

HUMAN RIGHTS,
DEMOCRACY
AND THE RULE OF LAW

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

DROITS DE L'HOMME,
DÉMOCRATIE
ET ÉTAT DE DROIT

GUIDELINES FOR AUTHORITIES AND HERITAGE INITIATIVES

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FRAMEWORK CONVENTION ON THE VALUE OF CULTURAL HERITAGE FOR SOCIETY

- It does not create specific obligations for action;
- It suggests rather than imposes.



It defines principles and broad areas of action



Member States keep responsibility on how to do apply it



It defines mainly “enabling” measures to foster Faro principles



No specific rights are conveyed by the ratification even if recognised



It addresses signatories (States) but impacts all stakeholders

First main step for national authorities:

- **Signature:** a state expresses the willingness to continue the process of a formal support to the principles, but the expression of intent in itself is not binding!

It calls the member States to refrain from acts defeating the Treaty's object and purpose.



Second main step:

- **Ratification:** a state gives its consent to be bound by the treaty and it enacts the necessary legislation to give it domestic effect.

The time-frame to seek the required approval for the treaty on the domestic level is different in every state.



Possible preliminary steps to signature/ratification:

- **Consultations:** involve stakeholders in the preparation
Example: Switzerland has consulted all the cantons' authorities as well as prominent cultural heritage actors to give their opinion on the pertinence of the Faro principles.
- **Studies:** mapping of the existing legislation/initiatives
Example: Finland used a participatory approach to draw up a background report and assess the citizens' and stakeholders' views regarding the topical challenges.
- **Workshops:** inform on the possible impacts
Example: Netherlands has anticipated the potential ratification by developing pilot projects and establishing a network of experts and communities.





What's next?

Ratification only provides a legal framework and can adjust the already existing legislation/regulations;

It ensures a long-term commitment of authorities to FC principles;

No actual actions and results definition is required until that stage;

It is, nevertheless, important, as it applies to other stakeholders:

- *Local and regional authorities*
 - *Professionals*
 - *Civil society initiatives*

and can significantly influence their actions.

Third step for national authorities?

- **Implementation**: transforming words into actions

Common task: it can/should be prepared during signature/ratification stages (see previous examples);

It cannot propose a single implementation plan for all cases as circumstances are very diverse between countries: **focus on the Faro Convention principles rather on precise actions;**

It can be inspired on previous successful experiences using such approach.

Common denominator: large involvement of different stakeholders.



- **Direct action:** define a national strategy (actions, resources)

No apparent concrete example ... maybe considered too top-down

- **Indirect action:** promote the action of other stakeholders

Example 1 : Slovakian Ministry has subsidy system for castles conservation;

Example 2 : Norwegian Federation of Cultural Heritage Organisations is an umbrella organisation to encourage and give financial support to heritage NGOs.

- **Delegation to other authorities:** pass on the implementation role to local authorities

Apparently privileged approach as considered closer to citizens.



Third step for local authorities ...

**No signature is legally possible:
they can endorse FC principles**

Usual implementation actions at local level:

- **Financial support:** grants, subsidies,...
- **Material support:** disposal of premises, support from specialised services, ...
- **Involvement in decisions:** information, consultations, co-management, ...

That last category truly corresponds to the spirit of the Faro Convention principles.



Implications for grass-root initiatives

➤ **Implementation:** transforming ideas into actions

- Active civil society with common interest in a specific heritage;
- Assuming the responsibilities associated to the recognition of cultural rights;
- Respect for all alternative viewpoints;
- Engaging in a true dialogue with public and private sector to collaborate effectively;
- Improving democratic participation and social inclusion of all inhabitants.



THANK YOU FOR YOUR ATTENTION

OBRIGADO PELA SUA ATENÇÃO

