

Derechos Culturales en escenarios turbulentos

Final Draft of the 2nd. National Conference on Cultural Rights (La Plata, Argentina, 13-15 September 2022).

The debate on Cultural Rights has grown in volume in recent years both in Argentina and in Latin America. At the same time, there is a certain consensus among specialists regarding the fact that a social majority remains indifferent to such rights, unaware of their detail and their status in the national normative legal framework. Governments limit their presence largely to discourse, preventing them from reformulating public cultural policies from a rights-based approach. At the same time, independent civil society organizations concur in the same direction, without achieving, in general, an effective link between established rights and their political and cultural actions.

Based on this general diagnosis, from 2019 a peer community of professionals interested in deepening the agenda of CRs in Argentina has gathered to tackle the issue from an interdisciplinary approach. Constituted as a Study Group on Cultural Rights (GEDC), the group has taken up the challenge of organizing this annual Conference, which is being held for the second time in the city of La Plata. The event has been organized by both the Faculty of Arts and the Institute of Critical Law of the Faculty of Legal and Social Sciences, at the National University of La Plata (UNLP).

Professionals in cultural management and law from many parts of the country, such as Córdoba, Comodoro Rivadavia, Paraná, Rosario and various localities in the province of Buenos Aires, such as Bahía Blanca or General Rodríguez, attended the conference to work on the folds between law and culture. Likewise, several local organizations from the cultural ecosystem of La Plata played a central role in the activities of the Conference, reaffirming the importance of transcending the limits of academia as a means to contribute to the effective transformations that the current situation urgently requires.

This second Conference allowed to consolidate the collective effort, as well as to account for its maturing process, expressed among other factors in the online participation of the Special Rapporteur for the United Nations in the field of CCHRD, Dr. Alexandra Xanthaki, whose interview with Spanish subtitles is available for further consultation. Professor Humberto Cunha Filho from the University of Fortaleza (Brazil), a regional reference in the field of Cultural Rights, also contributed to that same activity. Added to the support and active presence of the International Centre for the Promotion of Human Rights (ICPDH) UNESCO, the institutional objectives of the Conference have been achieved.

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This document aims to reflect the main edges of the debates, setting precedents whilst meeting the objectives described above, as well as amplifying the contributions of the participants in the different programmatic instances. We would like to thank them once again for their presence, intellectual commitment and generosity in their participation.

Notes on the debate

The opening session served to emphasize the pertinence of the chosen motto for the conference, insofar as the idea of multiple overlapping crises (environmental, social, economic, geopolitical) appeared clearly determined from systems of subjectivity in the speakers' analyses, placing culture as a strategic axis for contemporary political debates.

In this regard, a call was made to reflect on the acts of political violence that preceded the start of the conference at the national level¹, understanding the interrelation between Human Rights and democratic practices, and condemning - consequently - any activity undermining the democratic order. In this sense, it was emphasised that the practices of effective violence acquire verisimilitude and become viable through the slow but systematic elaboration of a fabric of meaning that enables them on a discursive and (audio)visual level.

The interview with Dr. Xanthaki, UN Special Rapporteur on Cultural Rights, served as a general introduction to the development of CRs as an effective field of political action. The Rapporteur presented the Office's commitment to empowering oppressed social groups with legal tools based on the normative framework developed at the international level, while providing a basic overview of the debates surrounding this issue.

Later, a group of legal professionals committed to their local cultural ecosystems joined a panel in which they shared practical approaches to legal practice in support of access to CRs by different social sectors, with the primacy of artistic collectives and civic organisations. This space functioned within the framework of a lecture, which made it possible for law students to attend, thus enabling them to incorporate not only certain perceptions of culture as a field of rights, but also some of its singularities. As one of the objectives of the Study Group is the establishment of specific curricular spaces on CRs in the educational spheres of both Law and Cultural Management, this precedent becomes particularly valuable.

¹ A few weeks before the conference, the Vice-President of the Nation, Cristina Fernández, suffered an attack, when an assailant unsuccessfully fired a gun twice at her forehead.

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These issues were taken up from the perspective of copyright in the following panel, which was marked by controversy over the desired role of collective management organisations. In the presentations and during the debate, it became clear that it will not be an easy task to bring the copyright regime closer to an CRs approach. However, experts concluded that such a reinterpretation of intellectual property paradigms is not only necessary, but also mandatory under international standards.

The event also allowed to deepen discussion on the general theory of CRs from a range of angles: from the distinction between cultural policy and cultural politics, to the dialectic between interculturality, decolonisation and CRs. The development of grounded theoretical frameworks of the field is a strategic mid-term challenge.

Cultural diversity was placed in the spotlight through its intersection with CRs. As professionals committed to social justice, the participants ratified the need to strengthen the public appropriation of intercultural perspectives, given that the historical conditions of racialisation continue to affect the effective guarantee of Human Rights in general, and CRs in particular. Contributions were made from the field of intercultural health, from the exercise of law as a support for indigenous political practices, from Afro-Argentine activism and from the private sector.

Regulatory frameworks that seek to guarantee effective access to CRs in different jurisdictional scales were also discussed. A growing regulatory approach to culture from a rights-based perspective was highlighted, as well as certain limitations on existing regimes to meet their objectives. Experts advocated for a structural legislative reform in the cultural sector at the federal level, as well as for the establishment of cooperation frameworks between jurisdictions.

The conference gathered a group of leaders of cultural civil society associations, recognising themselves in their role as defenders of the rights to culture and human rights. Cultural policies from different grassroots organizations were reviewed, taking into account the fact that their actions result in the guarantee of access by sectors of their community to their CRs, as well as in the increase of public awareness of their existence and the importance of guaranteeing their rights.

Finally, an experience of monitoring real access to CRs in a specific jurisdiction was presented. This resumed the mandate of the 2021 Conference, which underlined the importance of advancing in the construction of effective and affective indicators that support both communities in the recognition and valuation of their established rights, and States for guaranteeing the basic conditions for their enjoyment.

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Finally, Comodoro Rivadavia's nomination to host the next conference, to be held in 2023, made by the representative of the Universidad Nacional de la Patagonia San Juan Bosco of the city of Comodoro Rivadavia, was accepted.