, while it can be discussed whether cultural heritage possesses inherent elements of

significance beyond its importance for humans, it is actually the latter quality which has elevated it as one of the paramount goods protected by international law. In other words, the element of cultural heritage that makes humanity particularly concerned with its protection and safeguarding is exactly its *human dimension*, which – as previously noted – permeates its whole “volume”. It is essentially its human dimension – as just defined – that delineates the roles played by cultural heritage in the different areas of interest of international law with which it interacts, including sustainable development.

3 (The Human Dimension of) Cultural Heritage and Sustainable Development

3.1 Working Concept of Sustainable Development

The working concept of sustainable development is the classical one formulated in 1987 in the *Brundtland Commission Report*: ‘development that meets the needs of the present without compromising the ability of future generations to meet their own needs’.³⁴ The Brundtland Report adds that, ‘[i]n essence, sustainable development is a process of change in which the exploitation of resources, the direction of investments, the orientation of technological development; and institutional change are all in harmony and enhance both current and future potential to meet human needs and aspirations’.³⁵ As is well known, sustainable development has three main dimensions – social, economic and environmental – as well as the fundamental requirement of promoting peace and security. *Social sustainability* presupposes that ‘[u]niversal human rights and basic necessities are attainable by all people, who have access to enough resources in order to keep their families and communities healthy and secure’.³⁶ *Economic sustainability* requires that

[h]uman communities across the globe are able to maintain their independence and have access to the resources that they require, financial and other, to meet their needs. Economic systems are intact and activities are available to everyone, such as secure sources of livelihood. ³⁷

Finally, *environmental sustainability* determines the imperative that '[e]cological integrity is maintained, all of earth's environmental systems are kept in balance while natural resources within them are consumed by humans at a rate where they are able to replenish themselves'. ³⁸ According to UNESCO, a fourth dimension should be added: *culture*. ³⁹ All such dimensions are strictly intertwined with each other.

In 2015 the international community operationalized such principles through the unanimous adoption by the UNGA of the 2030 Agenda for Sustainable Development, ⁴⁰ a 'universal call to action to end poverty, protect the planet, and ensure that by 2030 all people enjoy peace and prosperity'. ⁴¹ It consists of a comprehensive set of 17 goals, the Sustainable Development Goals (SDGs), and 169 targets, having the purpose of reducing poverty and improving health and well-being for all human beings by 2030.

3.2 The SDGs, Culture and Cultural Heritage ⁴²

The SDGs explicitly refer to culture only three times and to cultural heritage only once. In particular, in the context of SDG 4 ('Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all'), Target 4.7 pursues the goal to,

[b]y 2030, ensure that all learners acquire the knowledge and skills needed to promote sustainable development, including, among others, through education for sustainable development and sustainable lifestyles, human rights, gender equality, promotion of a culture of peace and non-violence, global citizenship and appreciation of cultural diversity and of culture's contribution to sustainable development. ⁴³

As regards SDG 8 ('Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all'), Target 8.9 recommends to, '[b]y 2030, devise and implement policies to promote sustainable tourism that creates jobs and promotes local culture and products'.⁴⁴ The only specific reference to cultural heritage is included in SDG 11 ('Make cities and human settlements inclusive, safe, resilient and sustainable'),⁴⁵ whose Target 11.4 urges all actors concerned to '[s]trengthen efforts to protect and safeguard the world's cultural and natural heritage'.⁴⁶ Finally, within the framework of SDG 12 ('Ensure sustainable consumption and production patterns'), Target 12.b proclaims the need to '[d]evelop and implement tools to monitor sustainable development impacts for sustainable tourism that creates jobs and promotes local culture and products'.⁴⁷ It may be noted how '[t]hese targets give light to the role that local heritage (that determines the cultural heritage) can play in this sustainable development framework'.⁴⁸

It appears that no much significance is attributed to cultural heritage in the context of the SDGs, and that '[t]he 2030 Agenda amounts to a minor step forward in the consideration of cultural aspects in sustainable development'.⁴⁹ This despite the fact that, before the adoption of the SDGs, a number of global networks, under the banner 'The Future We Want Includes Culture', campaigned for the inclusion of one goal specifically devoted to culture, or at least for a guarantee that culture and cultural heritage would play a prominent role of in the framework of the SDGs.⁵⁰ In any event, it may be reasonably asserted that culture and cultural heritage may provide a fundamental contribution to the achievement of any of the 17 SDGs:

- As regards SDG 1 (End Poverty in All Its Forms Everywhere), cultural services, expressions, and heritage can provide an important contribution to inclusive and sustainable economic development.⁵¹
- SDG 2 pursues the objective to 'End Hunger, Achieve Food Security and Improved Nutrition and Promote Sustainable Agriculture'. Cultural heritage, especially intangible heritage and traditional knowledge related to genetic resources, may represent a

formidable tool in developing sustainable agricultural and other food-production techniques, available even to the most disadvantaged sectors of the human society.⁵² For instance, one concrete measure would consist of '[b]uilding upon local knowledge and practices related to traditional farming, fishing, food gathering, and food preservation and incorporating them into modern practices instead of depending on imported foods'.⁵³

- In the context of SDG 3 ('Ensure Healthy Lives and Promote Well-Being for All at All Ages'), enjoyment of cultural heritage and participation in cultural life may actually improve living conditions and well-being.⁵⁴
- With respect to SDG 4, as previously noted, Target 4.7 makes it clear that promotion and appreciation 'of cultural diversity and of culture's contribution to sustainable development' may contribute to the building of a culture of peace and non-violence, tolerance and mutual understanding among peoples,⁵⁵ which, in addition to representing the fundamental requirement of sustainable development, would notably facilitate the effective realization of all its three dimensions.
- SDG 5 calls for 'Achiev[ing] Gender Equality and Empower[ing] All Women and Girls'. Culture and cultural heritage may contribute in various ways in accomplishing this goal. In particular, 'opportunities for women and girls to take active part in cultural life and lead their own projects'⁵⁶ would allow them to gain intellectual and economic independence and break the bonds of dependence on men. Also, cultural development would represent a formidable weapon to sweep gender-inequality stereotypes away.
- As far as SDG 6 ('Ensure Availability and Sustainable Management of Water and Sanitation for All') is concerned, as with SDG 2, certain elements of intangible cultural heritage and traditional knowledge 'can provide lessons towards fostering an appropriate, sustainable use of water-related ecosystems'.⁵⁷

- Equivalent considerations may be developed as regards SDG 7 ('Ensure Access to Affordable, Reliable, Sustainable and Modern Energy for All'). While traditional cultural methods probably do not fit with the idea of 'modernity', as it is commonly conceived, intangible cultural heritage and traditional knowledge may certainly help in developing means of energy saving and in promoting the sustainable use of (even modern) energy sources.
- Culture and cultural heritage, as emphasized by Target 8.9 reproduced above, are central in achieving the purpose of SDG 8, insofar as they can promote sustainable tourism, sustainable and fair conditions of employment and, a fortiori, economic growth.
- SDG 9 pursues the purpose of 'Build[ing] Resilient Infrastructure, Promot[ing] Inclusive and Sustainable Industrialization and Foster[ing] Innovation'. Cultural knowledge may be of help in developing 'processes aimed at research, development and innovation in a wide range of industrial areas'. **58**
- In the framework of SDG 10 ('Reduce Inequality within and among Countries'), enjoyment of cultural heritage and participation in cultural life 'can contribute to empowering and promoting the inclusion of all people, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status'. **59**
- Cultural heritage is explicitly attributed, by Target 11.4 reproduced above, a key role in the process of making cities and human settlements inclusive, safe, resilient and sustainable, which is the purpose of SDG 11. Cultural heritage is indeed fundamental in fostering sustainable development at the local level. **60**
- As previously noted, the importance of culture is also explicitly highlighted in SDG 12, particularly in Target 12.b. However, promotion of local culture is conceived of as an *end* of the goal, rather than a *means* to achieve its purposes. In reality, again, intangible cultural heritage and traditional knowledge may supply a significant contribution in this

respect, providing formidable models of sustainable consumption and production patterns.

- To a similar extent, intangible cultural heritage and traditional knowledge may play a fundamental role in taking urgent action to combat climate change and its impacts, which is the purpose of SDG 13. In particular, models of lifestyle and use of natural resources typical of traditional communities, particularly indigenous peoples, may typically provide formidable lessons of sustainable life. These lessons, if imitated, would notably decrease the impact of human activities on the environment, leading to notable positive results in the context of the fight against climate change.
- Analogous considerations may be extended to SDG 14 ('Conserve and Sustainably Use the Oceans, Seas and Marine Resources for Sustainable Development') and to SDG 15 ('Protect, Restore and Promote Sustainable Use of Terrestrial Ecosystems, Sustainably Manage Forests, Combat Desertification, and Halt and Reverse Land Degradation and Halt Biodiversity Loss'). Diverse traditional management systems of maritime resources provide outstanding examples of sustainability. The same holds true as regards traditional ways of using terrestrial ecosystems. Indigenous peoples in particular – in light of their balanced use of natural resources, generally characterized by a profound respect for all living beings and nature in general – embody a way of life which is usually totally respectful of biodiversity and sustainability, and have often developed traditional and sustainable methods of protecting the land and water resources which should be appropriately valorized.
- SDG 16 pursues the purpose of 'Promot[ing] Peaceful and Inclusive Societies for Sustainable Development, Provid[ing] Access to Justice for All and Build Effective, Accountable and Inclusive Institutions at All Levels'. Here promotion of culture and cultural heritage, including at the local level, would notably improve the good functioning of institutions – including those devoted to justice – particularly through the

promotion of their social and cultural acceptance and the awareness that they exist in order to promote the common good and put institutions at the service of people, and not the opposite.

- Finally, in the context of SDG 17 (‘Strengthen the Means of Implementation and Revitalize the Global Partnership for Sustainable Development’), its target could be realized through, inter alia, valorizing ‘the capacity of cultural stakeholders to produce and distribute cultural goods and services, particularly those that represent lesser-known cultural expressions’ and ‘enabling them to address . . . sustainable development challenges’.⁶¹

3.3 The Role Played by (the Human Dimension of) Cultural Heritage in Pursuing the Three Dimensions and the Fundamental Requirement of Sustainable Development

As previously emphasized, sustainable development has three main dimensions (social, economic and environmental), plus the fundamental requirement of promoting peace and security. The Preamble of the 2003 UNESCO Convention emphasizes the importance of intangible cultural heritage as a mainspring of cultural diversity and a guarantee of sustainable development. Article 2 of the same Convention also requires that intangible cultural heritage be compatible with sustainable development. In this regard, saying that cultural heritage is significant for sustainable development and must be compatible with sustainable development is evidently tautological. It is obvious that elements of cultural heritage which have the potential to threaten sustainability cannot be considered as being involved in any of the components of the global process aimed at promoting sustainable development. It is to be noted that the requirement that cultural heritage must be consistent with sustainable development is proclaimed not only by the 2003 UNESCO Convention with regard to intangible heritage, but also by international

instruments concerning the protection of tangible cultural heritage. In particular, the WHC Operational Guidelines, after emphasizing that '[t]he protection and conservation of the natural and cultural heritage constitute a significant contribution to sustainable development',⁶² encourage States parties

to mainstream into their programmes and activities related to the *World Heritage Convention* the . . . Policy Document for the Integration of a Sustainable Development Perspective into the Processes of the *World Heritage Convention* . . . as well as other related policies and documents, including the 2030 Agenda for Sustainable Development.⁶³

Furthermore, the WHC Operational Guidelines recognize the responsibility of States to 'contribute to and comply with the sustainable development objectives, including gender equality, in the World Heritage processes and in their heritage conservation and management systems'.⁶⁴ In the context of the management of World Heritage properties, the WHC Operational Guidelines highlight that it 'may . . . contribute to sustainable development, through harnessing the reciprocal benefits for heritage and society'.⁶⁵ Educational and capacity building programmes and scientific studies and research methodologies concerning World Heritage properties should also promote, inter alia, sustainable development in various ways.⁶⁶ Last but not least, in the context of the evaluation of cultural landscapes (a category of cultural heritage), the WHC Operational Guidelines include, among the relevant factors, '[c]onservation of biodiversity within sustainable use systems' and '[s]ustainable land and water use'.⁶⁷

As regards the Policy Document for the Integration of a Sustainable Development Perspective mentioned by the WHC Operational Guidelines, it is a document adopted by the General Assembly of the States Parties to the 1972 WHC in 2015.⁶⁸ The Policy Document recognizes that the 1972 WHC 'is an integral part of UNESCO's overarching mandate to foster equitable sustainable development and to promote peace and security',⁶⁹ and stresses that, '[b]y identifying, protecting, conserving, presenting and transmitting to present and future generations irreplaceable cultural and natural heritage properties of Outstanding Universal Value (OUV), the

World Heritage Convention, in itself, contributes significantly to sustainable development and the wellbeing of people'.⁷⁰ Subsequently, in recognizing that 'World Heritage conservation and management strategies that incorporate a sustainable development perspective embrace not only the protection of the OUV, but also the wellbeing of present and future generations',⁷¹ the Policy Document identifies three 'overarching principles' on which such strategies should be based, i.e., human rights, equality and sustainability through a long-term perspective.⁷² Among other things, the Policy Document also stresses that '[a]ll dimensions of sustainable development should apply to natural, cultural and mixed properties in their diversity. These dimensions are interdependent and mutually reinforcing, with none having predominance over another and each being equally necessary'.⁷³

Coming to the social dimension of sustainable development, this clearly corresponds to the protection and guarantee of internationally recognized human rights in favour of all human beings and communities. As elaborated in section 1 above, protection/safeguarding of cultural heritage represents a crucial prerequisite for ensuring the effective enjoyment of a number of fundamental human rights, including, but not limited to, the right to freedom of religion and belief, the right to take part in cultural life, the right of minorities and their members to enjoy their own culture, the right to property and the rights of indigenous peoples. The relationship between cultural heritage and human rights looks like a double-faced coin, in the context of which the significance of the former for the effective realization of the latter is somehow counterbalanced by the requirement that cultural heritage is 'compatible with existing international human rights instruments', as explicitly stressed by Article 2 of the 2003 UNESCO Convention.⁷⁴ The aggregate ensemble of cultural heritage that is relevant for the promotion of sustainability is therefore the one purged of the elements incompatible with human rights.

In concrete terms, cultural heritage – especially its intangible component – is fundamental in achieving *inclusive* social development.⁷⁵ In particular, it may greatly contribute to the accomplishment of food security, as local communities 'have developed foodways as well as production and conservation systems that are diversified and adapted to these locations and

environmental changes'.⁷⁶ Traditional health practices can also contribute to well-being and quality health care for all; in particular, '[c]ommunities worldwide have developed a diversity of health-related knowledge and practices, providing effective and affordable therapies, often based on the use of local natural resources . . . [which] are affordable and accessible, including in isolated rural areas where other medicine is less readily available'.⁷⁷ To an equivalent extent, '[t]raditional practices concerning water management can contribute to equitable access to clean water and sustainable water use, notably in agriculture and other livelihoods. Throughout history, local communities have proven their capacities to shape sustainable water management practices, guided by deeply held beliefs and traditions, and to achieve access to clean water for all'.⁷⁸ Furthermore, cultural heritage provides sustainable models of education and transmission of cultural identities to future generations, promotes social cohesion and inclusion and is 'decisive in creating and transmitting gender roles and identities and therefore critical for gender equality'.⁷⁹ As regards in particular World Heritage, the Policy Document underlines its potential role in contributing to inclusion and equity, enhancing quality of life and well-being, respecting, protecting and promoting human rights, respecting, consulting and involving indigenous peoples and local communities, as well as achieving gender equality.⁸⁰

With respect to the environmental dimension of sustainable development, cultural heritage is decisive in ensuring protection and preservation of biodiversity and environmental sustainability, through valorizing and promoting 'lifestyles and intangible cultural heritage practices that are intricately linked to nature and that respect the environment', developed by local communities, in a global society where 'human activities are consuming natural resources at increasing and unsustainable rates'.⁸¹ In fact, 'communities have developed innovative and adaptive strategies to optimize the use and management of water and minimize the consumption of energy'.⁸² Cultural heritage also provides excellent models of community-based resilience to natural disasters and climate change.⁸³ With specific regard to World Heritage properties, the WHC Operational Guidelines stress that they 'may sustain biological and cultural diversity and provide ecosystem services and other benefits, which may contribute to environmental and

cultural sustainability'.⁸⁴ This aspect is further considered by the Policy Document, which emphasizes that '[t]he World Heritage Convention promotes sustainable development, and in particular environmental sustainability, by valuing and conserving places of outstanding natural heritage value, containing exceptional biodiversity, geodiversity or other exceptional natural features, which are essential for human well-being'.⁸⁵ The Policy Document further adds that World Heritage properties should be managed so as to promote the protection of biological and cultural diversity and ecosystem services and benefits, as well as to strengthen resilience to natural hazards and climate change.⁸⁶

As far as the economic dimension of sustainable development is concerned, cultural heritage is often 'essential to sustaining the livelihoods of groups and communities. Local knowledge, skills and practices, maintained and enhanced through generations, provide subsistence livelihood for many people'.⁸⁷ It also generates 'revenue and decent work for a broad range of people and individuals, including poor and vulnerable ones', including, for example, through traditional craftsmanship.⁸⁸ Furthermore, communities and groups can benefit from tourism activities related to cultural heritage.⁸⁹ The Policy Document highlights that 'World Heritage properties, as cultural and natural heritage in general, offer great potential to alleviate poverty and enhance sustainable livelihoods of local communities, including those of marginalized populations'.⁹⁰ It identifies three main objectives that could and should be promoted by World Heritage, if properly managed: ensuring growth, employment, income and livelihoods; promoting economic investment and quality tourism; and strengthening capacity-building, innovation and local entrepreneurship.⁹¹

Finally, in terms of peace and security, many elements of cultural heritage promote intercultural dialogue and foster tolerance, mutual understanding among peoples and peace. Elements of intangible cultural heritage, particularly rituals of peace and reconciliation, also have huge potential to provide for efficient means of dispute settlement, in addition to contributing to restoring peace and security, especially at the local level.⁹² A similar role is played by tangible heritage – *rectius*, by the material component of cultural heritage. In this regard, the Policy

Document stresses that World Heritage, as protected by the 1972 WHC, ‘is an integral part of UNESCO’s established mandate to build bridges towards peace and security’.⁹³ In particular, World Heritage properties may be ‘used to prevent conflicts between and within States Parties and to promote respect for cultural diversity within and around’ themselves.⁹⁴ They can also ‘contribute favourably to conflict resolution and the re-establishment of peace and security’,⁹⁵ and ‘[d]uring a conflict and in the post-conflict transition phase . . . [they] can make a significant contribution to recovery and socio-economic reconstruction’.⁹⁶

4 Conclusion

On the occasion of the celebration of the World Day for Cultural Diversity for Dialogue and Development, on 21 May 2018, the Director-General of UNESCO, Audrey Azoulay, declared that

to be able freely to build one’s identity, drawing on various cultural sources, and to be able to develop one’s heritage in a creative way are the foundations of a peaceful and sustainable development of our societies. This is an essential issue, and a challenge for the future: integrating culture into a global vision of development.⁹⁷

In order to win this challenge, it is necessary to promote awareness, in particular within civil society, of the decisive role of culture in the process of building a sustainable future. The value and the beauty of culture, cultural heritage, cultural diversity and intercultural dialogue should be perceived by people as the driving force for harmonious life on the planet. Enjoyment by all of the immeasurable richness of culture and cultural heritage could really play a decisive role in making the achievement of the goals of sustainable development effectively possible. In fact,

[p]articipation in cultural activities fosters young people to be more imaginative and innovative: the processes of creation and cultural participation provide knowledge and techniques to imagine and expand horizons, integrate diverse elements, and create something new. Cultural experiences

can be important platforms for the development of capacities that expand self-knowledge, self-expression, self-determination, and life satisfaction and well-being . . . Educational systems at all levels should include the acquisition of cultural skills and knowledge pertaining to intercultural dialogue; the recognition and valuing of diversity, creativity, tangible and intangible heritage; and the development of skills using digital tools for cultural transmission, innovative expression, and bridging of cultures.

98

In other words, culture and, especially cultural heritage – particularly its human dimension – could provide humanity with the necessary skills to make the right choices in terms of sustainable development, and, a fortiori, to ensuring that the continuation of life in the world will be possible, for the benefit of future generations. What we need is to actually open our minds to the great lessons that culture and cultural heritage can bring to us, in a spirit of appreciation of their rich diversity and of mutual understanding in our relations with all the people living in the world.

Notes

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1 (Paris 16 November 1972) entered into force 17 December 1975 1037 UNTS 151 (hereinafter: 1972 WHC).

2 *ibid*, Articles 1 and 2.

3 WHC, ‘Operational Guidelines for the Implementation of the World Heritage Convention’ WHC.21/01 (31 July 2021) (hereinafter: WHC Operational Guidelines) para 49.

4 1972 WHC, Preamble, recital 6.

- 5** (Paris 17 October 2003) entered into force 20 April 2006 2368 UNTS 1 (hereinafter: 2003 UNESCO Convention) Article 2.
- 6** UNESCO, ‘World Heritage List’ <<https://whc.unesco.org/en/list/>>. Last access to all links mentioned in this chapter: 22 November 2022.
- 7** *Prosecutor v Tihomir Blaškić* (Judgment) IT-95–14-T (3 March 2000) para 227; *Prosecutor v Kordić & Cerkez* (Judgment) IT-95–14/2-T (26 February 2001); *Prosecutor v Prlić et al* (Judgment) IT-04–74 (29 May 2013) paras 1711–13.
- 8** UN HRC, ‘Report of the Special Rapporteur in the Field of Cultural Rights’ UN Doc A/HRC/31/59 (3 February 2016) para 47.
- 9** UNESCO, ‘Declaration Concerning the International Destruction of Cultural Heritage’ (17 October 2003) <https://international-review.icrc.org/sites/default/files/irrc_854_unesco_eng.pdf> (hereinafter: 2003 Declaration) Preamble.
- 10** Federico Lenzerini, ‘Intangible Cultural Heritage: The Living Culture of Peoples’ (2011) 22 EJIL 101, 114–18.
- 11** HRC, ‘General Comment No. 22 (48) (art. 18)’ UN Doc CCPR/C/21/Rev.1/Add.4 (30 July 1993) para 4.
- 12** *The Mayagna (Sumo) Awas Tingni Community v Nicaragua* (Judgment, Merits, Reparations and Costs) IACtHR Series C No 79 (31 August 2001) para 149.
- 13** *African Commission on Human and Peoples Rights v Kenya* (Judgment) AfCtHPR No. 006/2012 (26 May 2017) para 164.
- 14** *ibid*, para 169.

15 (Nairobi 27 June 1981) entered into force 21 October 1986 21 ILM 58 (1982). Article 8 reads as follows: '[f]reedom of conscience, the profession and free practice of religion shall be guaranteed. No one may, subject to law and order, be submitted to measures restricting the exercise of these freedoms'.

16 CESCR, 'General Comment No 21. Right of Everyone to Take Part in Cultural Life (Art 15, para 1(a) of the International Covenant on Economic, Social and Cultural Rights)' UN Doc E/C.12/GC/21 (21 December 2009) para 50. See more comprehensively on the right in point and its connection with cultural heritage, Yvonne Donders, 'Cultural Heritage and Human Rights', in Francesco Francioni and Ana F. Vrdoljak (eds) *The Oxford Handbook of International Cultural Heritage Law* (OUP 2020) 379, 390–395. On General Comment No 21 of the CESCR, Laura Pineschi, 'Cultural Diversity as a Human Right? General Comment No 21 of the Committee on Economic, Social and Cultural Rights', in Silvia Borelli and Federico Lenzerini (eds) *Cultural Heritage, Cultural Rights, Cultural Diversity: New Developments in International Law* (Brill 2012) 29.

17 (New York 16 December 1966) entered into force 23 March 1976 999 UNTS 171. Article 27 reads as follows: '[i]n those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language'.

18 *African Commission on Human and Peoples' Rights v Republic of Kenya* (nt. 13) para 179.

19 Federico Lenzerini, 'Intentional Destruction of Cultural Heritage', in Francesco Francioni and Ana F. Vrdoljak (eds), *The Oxford Handbook of International Cultural Heritage Law* (OUP 2020) 75, 88.

- 20** *Case of the Kichwa Indigenous People of Sarayaku v Ecuador* (Judgment) IACtHR Series C No. 245 (27 June 2012) para 220. On the implications produced by climate change on indigenous peoples' land rights, see Ademola Oluborode Jegede, *The Climate Change Regulatory Framework and Indigenous Peoples' Lands in Africa: Human Rights Implications* (Pretoria University Law Press 2016).
- 21** 'The Wisdom of Goethe' (Clarendon House Books, 2018)
<www.clarendonhousebooks.com/single-post/2018/07/28/the-wisdom-of-goethe>.
- 22** Federico Lenzerini, 'Patrimonio comune dell'umanità [dir. int.]' (Diritto on line Treccani, 2019) <www.treccani.it/enciclopedia/patrimonio-comune-dell-umanita-dir-int_%28Diritto-on-line%29/>.
- 23** *Request for Interpretation of the Judgement of 15 June 1962 in the Case Concerning the Temple of Preah Vihear (Cambodia v Thailand)* (Separate Opinion of Judge Cançado Trindade) ICJ Reports 2011, 606, para 114 (italics in the original text).
- 24** *Case of the Prosecutor v Ahmad Al Faqi Al Mahdi* (Judgment and Sentence) ICC Case No. ICC-01/12–01/15 (27 September 2016) para 80.
- 25** AfCHPR, 'Press release on the destruction of cultural and ancient monuments in the Malian city of Timbuktu' (10 July 2012) <www.achpr.org/pressrelease/detail?id=292>.
- 26** UNESCO, 'World Heritage List' (nt. 6).
- 27** *Prosecutor v Jokić* (Judgment) IT-01–42/1-S (18 March 2004) para 46.
- 28** *ibid* para 51.
- 29** *Prosecutor v Strugar* (Judgment) IT-01–42-T (31 January 2005) para 232.
- 30** 2003 Declaration, Article II.2.
- 31** *Prosecutor v Jokić* (nt. 27) para 53.

32 Federico Lenzerini and Ana F. Vrdoljak (eds), *International Law for Common Goods*.

Normative Perspectives on Human Rights, Culture and Nature (Hart Publishing 2014).

33 See, among others, Eleanor Shoreman-Ouimet and Helen Kopnina, *Culture and*

Conservation: Beyond Anthropocentrism (Routledge 2016); Holmes Rolston III, *A New*

Environmental Ethics: The Next Millennium for Life on Earth (2nd ed, Routledge 2020).

34 UNGA, 'Report of the World Commission on Environment and Development. Our Common Future' UN Doc A/42/427 (4 August 1987) (hereinafter: Brundtland Report) Chapter 2, para 1.

35 *ibid*, Chapter 2, para 15.

36 'What Is Sustainability?' (McGill University)

<www.mcgill.ca/sustainability/files/sustainability/what-is-sustainability.pdf>.

37 *ibid*.

38 *ibid*.

39 UNESCO, 'Exploring Sustainable Development: A Multiple-Perspective Approach'

(UNESCO 2012) <<https://unesdoc.unesco.org/ark:/48223/pf0000215431>> 5.

40 UNGA, 'Transforming our World: the 2030 Agenda for Sustainable Development' UN Doc

A/RES/70/1 (21 October 2015) (hereinafter: 2030 Agenda).

41 UNDP, 'What are the Sustainable Development Goals?' (2022) <[www.undp.org/sustainable-development-](http://www.undp.org/sustainable-development-goals?utm_source=EN&utm_medium=GSR&utm_content=US_UNDP_PaidSearch_Brand_English&utm_campaign=CENTRAL&c_src=CENTRAL&c_src2=GSR&gclid=Cj0KCQjw-pCVBhCFARIsAGMxhAc-)

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- 42** On cultural heritage and SDGs, Sophia Labadi et al, *Heritage and the Sustainable Development Goals: Policy Guidance for Heritage and Development Actors* (ICOMOS 2021) <https://openarchive.icomos.org/id/eprint/2453/7/ICOMOS_SDGPG_2022.pdf>.
- 43** UNDESA, ‘Goal 4. Targets and Indicators’ <<https://sdgs.un.org/goals/goal4>>.
- 44** UNDESA, ‘Goal 8. Targets and Indicators’ <<https://sdgs.un.org/goals/goal8>>.
- 45** On cities and sustainable development see Inta Kotāne, ‘Culture as an Element of Sustainable Development and Urban Attraction Capacity’ (2011) 26 MTS 112.
- 46** UNDESA, ‘Goal 11. Targets and Indicators’ <<https://sdgs.un.org/goals/goal11>>.
- 47** UNDESA, ‘Goal 12. Targets and Indicators’ <<https://sdgs.un.org/goals/goal12>>.
- 48** Luigi Petti, Claudia Trillo and Busisiwe Ncube Makore, ‘Cultural Heritage and Sustainable Development Targets: A Possible Harmonisation? Insights from the European Perspective’ (2020) 12 Sustainability 926, 931.
- 49** United Cities and Local Government (UCLG) and Culture 21, ‘Culture in the Sustainable Development Goals: A Guide for Local Action’ (May 2018) <www.agenda21culture.net/sites/default/files/culturesdgs_web_en.pdf> 3.
- 50** *ibid.*
- 51** *ibid* 7.
- 52** *ibid* 8.
- 53** UNESCO, ‘Intangible Cultural Heritage and the Sustainable Development Goals in the Pacific’ (2016) <<https://unesdoc.unesco.org/ark:/48223/pf0000245796/PDF/245796eng.pdf.multi>> 7.

54 UCLG and Culture 21 (nt. 49) 9.

55 See, in this regard, Federico Lenzerini, ‘Fostering Tolerance and Mutual Understanding Among Peoples’, in Abdulqawi A. Yusuf (ed) *Standard-setting in UNESCO, Volume I: Normative Action in Education, Science and Culture, Essays in Commemoration of the Sixtieth Anniversary of UNESCO* (Nijhoff 2007) 187.

56 UCLG and Culture 21 (nt. 49) 13.

57 *ibid* 14.

58 *ibid* 18.

59 *ibid* 20.

60 *ibid* 22.

61 *ibid* 30.

62 WHC Operational Guidelines, para 6. On World Heritage properties and sustainable development, Peter Bille Larsen and William Logan (eds), *World Heritage and Sustainable Development. New Directions in World Heritage Management* (Routledge 2018). Many documents emphasize the need for the 1972 WHC to be managed in a way which is consistent with sustainable development, as well as the contribution that World Heritage properties may provide in the promotion of the latter. See, among others, WHC, ‘Budapest Declaration on World Heritage’ WHC-02/CONF.202/5 (2002) <<http://whc.unesco.org/en/documents/1334>>, committing to ‘ensure an appropriate and equitable balance between conservation, sustainability and development, so that World Heritage properties can be protected while the quality of life of our communities is improved’; UNESCO, ‘Hangzhou Declaration: Placing Culture at the Heart of Sustainable Development Policies’ (2013)

<<https://unesdoc.unesco.org/ark:/48223/pf0000221238/PDF/221238qaa.pdf.multi>>
reaffirming that ‘culture should be considered to be a fundamental enabler of sustainability, being a source of meaning and energy, a wellspring of creativity and innovation, and a resource to address challenges and find appropriate solutions. The extraordinary power of culture to foster and enable truly sustainable development is especially evident when a people-centred and place-based approach is integrated into development programmes and peace-building initiatives’; WHC, ‘Istanbul Declaration on the Protection of World Heritage’ (2016) <<https://whc.unesco.org/document/147733>>; UNESCO, ‘Ngorongoro Declaration on Safeguarding African World Heritage as a Driver of Sustainable Development’ (2016)

<<https://unesdoc.unesco.org/ark:/48223/pf0000262793>> which acknowledges the commitment of ‘African States Parties to the World Heritage Convention . . . to a balanced approach in heritage conservation and sustainable development while meeting the needs of local communities and maintaining the Outstanding Universal Value (OUV) of cultural and natural World Heritage sites in Africa’, recognizes that ‘[s]ustainable development and heritage, in particular World Heritage, can be mutually beneficial if the opportunities they offer are properly identified and transmitted to present and future generations’, and declares that ‘[h]eritage, including World Heritage properties, is a driver of sustainable development and critical for achieving regional socio-economic benefits, environmental protection, sustainable urbanization, social cohesion and peace’; WHC, ‘Baku Declaration on the Protection of Cultural and Natural Heritage’ (2019) <<https://whc.unesco.org/document/176882>> para 19, which invites States ‘to prioritise the effective protection, conservation and management of World Heritage properties

situated on their territories in consistency with the “Policy Document for the integration of a sustainable development perspective into the processes of the World Heritage Convention””; WHC, ‘Fuzhou Declaration’ (2021) <<https://whc.unesco.org/document/188530>> calling for ‘closer international cooperation to undertake appropriate research and planning to facilitate a balance between conservation and sustainable development, while addressing existing challenges and exploring new opportunities for World Heritage in the framework of universal multilateralism with common values shared by all humankind’.

63 WHC Operational Guidelines, para 14bis.

64 *ibid* para 15(o).

65 *ibid* para 112.

66 *ibid* paras 214bis and 215.

67 *ibid* Annex 6, part C, para 8 (ii) and (iii).

68 WHC, ‘INF.13: Policy Document for the Integration of a Sustainable Development

Perspective into the Processes of the World Heritage Convention’ WHC-

15/20.GA/INF.13 (6 November 2015) <<https://whc.unesco.org/en/news/1387>>

(hereinafter: Policy Document). See also WHC, ‘Resolutions adopted by the General

Assembly of State Parties to the World Heritage Convention at its 20th Session

(UNESCO, 2015)’ WHC-15/20.GA/15 (20 November 2015)

<<https://whc.unesco.org/archive/2015/whc15-20ga-15-en.pdf>>.

69 Policy Document, para 1 (footnotes omitted).

70 *ibid* para 3.

71 *ibid* para 6.

72 *ibid* para 7.

73 *ibid* para 9.

74 2003 UNESCO Convention, Article 2.

75 UNESCO, 'Intangible Cultural Heritage and Sustainable Development' (2015)

<<https://ich.unesco.org/doc/src/34299-EN.pdf>> 3.

76 *ibid*.

77 *ibid* 3–4.

78 *ibid* 4.

79 *ibid* 5.

80 Policy Document paras 18–23.

81 UNESCO, 'Intangible Cultural Heritage' (nt. 75) 7.

82 UNESCO, 'Sustainable development and living heritage'

<<https://ich.unesco.org/en/sustainable-development-and-living-heritage>>.

83 UNESCO, 'Intangible Cultural Heritage' (nt. 75) 9.

84 WHC Operational Guidelines, para 119.

85 Policy Document, para 14.

86 *ibid* paras 15–16.

87 UNESCO, 'Intangible Cultural Heritage' (nt. 75) 10.

88 *ibid*.

89 *ibid*.

90 Policy Document, para 24.

91 *ibid* paras 25–27. On cultural tourism as a generator of economic development see Dragan

Nikodijević, 'Valorization of Cultural Heritage in the Context of a Social Policy of

Sustainable Development – Developmental and Economic Potentials of Cultural Tourism’ (2011) 8 Megatrend Review 259.

92 UNESCO, ‘Intangible Cultural Heritage’ (nt. 75) 12–13.

93 Policy Document, para 28.

94 *ibid* para 30.

95 *ibid* para 32.

96 *ibid* para 33.

97 Audrey Azulay, ‘Message from the Director General. World Day for Cultural Diversity for Dialogue and Development’ (21 May 2018)

<<https://en.unesco.org/commemorations/culturaldiversityday/dgmessage>>.

98 Nancy Duxbury, Jyoti Hosagrahar and Jordi Pascual, *Why Must Culture Be at the Heart of Sustainable Urban Development?* (UCLG 2016) 30.