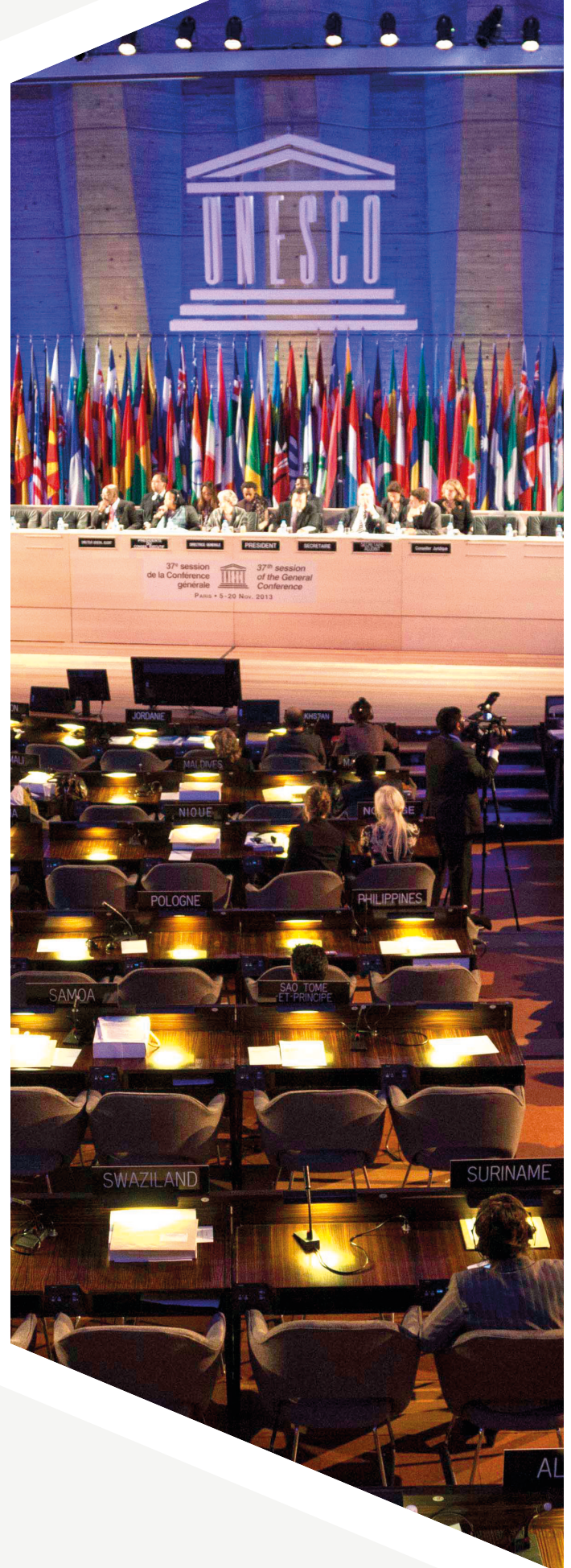


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RUBEN APRESSYAN
**ACCESS TO
CULTURAL
GOODS
IN UNESCO
NORMATIVE
DOCUMENTS**

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Kolleg-Forschungsgruppe
Zugang zu kulturellen Gütern
im digitalen Wandel
ZUGANG



ACCESS POINTS

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#4

Ruben Apressyan

Access to Cultural Goods in UNESCO Normative Documents

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Contents

Introduction	5
1. Access to Cultural Goods	7
2. Concepts of Culture and Cultural Goods	11
3. The Inescapable Constraints of Access to Cultural Goods	17
4. The Principle of Accessibility of Cultural Goods under Conditions of Globalisation	21
5. The Challenges of Digitalisation	25
Bibliography	29
A Chronological List of UNESCO Documents Mentioned	33

Introduction

Since the second half of the twentieth century, debates concerning people's access to cultural goods, their opportunities for engaging with them, participation in cultural life, and cultural self-expression have, to a large extent, been inspired by the normative and political activities carried out in this field by UNESCO.¹ Pursuing, in accordance with its Constitution and the Charter of the United Nations, the goals of strengthening peace and security – particularly through the development of popular education and the dissemination of culture, as well as by maintaining, increasing and diffusing knowledge (UNESCO Constitution, Article 1) – UNESCO regards the preservation, support, and dissemination of culture as an essential factor in political, economic, and social progress, and as one of the significant public priorities. Access to culture and the opportunity to participate in it are crucial conditions for its dissemination. The results of UNESCO's work on these issues, conducted by international interdisciplinary expert groups, are presented in UNESCO's political and regulatory documents, which establish (with varying degrees of binding force) the fundamental principles of cultural policy at the international, regional, and national levels.² The corpus of UNESCO documents on this issue is quite extensive. They differ in their normative and theoretical status, covering a broad spectrum of topics related to access to cultural goods. Taken together, they constitute a rich and even exceptional resource for understanding this entire field.

UNESCO's normative documents – conventions, recommendations, and declarations – are political documents. They are aimed at regulating the activities of nation-states in the field of cultural policy, stimulating both pressing and prospective areas of such activity, facilitating cultural exchange and international cultural cooperation among states for the sake of the prosperity of cultures in all their diversity, and supporting citizens in their access to cultural heritage and participation in cultural life.

When studying UNESCO's normative documents, it is necessary to bear in mind that conventions, recommendations, and declarations have different normative status and, accordingly, different binding force. In general terms, UNESCO conventions are “hard” normative documents endowed with legally binding force for the states that ratify them,

1 Historically, the issue of access to cultural goods may have first arisen in the works of social scientists. However, it became widely known to the public mainly through international documents, first and foremost, through UNESCO's documents. At least, this is how it has long been perceived. This is clearly evident in scholarly and public literature devoted to various aspects of access to cultural goods. No author writing on this topic can do without referring to UNESCO documents – in fact, most of them begin with them.

2 See Abdulqawi A. YUSUF (ed.): *Standard-Setting in UNESCO*. Vol. I: *Normative Action in Education, Science and Culture*. Essays in Commemoration of the Sixtieth Anniversary of UNESCO; Vol. II: *Conventions, Recommendations, Declarations and Charters adopted by UNESCO (1948–2006)*, Leiden / Boston: Martinus Nijhoff, 2007.

thus creating international obligations. Unlike conventions, recommendations and declarations are “soft” normative documents: although they carry significant political and moral weight, they do not have binding force.³ UNESCO conventions are multilateral treaties that define specific obligations of member states of the organisation in the fields of education, science, culture, and other related areas. After being adopted by the General Conference (or at a special intergovernmental conference) and ratified by a sufficient number of states, conventions enter into force. UNESCO recommendations are non-binding standards or guidelines: they formulate principles and norms on specific issues and recommend that member states adopt legislative or other measures for their implementation. Declarations are aspirational, standard-setting documents that “set forth universal principles” and “secure the widest possible support.” While lacking legal force, recommendations and declarations are intended to crystallise common values and guide policy.⁴ For example, this is the case with the *UNESCO Universal Declaration on Cultural Diversity* (2001). It proclaims cultural diversity as the “common heritage of humanity” and establishes principles of cultural policy for the member states of the organisation. The “Plan of Action” annexed to the Declaration obliges member states to take appropriate measures to disseminate its provisions and promote their effective implementation widely.⁵ However, the extent to which these principles are adopted at the national level and implemented depends entirely on the political will of national governments.

UNESCO documents have a political context, meaning that they were developed in response to the challenges of the current socio-political reality and new issues in the field of cultural policy, cultural life, and participation. In this sense, the chronological development of this topic has been much less systematic and consistent than one might expect. The documents are not always conceptually or terminologically unified. They provide ample grounds for criticism or scepticism, regardless of whether we view them as political or normative documents, or even simply as examples of discourse. However, I have deliberately chosen not to take that critical route. What seems far more important to me is to focus on their positive content. The present article, therefore, is meant as an analytical overview – with some elements of conceptual reconstruction – but overall, it is descriptive in nature, and that was a conscious choice on my part. As already mentioned, UNESCO documents have evolved in line with changing social and political contexts, and consequently, their themes and approaches are quite diverse. However, today, they form a particular kind of integrity, and we can no longer ignore this integrity in our understanding of cultural goods and of access to them.

3 International legal instruments for the right to education, UNESCO. The Right to Education (16 April, 2025), <https://www.unesco.org/en/right-education/legal-instruments> [18 August 2025].

4 UNESCO’s standard-setting. An Overview, UNESCO. Legal Affairs (19 June 2024), <https://www.unesco.org/en/legal-affairs/standard-setting/overview> [21 June 2025].

5 Universal Declaration on Cultural Diversity, *Records of the General Conference, 31st session (Paris, 15 October–3 November 2001)*. Vol. 1: *Resolutions*, Paris: UNESCO, 2002.

In other words, despite their differences in legal status and their distinct relationship to international law, UNESCO documents are relatively close in *ethical* terms, since all proclaim principles of cultural policy which, backed by the authority of an international organisation, serve as value orientations for cultural policy. This is crucial not only for states, through their governing political bodies, but also for societies, through the media, political parties, social movements, and civic activists. It is telling that in one of UNESCO's normative texts, different types of documents concerning cultural heritage are listed together as equally significant for demonstrating "the importance, for all the peoples of the world, of safeguarding this unique and irreplaceable property, to whatever people it may belong."⁶ Thus, when we speak of the ethical aspects of access to cultural goods, all of UNESCO's normative and, more broadly, foundational documents – although differing in their political and legal nature – can serve as important value orientations and as a basis for practical activity. This understanding is well reflected in how the issue of access to cultural goods is discussed in both academic literature and the public sphere.

The present article attempts to trace the development in UNESCO's documents of the main ideas related to access to cultural goods: (1) the very principle of access; (2) the evolution of the concept of culture and cultural goods in connection with changing understandings of access; (3) the possibility of limitations on access to cultural goods; (4) the interpretation of access in the context of globalization and (5) the digitalization of information processes, cultural life, and the sociodynamics of cultural goods.

1. Access to Cultural Goods

In the broader context of UNESCO's philosophy, the principle of cultural accessibility is closely connected to the principles of information openness and accessibility in education. From a normative-logical perspective, the principle of openness of information is more general in relation to the principle of access to cultural goods and to education.

According to Article 19 of the *Universal Declaration of Human Rights* (UDHR, 1948),⁷ the principle of openness of information presupposes the freedom "to seek, receive and impart information and ideas through any media and regardless of frontiers." The right to information was first proclaimed in UN Resolution 59(1) *Calling of an International Conference on Freedom of Information*, adopted by the UN General Assembly (1946). A more developed formulation of Article 19 UDHR is presented in Article 19 of the *International Covenant on Civil and Political Rights* (ICCPR, 1966), which, together with the UDHR and other documents, constitutes the *International Bill of Human Rights*. This provision has since been reaffirmed in various international and regional documents, including a series of joint declarations of the Organisation for Security and Co-operation

⁶ Convention Concerning the Protection of the World Cultural and Natural Heritage, *Basic Texts of the 1972 World Heritage Convention* (July 2025 Edition), Paris: UNESCO, 2025, 2.

⁷ *Universal Declaration of Human Rights* [1948], New York: United Nations, 2016.

in Europe.⁸ In the spirit of the UDHR, the right of access to information is considered in direct connection with freedom of expression and as a crucial condition for empowering people, enhancing their capacity for control over their own lives, promoting sustainable development, good governance, and democracy, fostering civic participation, etc.⁹ As is clear from the value orientations associated with the principle of openness of information, this principle primarily concerns access to information about political and administrative decisions, the capacity of society to exercise oversight over the state, and its ability to influence decision-making processes.¹⁰ Yet the matter is not limited to this. As emphasised in UNESCO's intergovernmental programme *Information for All* (2001), access to and use of information is a condition for development and sustainable growth, and ensuring access to it for every person, especially in light of the growing technological possibilities for access, is a requirement of justice and respect for human dignity.¹¹

In UNESCO documents, the principles of access to cultural goods and access to education¹² are closely related in their socio-political significance. They are intended to promote peacebuilding, the protection of human rights and freedoms, the development of democracy, intercultural understanding, cooperation, and sustainable development.¹³ In fact, education itself is one of the cultural goods to which every individual must have access, guaranteed by a state, in fulfilment of the human right to education enshrined in the UDHR. The close interconnection between the principles of access to cultural goods, openness of information, and access to education is reflected in UNESCO's founding Constitution, where the conditions for achieving the organization's central goal – “to contribute to peace and security by promoting collaboration among the nations” – are seen in giving “fresh impulse to popular education and to the spread of culture” and in maintaining, increasing, and diffusing “knowledge, by assuring the conservation and protection of the world's heritage” (Article 1.1–2).¹⁴

It should also be noted that in some UNESCO documents, access to culture is placed on the same level not only with access to education and knowledge, but also, as expressed in a resolution on a new international economic order (where access is formulated in terms

8 ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE (OSCE), *Joint Declarations*, <https://www.osce.org/fom/66176> [6 April 2025].

9 Guy BERGER (ed.): *Freedom of Expression, Access to Information and Empowerment of People*, Paris: UNESCO, 2009.

10 Over time, the significance of this principle has expanded. One of the manifestations of this expansion has been the recognition of every citizen's right to access any documents concerning them, regardless of where they are stored. In some countries, this principle (the Habeas data principle) has already been given constitutional status.

11 *Information for all Programme*, Paris: UNESCO, 2006.

12 Convention Against Discrimination in Education (December 1960), <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-discrimination-education>; Recommendation Against Discrimination in Education (December 1960), *Records of the General Conference. Eleventh Session. Resolutions*, Paris: UNESCO, 1961, 123–124.

13 Recommendation on education for peace and human rights, international understanding, cooperation, fundamental freedoms, global citizenship and sustainable development, *Records of the General Conference 42nd session Paris, 7–22 November 2023*. Vol. 1: *Resolutions*, Paris: UNESCO, 2023, 123–136.

14 *Constitution of the United Nations Educational, Scientific and Cultural Organization* (2022 Edition), [Paris: UNESCO, 2022].

of *participation*), with access to welfare. All of these are considered as parts of “a new human order based on freedom, justice and equity, removal of inequality among nations and peoples, mutual understanding, co-operation in mankind’s major common tasks.”¹⁵

The requirement of access to cultural goods is most generally formulated in Article 27 of the UDHR: “Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.” This foundational principle highlights the inherent connection between culture and human dignity. UNESCO unequivocally positions the protection and promotion of culture as a human rights imperative, asserting that the right to participate in cultural life guarantees everyone the ability to access, participate in, and enjoy culture, cultural heritage, and cultural expressions. This human-centred approach is deemed key to safeguarding heritage, strengthening creative industries, and fostering cultural pluralism. The practical realisation of this right presupposes not merely abstract recognition, but the adoption of concrete measures directed toward the conservation, advancement, and dissemination of culture. Such measures must be articulated within a human rights-based framework that underscores the protection, restoration, and preservation of cultural heritage as integral dimensions of cultural life. International normative documents – notably the UDHR and the ICESCR – reinforce and codify this entitlement, affirming both the right of individuals and communities to participate in cultural life and the corollary right to benefit from scientific progress and its applications.

In the wording of Article 27 UDHR, there is no direct mention of cultural goods or of “access” as such. And although not all cultural goods are directly included in “the cultural life of the community,” they all belong to culture, regardless of the degree to which this is consciously recognised in public opinion. Participation, if understood not only in terms of cultural events but also of cultural goods as cultural objects, takes the form of engagement – precisely what is presupposed by the notion of “access” in one of its meanings. The words “to share its benefits,” though in the text of Article 27 directly associated with scientific progress, can also be extended to the cultural life of the community and, consequently, to cultural goods. In the scholarly literature on cultural goods and access to them, there is a broad consensus that the UDHR thereby establishes a regime for their existence in society.¹⁶

This provision of the UDHR was also reproduced in the ICESCR. In Article 15 of that document, the UDHR’s provision on the right of everyone to take part in cultural life and to enjoy the benefits of scientific progress and its applications is supplemented by the requirement that, “to achieve the full realization of this right,” the Covenant States Parties should take every step “necessary for the conservation, the development and the diffusion of science and culture.” The same idea is affirmed in the preamble to the *UNESCO Decla-*

15 Establishment of a new international economic order and Second Development Decade, *Records of the General Conference. Nineteenth Session* (Nairobi, 26 October to 30 November 1976). Vol. 1: *Resolutions*, Paris: UNESCO, 1977, 77.

16 Elsa STAMATOPOULOU: *Cultural Rights in International Law: Article 27 of the Universal Declaration of Human Rights and Beyond*. Foreword by Mary Robinson, Leiden / Boston: Nijhoff 2007.

ration of Principles of International Cultural Co-operation (DPIICC, 1966), in which cultural cooperation is seen, among other things, as an essential factor in the “diffusion of culture and the education of humanity for justice and liberty and peace” – which presupposes ensuring access for all to culture and education. A number of international documents of various kinds also confirm the right to participate in cultural life for specific groups of people: women, children, national minorities, migrant workers and members of their families, and persons with disabilities. The right to take part in cultural life is likewise enshrined in all regional human rights documents.

It is noteworthy that the idea of Article 27 UDHR was embodied in a transformed form in Article IV of the DPIICC, which expanded these possibilities by affirming that everyone should be enabled “to enjoy the arts and literature of all peoples, to share in advances made in science in all parts of the world and in the resulting benefits, and to contribute to the enrichment of cultural life.” The 1966 *Declaration of Principles of International Cultural Cooperation*,¹⁷ like the 1954 Hague Convention before it,¹⁸ recognises cultural goods as humanity’s heritage, regarding all cultures as “part of the common heritage belonging to all mankind” (Article 1.3). This approach was further developed in the 1970 *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property*,¹⁹ the preamble of which states that the “interchange of cultural property²⁰ among nations” for scientific, cultural and educational purposes “increases the knowledge of the civilization of Man, enriches the cultural life of all peoples.” Similarly, the 1972 *Convention Concerning the Protection of the World Cultural and Natural Heritage*²¹ recognises the duty of each State Party to ensure “the identification, protection, conservation, presentation and transmission to future generations of the cultural and natural heritage” (Article 4). Here, the issue of access to cultural goods is presented from the standpoint of institutions providing access, while international exchange of cultural goods is considered as one of the key conditions of access. Access mediated by such exchange also becomes an essential means of fostering mutual understanding and respect among peoples, one of the core value priorities of UNESCO’s activity.

While acknowledging the significant role of these UNESCO documents, as well as of a number of later ones, in framing the problem of access to cultural goods, it must be borne in mind that their primary aim lay elsewhere – namely, in ensuring the protection and safeguarding of cultural objects under various circumstances and in the face of multi-

17 Declaration of the Principles of International Cultural Cooperation (adopted by the General Conference of UNESCO at its 14th session, Paris, 4 November 1966), in: A. A. YUSUF (ed.): *Standard-setting in UNESCO*. Vol. II: *Conventions, Recommendations, Declarations and Charters Adopted by UNESCO*, 669–671.

18 *The 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its two (1954 and 1999) Protocols. Basic Texts*, [Paris: UNESCO], 2010, 9–38.

19 *Basic Texts of the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property*. 2025 Edition, Paris: UNESCO, 2025.

20 In English-language UNESCO documents, cultural good is designated as “cultural property”.

21 See: *The 1972 World Heritage Convention: A Commentary* (2nd edition), ed. by FRANCESCO FRANCONI & FEDERICO LENZERINI, Oxford University Press, 2023.

ple threats. Accordingly, their conceptions of cultural goods tended to be descriptive and enumerative in character. Scholarly literature has often discussed the extent to which such enumerations corresponded to the aims of these documents.²² Moreover, these documents were not focused on the issue of access, which, as a process of social interaction and activity, presents different challenges than those posed by the protection and preservation of cultural goods. The problem of access, while acknowledged in these documents as necessary, was generally formulated only in broad terms – as the claim that the protection of cultural goods is a necessary precondition for ensuring access to them.

In a later document, the *Recommendation Concerning the Preservation of, and Access to, Documentary Heritage, Including in Digital Form* (2015),²³ devoted to the preservation of documentary heritage, the issue of access is addressed more adequately and explicitly (the fact that the very title of the document contains the word “access” is significant). Although the text primarily focuses on measures to ensure the safeguarding of documentary heritage and access to it, several of its provisions have a general character and can be applied to the broader understanding of access to cultural heritage. Cultural heritage is vulnerable to external threats, above all, such as conflicts and natural disasters. Yet it is also vulnerable to socio-economic difficulties: the insufficiency of material resources, especially financial and technological ones. All of these factors pose risks for the preservation of cultural heritage and constitute objective barriers to access. Access is also hindered by outdated legal frameworks, such as restrictive copyright laws that prioritise the interests of rights holders over public accessibility. Many cultural institutions, alongside financial difficulties, suffer from a lack of technological equipment, trained personnel, and expert support for preservation, all of which complicate access to the cultural goods they hold. Addressing these problems is a crucial condition for ensuring an adequate level of technological and professional expertise in the preservation of cultural goods and for guaranteeing effective access to them, for scientific, educational, and broader informational purposes alike.

2. Concepts of Culture and Cultural Goods

In 1972, UNESCO adopted the *Convention Concerning the Protection of the World Cultural and Natural Heritage*, whose purpose was “to ensure, as far as possible, the proper identification, protection, conservation and presentation of the world’s heritage,” encompassing both cultural and natural heritage.²⁴ One of the instruments for achieving this goal

22 See: Roger O’KEEFE: “The “Right to Take Part in Cultural Life” under Article 15 of the ICESCR,” in: *International and Comparative Law Quarterly* 47:4 (1998), 904–923.

23 *Recommendation Concerning the Preservation of, and Access to, Documentary Heritage Including in Digital Form, Records of the General Conference. 38th session Paris, 3–18 November 2015*. Vol. 1: *Resolutions*, Paris: UNESCO 2016, 163–166.

24 *Operational Guidelines for the Implementation of the World Heritage Convention*, Paris: UNESCO World Heritage Centre, 2025, 12.

was the creation of the *World Heritage List* (WHL), which includes sites of cultural and natural heritage of “*outstanding value*.” The list is constantly expanded and revised.²⁵ The significance of the WHL cannot be overstated: the very inclusion of a site in the WHL constitutes an act of international recognition of its universal value, thereby immediately increasing its importance in the eyes of both the world community and local authorities. At the same time, it also imposes special obligations on the state in whose territory it is located. In general terms, this means creating conditions that protect and preserve the site. Ideally, this presupposes practical measures for its restoration (where necessary), conservation, the creation of conditions for scientific research, and the public presentation of its results, as well as the dissemination of knowledge about the site through education. If the site is of tourist interest, an optimal regime of visitation is established, taking into account both the interests of visitors and the conservation requirements. At the same time, modern digital technologies enable the creation of virtual models of cultural sites, providing opportunities for online visits.²⁶ The latter also ensures access to cultural goods for those who are physically unable to visit a site due to individual characteristics, health conditions, or spatial and financial barriers. The WHL has become an accessible source of information about unique cultural masterpieces and landscapes, which many people would otherwise never have known about.

However, despite the fruitfulness of this step, over time it became clear that the Convention did not fully meet the tasks of safeguarding cultural heritage, because its primary attention was devoted to material monuments, above all architectural ones. For various reasons, monuments located in countries of the Western world have predominated numerically in the WHL for a long time, primarily because their representatives have shown greater activity in registering cultural heritage sites and securing their inclusion in the WHL.²⁷ What was of even greater concern, however, was that, according to the spontaneously formed concept of the Convention, cultural heritage was associated with material cultural objects, particularly those representing the historical past. Living cultural traditions, especially in their local forms, have remained in deep shadow as expressions of culture in folklore, language, and diverse ways of life.

In 1976, UNESCO issued the *Recommendation on participation by the people at large in cultural life and their contribution to it*, which proposed a more expanded and advanced

25 According to the latest data, the WHL includes 1,248 sites (of which 972 are cultural heritage sites, 235 are natural heritage sites, and 41 are mixed heritage sites) located in 170 countries, see: World Heritage List, UNESCO, <https://whc.unesco.org/en/list/> [18 August 2025].

26 Today, the World Heritage Centre (the body which directs the World Heritage Program) explicitly uses digital tools (e. g. virtual tours) to broaden public access to listed sites, recognising that UNESCO’s mission includes making heritage visible and accessible worldwide. See: Dive into Heritage is now live! UNESCO launches online platform to explore World Heritage in 3D (3 August 2025), UNESCO. *World Heritage Convention*, <https://whc.unesco.org/en/news/2803> [18 August 2025]; Dive into Heritage, UNESCO. *World Heritage Convention*, <https://whc.unesco.org/en/dive-into-heritage/> [5 November 2025].

27 Tracy IRELAND & John SCHOFIELD: “The Ethics of Cultural Heritage,” in: Tracy Ireland & John Schofield (eds.): *The Ethics of Cultural Heritage*, New York: Springer, 2015, 3.

concept of culture. Developing the ideas of the UNESCO Conference on Cultural Policy (Venice, 1970), according to which culture “is not mainly consumption or the preservation of the past but, basically, a shared experience and participation in a creative process” and “is not merely an ornament but an integral part of social life,”²⁸ this concept of culture was based on UNESCO’s fundamental understanding of the role of culture as a factor of social progress and as a means of involving people from different social strata in civic activity and in the creative transformation of society. The *Recommendation* stressed that culture is not reducible to “cultural works” and the knowledge produced by creative elites. Culture is “a social phenomenon resulting from individuals joining and co-operating in creative activities,” thanks to which “the constant growth of society’s spiritual potential, based on the full, harmonious development of all its members and the free play of their creative faculties,” becomes possible. The Recommendation also emphasised that “culture is not limited to access to works of art and the humanities, but is at one and the same time the acquisition of knowledge, the demand for a way of life and the need to communicate.”²⁹ At the same time, by underlining the complementarity of access to culture and participation in cultural life, the *Recommendation* offered a more precise understanding of these notions: “By access to culture is meant the concrete opportunities available to everyone, in particular through the creation of the appropriate socio-economic conditions, for freely obtaining information, training, knowledge and understanding, and for enjoying cultural values and cultural property”; and “by participation in cultural life is meant the concrete opportunities guaranteed for all – groups or individuals – to express themselves freely, to communicate, act, and engage in creative activities with a view to the full development of their personalities, a harmonious life and the cultural progress of society.”³⁰ These are the most detailed definitions of culture and access to culture to be found in UNESCO documents.³¹ Accordingly, the *Recommendation* strongly advised member states to adopt the necessary measures to guarantee their citizens’ rights concerning access to culture and participation in cultural life, in the spirit of the UDHR and the ICESCR.

Together with this *Recommendation*, UNESCO also adopted the Recommendation concerning the International Exchange of Cultural Property, which provided a generalised

28 *Intergovernmental Conference on Institutional, Administrative and Financial Aspects of Cultural Policies, Venice, 24 August–2 September 1970*, Paris: UNESCO, 1970, 11.

29 Recommendation on participation by the people at large in cultural life and their contribution to it, in: *Records of the General Conference Nineteenth Session (Nairobi, 26 October to 30 November 1976)*. Vol. 1: *Resolutions* [Annex I], Paris: UNESCO, 1977, 29.

30 *Ibid.*, 31.

31 These ideas on culture and cultural activity have been reflected and developed in a number of projects carried out on behalf of or under the auspices of UNESCO. One of them is the UNESCO Framework for Cultural Statistics, which contains interesting material on this subject. See: *The 2009 UNESCO Framework for Cultural Statistics*, Paris: UNESCO Institute for Statistics, 2009; *The 2025 UNESCO Framework for Cultural Statistics*. Part I. *Concepts and Definitions*, UNESCO Institute for Statistics, 2025, <https://unesdoc.unesco.org/ark:/48223/pf0000395490> [24 January 2026].

definition of “cultural property”³² that went beyond a mere listing of types of cultural objects (as specified in the 1954 Hague Convention and several subsequent documents). Cultural property was defined as “items which are the expression and testimony of human creation and of the evolution of nature which, in the opinion of the competent bodies in individual States, are, or may be, of historical, artistic, scientific or technical value and interest, including items in the following categories,” after which a short list follows: zoological, botanical and geological specimens; archaeological objects; objects and documentation of ethnological interest; works of fine art and of the applied arts; literary, musical, photographic and cinematographic works; archives and documents.³³ This definition is notably broader than the one given in the UNESCO Glossary.³⁴

Gradually, a stricter and more philosophically relevant concept of culture was elaborated. The approach can be easily traced in the materials of the series of UNESCO conferences on cultural policy (1982–1998).³⁵ These tendencies in the understanding of culture were taken into account in the 2001 *UNESCO Universal Declaration on Cultural Diversity*, in the Preamble of which culture is defined as “the set of distinctive spiritual, material, intellectual and emotional features of society or a social group, and that it encompasses, in addition to art and literature, lifestyles, ways of living together, value systems, traditions and beliefs.”³⁶

The realisation that culture is also constituted by the modes of social organisation, communication, transmission of social experience, individual and collective self-expression, people’s understanding of themselves and the world, as well as by the means that make all this possible and practical, led to the elaboration of the concept of intangible cultural heritage, which was introduced in the *2003 Convention for the Safeguarding of the Intangible Cultural Heritage*.³⁷ Among other international documents regulating the policies of states and societies regarding culture, this document stands out in that it was the first to explicitly indicate the necessity of ensuring access to cultural goods. In Article 13 (d.ii–iii), among

32 Terminological and theoretical issues related to the concepts of “cultural good,” “cultural property,” and “cultural heritage” are the subject of a separate discussion.

33 Recommendation concerning the international exchange of cultural property (1976), *Records of the General Conference. Nineteenth Session* (Nairobi, 26 October to 30 November 1976). Vol. 1: *Resolutions. Annex I* (Recommendations to Member States and Protocol to the Agreement on the importation of educational, scientific and cultural materials), Paris: UNESCO, 1976, 17.

34 “Cultural goods are defined as consumer goods that convey ideas, symbols and ways of life, i. e. books, magazines, multimedia products, software, recordings, films, videos, audio-visual programmes, crafts and fashion.” (“Glossary,” in: *The 2009 UNESCO Framework for Cultural Statistics*, [Paris:] UNESCO, 2009, 87).

35 World Conference on Cultural Policies. Final Report (Mexico City, 26 July–6 August 1982), Paris: UNESCO, 1982; Our Creative Diversity. Report of the World Commission on Culture and Development, [Paris:] UNESCO, 1995; Intergovernmental Conference on Cultural Policies. Final Report (Stockholm, Sweden, 30 March–2 April 1998), [s.l.: s.n.], 1998.

36 Universal Declaration on Cultural Diversity, 62.

37 *Basic Texts of the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage*. 2024 Edition, Paris: UNESCO, 2024.

a number of measures aimed at safeguarding intangible cultural heritage at the national level, there is a separate requirement of “ensuring access to the intangible cultural heritage” as well as of facilitating access to institutions concerned with the documentation of intangible cultural heritage.

These innovations occur in the context of a semantic shift marked by the 2003 Convention in the understanding of culture and cultural goods.³⁸ Unlike the object-oriented approach to culture characteristic of earlier documents (most clearly visible in the 1970 and 1972 Conventions, discussed above³⁹), this Convention focuses on the “living,” intangible dimension of culture. Intangible cultural heritage, as defined in the Convention, consists of “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 recognise as part of their cultural heritage” (Article 2).⁴⁰ This refers to oral traditions and expressions (including language), the performing arts, social practices, rituals, and festive events, as well as knowledge and practices concerning nature and the universe, and traditional craftsmanship (Article 2). A distinctive feature of intangible cultural goods is that they cannot be separated from their bearers; they cannot be physically appropriated or relocated in space; their existence depends entirely on the people and communities that create, maintain, and transmit intangible cultural heritage through tradition from generation to generation.

Article 2 of the Convention, where intangible cultural heritage is defined, contains a noteworthy qualification: “For the purposes of this Convention, consideration will be given solely to such intangible cultural heritage as is compatible with existing international human rights documents, as well as with the requirements of mutual respect among communities, groups and individuals, and of sustainable development.” It would be a mistake

38 As can be seen from the titles of UNESCO documents, other changes have also taken place. Since the early 1970s, UNESCO has gradually begun to refer to culture in terms of *heritage* rather than *property*, a concept that was finally formalised in the 2003 Convention. This has given rise to a number of studies on the relationship between these concepts (see: FRANCESCO FRANCONI: “A Dynamic Evolution of Concept and Scope: From Cultural Property to Cultural Heritage,” in: A. A. YUSUF (ed.): *Standard-setting in UNESCO*, Vol. I: *Normative Action in Education, Science and Culture*, 221–236). This issue certainly deserves attention, but it is also worth noting that within UNESCO itself, all documents on the protection and preservation of culture are considered as a whole, forming a thematic unity. This approach is particularly evident in the UNESCO World Heritage Committee (see: Yamato Declaration on Integrated Approaches for Safeguarding Tangible and Intangible Cultural Heritage, *World Heritage Committee 17th Extraordinary Session* (6–11 December, 2004), <http://unesdoc.unesco.org/images/0013/001376/137634e.pdf> [18 August 2025]; Co-operation and coordination between UNESCO Conventions concerning heritage, *World Heritage Committee 17th Extraordinary Session* (6–11 December 2004), <https://unesdoc.unesco.org/ark:/48223/pf0000137607> [18 August 2025]; The World Heritage Convention and the other UNESCO Conventions in the field of culture, *World Heritage Committee 34th Session* (25 July – 3 August 2010), <https://whc.unesco.org/document/104607> [18 August 2025]).

39 The concepts of cultural goods used in these conventions correspond to the objectives of the conventions as indicated in their titles.

40 Convention for the Safeguarding of Intangible Cultural Heritage, *Basic Texts of the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage*. 2024 Edition, Paris: UNESCO, 2024, 5.

to interpret this remark as implying that intangible cultural heritage in the Convention is understood as a relative category. What is limited here is not the content of the concept of intangible cultural heritage but the recognition of what falls within the scope of consideration and hence of the responsibility of the Convention. Not every cultural practice that a community may regard as its “heritage” is automatically protected by the Convention. Protection extends only to those practices that meet specific normative standards. These concern the compliance of cultural heritage (in its separate elements – particular practices, traditions, representations) with the following requirements. First, the requirement of compatibility with human rights as established in international documents. According to this requirement, elements of cultural heritage involving humiliating treatment of people or causing moral or physical harm (for instance, discrimination on any grounds) are excluded from protection. Second, the requirement of compatibility with the principle of mutual respect among communities, groups, and individuals: cultural heritage must contribute to coexistence and not hinder it (for example, no forms of group self-identification mediated by the denigration of the identity of other groups and the incitement of hostility and hatred toward them are admissible). Third, the requirement of compliance with the principles of sustainable development: cultural heritage must not harm the environment or undermine the capacity of future generations to sustain life and culture (for example, a tradition of resource use that destroys an ecosystem, such as a particular method of fishing or hunting protected animal species, cannot be recognised as deserving preservation). These three conditions of compatibility must be taken into account in the development of policy and the organisation of practices for safeguarding intangible cultural heritage in accordance with the Convention. They establish the general guidelines for action and assessment in safeguarding intangible cultural heritage. Still, their practical application must be based on a careful study of the living experience of particular cultural practices, including concrete situations of emerging conflicts, with full awareness of the complexity of decisions in this field.⁴¹

As with the 1972 *World Heritage Convention*, the 2003 Convention requires member states to undertake comprehensive efforts to ensure the recognition, respect, and enhancement of the role of intangible cultural heritage in society, to raise public awareness of the threats it faces, and to promote education on all issues related to the Convention. It is clear that “intangible heritage is embodied and intertwined with the material and social world,”⁴² and yet it requires greater attention than objects of material culture, due to its existence within the fabric of living communities and, consequently, its fluidity and vulnerability.

In the Convention, access to cultural goods is considered in a new way. This is not a rethinking of the established understanding of access as a universal right to engage with

41 Helga JANSE: “UNESCO’s Convention for the Safeguarding of the Intangible Cultural Heritage and the ‘goodness criteria,’” in: *International Journal of Intangible Heritage*, 18 (2023) 15–30, 19–20.

42 Barbara KIRSHENBLATT-GIMBLETT: “Intangible heritage as metacultural production,” *Museum International* 56:1–2 (2004), 52–65.

cultural goods and to undertake certain actions with them. That traditional understanding remains in force. However, access to cultural goods is now also conceived in another context: as the ability and opportunity for communities and their members – the bearers and creators of culture – to know their cultural heritage, to practice it, and to sustain its viability for future generations. The shift in focus regarding access to cultural heritage toward its bearers, to ensure their right to maintain their cultural identity, based on the practical use of intangible cultural heritage objects, implies a change in the regime of access for external agents. Their right of access is limited by the right of the bearers of intangible cultural heritage to use it as part of their way of life. The aim of the Convention is precisely “to ensure its viability,”⁴³ that is, the inclusion of corresponding elements of intangible cultural heritage in the continuous, dynamic life process of the cultural community.

This understanding of access is further developed in the *2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions*, where the parties to the Convention undertake “to create in their territory an environment which encourages individuals and social groups: [...] to create, produce, disseminate, distribute and have access to their own cultural expressions” and “to have access to diverse cultural expressions from within their territory as well as from other countries of the world” (Article 7).⁴⁴ In other words, while culture and cultural goods are indeed objects of access and should be objects of guaranteed access, the flourishing of culture and its development in all its diversity is made dependent on the extent to which people in all countries have access to art, music, literature, cinema, and other cultural goods in their entirety.

3. The Inescapable Constraints of Access to Cultural Goods

The shift in focus at the 2003 Convention regarding the understanding of culture, cultural goods, and access to them has drawn attention to an essential socio-political and ethical issue: the impossibility, in some instances, of ensuring universal access to cultural goods. The principle of universal access to cultural goods, as postulated in a number of fundamental international documents, sometimes conflicts with the traditions of particular communities. Thus, on the one hand, it is recognised that participation in cultural life is of vital importance for human well-being, personal development, and sense of dignity. On the other hand, within local cultural communities, there exist rules that regulate who may take part in cultural practices, what may be shared with outsiders, and under what circumstances. These rules are not consistent with the principle of universal access to cultural goods.

There exist forms of cultural expression (especially those connected with the sacred) that are not intended for universal access but are governed by the internal rules of communities.

⁴³ Convention for the Safeguarding of Intangible Cultural Heritage, 151.

⁴⁴ *Basic Texts of the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions. 2023 Edition*, Paris: UNESCO, 2023, 9.

For example, the sacred ceremonies of indigenous peoples of North America may, even within their own community, be open only to those who have undergone specific preparation, let alone to outsiders. Similarly, certain Polynesian navigation traditions are transmitted only to initiated members of the community. In Australia, access to some sites with rock paintings regarded as sacred is restricted exclusively to members of local tribes. Such restrictions serve as a means of protecting the knowledge traditional for the given cultural communities, the memory of ancestors, the dignity of their worship, and, through this, the preservation of their cultural identity.

Thus, although participation in cultural life is recognised as a universal human right, contradictions arise between this principle and the concrete traditions of particular communities. International norms affirm access to cultural goods as a human right; however, in practice, some cultural traditions or social practices impose restrictions on who may participate and how cultural experience may be shared. This gives rise to a serious ethical question: how can the universal right to participate in cultural life be ensured without undermining the cultural sovereignty of particular groups that affirm the sacred character of the cultural traditions and practices they preserve?

The answer lies in a reconsideration of the meaning of “universal access.” Access to cultural goods cannot mean that all of them are open to everyone. Rather, one must speak of access that is just, respectful, and attentive to the boundaries defined by local communities. Protection of cultural rights, therefore, requires a shift in perspective: from a focus on individual rights to the recognition of the collective rights of communities that are the bearers of ancestral heritage – living traditions that form an organic part of their way of life and a condition of their cultural identity, which must be safeguarded for future generations.

This is precisely what the 2003 Convention and other international documents indicate, when they insist on the necessity of respecting the rules governing access to traditional cultural heritage, even when such rules limit broader public participation: “Customary practices governing access to intangible cultural heritage should be fully respected, even where these may limit broader public access.”⁴⁵ In this way, the inalienable right of indigenous peoples is affirmed – the right to maintain their traditions, to protect them from outside pressure, assimilation, and violation of the sacredness of that part of their spiritual heritage which is not meant for the gaze of outsiders, and which, in this sense, is unequivocally not subject to universal access.

As can be seen from the supplementary document to the 2003 Convention, *Ethical Principles for Safeguarding Intangible Cultural Heritage* (2016), the envisaged restrictions on access to cultural heritage are grounded in respect for it, and hence for the order of its

45 Convention for the Safeguarding of Intangible Cultural Heritage, *Basic Texts of the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage*. 2024 Edition, Paris: UNESCO, 2024, 144.

46 Many objects of intangible cultural heritage are shared by different cultural communities. In some cases, these communities recognise this commonality, while in others, there are claims to the exclusive right of “possession” of such objects, which results in competition between the communities, negatively affecting relations between them and even more broadly.

existence and functioning within the community that regards it as part of its culture.⁴⁶ The principle of “respect for the intangible cultural heritage of the communities, groups and individuals” is proclaimed already in Article 1 of the Convention. Furthermore, the principle of respect for various aspects of intangible cultural heritage is mentioned more than once in both the Convention’s text and its supplementary documents.

In essence, the 2003 Convention places emphasis on the “communal” character of certain segments of intangible cultural heritage. This does not mean that the cultural goods which form part of the intangible cultural heritage of particular communities do not meet the criterion of “outstanding universal value” introduced by the 1972 Convention (Article 1). One may say that they possess such value in metaphysical and aesthetic respects, but this does not make them accessible to every person, at least not until such a regime is established by the community whose way of life they constitute. At the same time, since safeguarding is defined as ensuring the “viability” of heritage, which is impossible without the inclusion of heritage in the community’s life, unrestricted access must be guaranteed for the community’s members as bearers of cultural heritage. According to the 2003 Convention, communities have the primary and unconditional right of access to their own heritage. As stated in the *Ethical Principles*, “communities, groups and, where applicable, individuals have the right to continue the practices, representations, expressions, knowledge and skills necessary to ensure the viability of the intangible cultural heritage should be recognized and respected.”⁴⁷ This access extends not only to knowledge itself but also to the associated “instruments, objects, artefacts, cultural and natural spaces and places of memory whose existence is necessary for expressing the intangible cultural heritage.”⁴⁸ In other words, the 2003 Convention presupposes that a community’s right to control access and ensure the transmission of its heritage is primary and prevails over any external claims to access if such claims may threaten its viability.

The provisions of the 2003 Convention concerning limitations on access to cultural goods attracted considerable attention, as they highlighted an aspect of the access problem that had not been previously noticed: access to those elements of the life of cultural communities that constitute the sacred content of their heritage. At the same time, the Convention emphasises the importance of studying intangible cultural heritage in its entirety. Moreover, the study of intangible cultural heritage phenomena is considered one of the key conditions and factors for its safeguarding (Article 2.3). The Convention’s indication of the necessity of “identification, documentation, research” of intangible cultural heritage presupposes a certain form of access to it for scholarly and educational purposes. However, access must be carried out with due regard for the specificity of the subject of study and its circumstances. The Convention sets forth an unambiguous normative framework for interaction with communities – the bearers of intangible cultural heritage: “All

47 *Basic Texts of the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions. 2023 Edition*, 143.

48 *Ibidem*, 144.

interactions with the communities, groups and, where applicable, individuals who create, safeguard, maintain and transmit intangible cultural heritage should be characterized by transparent collaboration, dialogue, negotiation and consultation, and contingent upon their free, prior, sustained and informed consent.”⁴⁹ How researchers and scholarly institutions cooperate with communities is to be decided by them on mutually acceptable terms, overcoming stereotypes and prejudices on both sides, and demonstrating mutual respect and understanding.

The question of limitations of access was posed particularly sharply in the 2003 Convention in relation to intangible cultural heritage, since advancing globalisation (with such components as the spread of mass culture, growing interest in little-known and distinctive cultural forms, their appropriation in external cultures, the development of international tourism industries seeking maximal commercialisation of offerings that stir the curiosity of tourists) required special attention to the safeguarding of traditional, local cultures. However, the problem of limitations of access is also relevant with regard to many other kinds of cultural goods. In some cases, existing limitations are so consistent with common-sense considerations that they not only fail to provoke surprise but are also not perceived as a genuine threat to the human right of cultural participation.

What kinds of limitations are these, apart from those noted above in the analysis of the 2003 Convention? In general terms, they include, first, limitations related to the protection of intellectual property (according to which access to cultural objects under copyright protection, and all the more so their reproduction in any form, requires permission or licensing). Second, limitations of access to cultural goods, both tangible and intangible, established by the communities in whose possession they are; these are the so-called “cultural protocols”⁵⁰ – rules regulating appropriate behaviour, manners, and interaction within the community. Third, limitations exist in all cultural institutions (museums, archives, libraries), which set rules of access. These rules are rightly perceived as rules of optimisation of access, but in fact the condition of optimising access is precisely its limitation; such limitations may concern not access as such but the mode and format of its realisation (for example, photographing objects or copying images and texts may be permitted only under certain conditions). Fourth, certain limitations are introduced to prevent the “overload” of access, which can threaten cultural objects with harm, disrupt their physical condition, alter their semantic content, or compromise the authenticity of their context; this is especially relevant whenever cultural goods are not infinitely renewable resources. Fifth, limitations are introduced by administrative authorities for political or ideological reasons; however, they may be justified (public security, protection of traditional values, observance of decency). Sixth, a serious limitation is the charging of fees for access to certain cultural goods. And so on.

49 Ibidem.

50 Jane ANDERSON: *Cultural Protocols: A Framework* (2006), https://sustainableheritagenetwork.org/system/files/atoms/file/Anderson_FrameworkForCulturalProtocols.pdf [7 September 2025].

Some limitations of this kind are strongly recommended in UNESCO documents. For example, the 1972 *World Heritage Convention* and its *Operational Guidelines* (regularly updated) presuppose the necessity of management measures for the safeguarding of cultural objects, including the limitation of access, permit regimes, buffer zones, visitor quotas, and so forth. If an object cannot withstand the burden of excessive access, the recommendation is unambiguous: access should be limited or even blocked.⁵¹

Among objectively justified and legitimate limitations of access, there are also those that, although formally grounded, in essence do not fulfil the function of protecting and safeguarding cultural goods, contradict the idea of public benefit, and prove to be an obstacle to the realisation of people's rights of access to information. For this reason, the *Recommendation Concerning the Preservation of, and Access to, Documentary Heritage Including in Digital Form* (2015), while recognising the appropriateness of limitations where necessary for the protection of privacy, security, confidentiality, etc., specifically indicates that such limitations must be clearly defined and time-bound, and that the laws and regulations governing access must include "an appeals mechanism against such decisions" (Article 3.5). In other words, Member States must create all necessary conditions for facilitating access, taking into account both the needs of scholarly research and educational and informational purposes.

4. The Principle of Accessibility of Cultural Goods under Conditions of Globalisation

The call on states to ensure the openness of culture in all forms of its self-expression was also voiced in the 2005 *Convention on the Protection and Promotion of the Diversity of Cultural Expressions* (Article 2.8).⁵² The Convention addresses the problems of diversity in forms of cultural expression and their protection and preservation under conditions of globalisation. This document reflects the concerns of the international community regarding the fate of creative activity and its diverse results of labour, which are, by nature, unique and singular, in the era of globalisation with its concomitant expansion of the space of free trade. Free trade offers some advantages to cultural activity, but at the same time, the entry of creative workers into the global market (a development that UNESCO called

51 *Operational Guidelines for the Implementation of the World Heritage Convention*, Paris: UNESCO World Heritage Centre, 2025, 34.

52 Clause 8 of Article 2 is broader in scope: "When States adopt measures to support the diversity of cultural expressions, they should seek to promote, in an appropriate manner, openness to other cultures of the world." If one accepts, following UNESCO, that the documents it adopts concerning cultural policy constitute a unified and coherent ideological and value framework, then further work is required to harmonize the provisions of the 2003 Convention on the rights of local cultural communities to the secrecy of certain parts of their cultural heritage in accordance with their own understanding, and the 2005 Convention, which calls for promoting openness to those forms of cultural expression whose protection and preservation are supported by the state.

for at the time) inevitably leads to the commercialisation of culture, transforming cultural goods into commodities and services. The market inevitably exploits creative activity and provokes the levelling of its creative, individually unique character.

It should be noted that globalisation has undeniable positive effects for cultural life: opportunities for global cultural exchange and the circulation of cultural goods across borders have expanded; thanks to advanced digital information technologies, cultural goods are becoming universally accessible. As emphasised in the Preamble of the 2001 UNESCO Universal Declaration on Cultural Diversity, globalisation “creates the conditions for renewed dialogue among cultures and civilisations” (Preamble): cultures are becoming more transparent to one another, and communication between them is constantly intensifying. The 2005 Convention states the same: globalisation creates “unprecedented conditions for enhanced interaction between cultures” and contributes to the “free flow of ideas by word and image” (Preamble). Additionally, it is worth noting that the volume of international trade in cultural goods is steadily increasing. As observers note, in today’s global economy, the production of cultural goods plays a significant role. Cultural goods in the form of works of literature and visual art, craft products from countries in the “Global South,” are being disseminated worldwide.⁵³ All this cannot help but create favourable conditions for accessibility. At the same time, however, both documents point with concern to the fact that globalisation presents a challenge to cultural diversity, leading to “imbalances in flows and exchanges of cultural goods and services at the global level” (2001 Declaration, Article 10), and provoking “risks of imbalances between rich and poor countries” (2005 Convention, Preamble).

UNESCO’s concern with the negative tendencies in cultural life generated by processes of globalisation is understandable. The global penetration of market principles into cultural policy and cultural life leads to the growing perception of cultural goods and services as exclusively consumer products, because of which cultural objects are increasingly commodified and gradually cease to be carriers of “identity, values and meaning” (2001 Declaration, Article 8; cf. 2005 Convention, Article 1). This results in the weakening and loss of cultural memory, as well as the marginalisation of local languages, traditions, and customs. As a consequence, small peoples experience a decline in their sense of cultural distinctiveness and dignity, weakening of social cohesion and intragroup solidarity. The cultures of small nations risk being dissolved into global patterns. Globalisation deepens social divides: unequal access to new media and technologies, gender gaps, and the commercialisation of cultural supply – all this may leave marginalised groups behind. In general, unequal access to culture is part of a broader inequality, and the provision of cultural

⁵³ However, it is noted that although global markets are growing, the benefits are unevenly distributed. As UNESCO data show, developed countries overwhelmingly dominate cultural exports and receive the majority of foreign investments in culture (Lydia DELOUMEAUX: “Global flow of cultural goods and services: still a one-way trade,” in: *Re|Shaping Policies for Creativity Report: Addressing culture as a global public good*, ed. by Jordi Baltà Portolés et al., Paris: UNESCO, 2022, 163–181). Many cultures remain practically “invisible” in global trade flows.

rights is a key to social inclusion.⁵⁴ Thus, entry into the market in itself does not guarantee equitable cultural participation, and globalisation turns out to be a factor aggravating inequality, including in access to cultural goods. UNESCO documents speak of the necessity of state support for local cultural traditions, but states, within whose prerogative lies the conduct of cultural policy and the management of cultural development, are proving less and less capable of dominating the transboundary flow of ideas, images, and resources generated by globalisation, and this critically affects their ability to protect and develop local cultural diversity.

The UNESCO documents, affirming the unconditional value of cultural diversity, warn that globalisation without ethical and political guarantees leads to the domination of cultural uniformity and destroys the “common heritage of humanity” represented in cultural diversity. The philosophy of UNESCO on this question consists of the view that states should strengthen the positive effects of globalisation and neutralise, diminish, or positively compensate for its negative effects. Therefore, states should undertake measures in their cultural policy that promote both the production and dissemination of cultural goods and ensure broad access to them. The *UNESCO World Conference on Cultural Policies and Sustainable Development Declaration* (2022), indicating the main directions of efforts to improve cultural policy, specifically emphasises that “supporting inclusive access to culture and participation in cultural life and its benefits [is] an ethical, social and economic imperative.”⁵⁵ This presupposes the increase of state investment in culture for the ever greater satisfaction of the “emerging needs and opportunities of the culture sector.”⁵⁶ In practice, this means strengthening public cultural services, guaranteeing digital inclusion, and ensuring that vulnerable groups (indigenous peoples, persons with disabilities, etc.) can exercise their cultural rights.

In the semantic context established by the 2005 Convention, the principle of access is actualised, proclaiming equal opportunities for different cultures to access the diversity of forms of cultural expression and means of dissemination. It is worth noting that the principle of access is considered here not from the perspective of the recipient of cultural goods, but from the perspective of their creator, who, in the global market of cultural goods and services, needs respect, sovereignty, opportunities for cooperation, and cultural exchange. The Convention presupposes that at both the national and international levels, cultural activity should receive political support, facilitating producers of cultural goods “effective access to the means of production, dissemination and distribution” (Article 6.2), as well as “to diverse cultural expressions” (Article 7.1). The main focus of the Convention is to promote the self-expression of producers of cultural goods from developing countries,

54 *Acting for the recognition of culture as a global public good and a standalone goal: A strategic pathway towards an inclusive, context-relevant international development agenda*, [s.l.]: Nordisk Kulturfond, 2024, 9.

55 *UNESCO World Conference on Cultural Policies and Sustainable Development – MONDIACULT 2022. Proceedings*, Paris: UNESCO, 2024, 7.

56 *Ibidem*.

the dissemination of the products of their cultural creativity, and the possibility, where possible, of access to their products in the territories of developed countries. However, in connection with the tasks concerning specific aspects of cultural activity – protection and promotion of the diversity of cultural expressions – the Convention also points to general problems associated with access in the cultural field in a broad sense, namely, that access is a possibility whose realisation, apart from the agent’s desire and readiness, requires the existence of various organizational and technical conditions. Their provision is a special political, economic, and administrative task. One of the motives for its implementation is the recognition of the obligation to ensure “human rights and fundamental freedoms as enshrined in the Universal Declaration of Human Rights or guaranteed by international law” (Article 2.1).

The ideas of the Convention were further developed in a number of reports, which reflect the diverse results of the implementation of its provisions at global, regional, and national levels, with particular attention to the extent to which cultural policy is effective with respect to both producers and consumers of culture, and to the extent to which the role of culture as a public good is beneficial for individual social groups, above all those who, due to their oppressed position, are deprived of the possibility of adequate cultural self-expression, and for society as a whole. In the reports, one can notice that the understanding of access has evolved somewhat in the development of the Convention’s ideas. It has expanded: the discourse is not only about access to cultural goods, but also about the accessibility of various forms of cultural expression (diverse cultural expressions), as well as the possibility of self-realisation in creativity, including at a professional level. The issue of access to cultural goods is considered on the same plane as the issues of their generation, production, and distribution. Separately raised is the issue of accessibility of information about cultural goods, about the ways and means of approaching them, as well as about the institutions regulating the order of access to cultural goods (the granting of permissions and the establishment of restrictions).⁵⁷

These international documents outline fundamental normative provisions that define the main conditions and prerequisites for accessing cultural goods and participating in cultural life, including the production, exchange, enjoyment, and sharing of their benefits. In accordance with the mission of UNESCO, these documents are directed primarily toward promoting the development of cultural life in the interests of broad layers of the population, above all those who, for a number of social, political, and economic reasons, have for generations been cut off from social and creative activity and have lacked access to cultural goods in the form of education, information, knowledge, art, and creativity. It should be noted that these are apparently self-evident and straightforward aspects of the problem of access to cultural goods, but at the same time they are key aspects: they presuppose not only the provision of access to culture at the mass level, but also the creation of conditions

57 *Re|Shaping Policies for Creativity: Addressing Culture as a Global Public Good*, ed. by Jordi Baltà Portolés et al., Paris: UNESCO, 2022, Executive Summary.

for people's awareness of their right to access cultural goods, the formation in them of the need for such access, and the capacity to make use of it.

5. The Challenges of Digitalisation

New aspects and emphases have emerged in cultural policy as a result of digital transformation – the development of information and communication technology, the advent of digital formats for storing and transmitting knowledge, creative activities based on the use of digital tools, and cultural objects that exist only in digital form. This necessitates a rethinking of the issues surrounding access to cultural goods.

UNESCO's awareness of the trends associated with the development and spread of information technologies – the new opportunities these technologies create for solving UNESCO's fundamental tasks in the field of education, the challenges they pose, and the latest, related risks – is clearly reflected in a number of UNESCO's normative documents, in the resolutions of its general conferences, united by the common theme of "Culture and (sustainable) development," as well as in the recommendations and statements of UNESCO international conferences on cultural policy.

Thanks to new information technologies, the possibilities for mass access to cultural goods and information about them have undergone radical changes. Throughout the second half of the 20th century, many tasks related to access to cultural goods and participation in culture were considered by UNESCO and other international bodies, social scientists, educators, and civil society activists as a subject for cultural-educational policy and extensive socio-organisational work. It is interesting to observe how many of these tasks have been solved thanks to scientific and technological innovations, the development of which was stimulated in large part, if not primarily, by military-political and economic interests rather than the interests of education and culture. Successfully applied in the fields for which they were initially developed, these technologies were quickly transferred to education and culture, where they were not only practically adopted but also became an indispensable condition for effective activity.

Digital globalisation offers many advantages. Great opportunities are emerging for all who seek to participate in cultural life, both for those who consume cultural goods and for those who create them. Digital tools offer vast opportunities for creativity and presenting results to a broad audience. UNESCO sees facilitating "the use of new technologies, encourage partnerships to enhance information sharing and cultural understanding, and foster the diversity of cultural expressions" (2005 Convention, Article 12.d) as one of the tasks in creating a sustainable digital environment.

A critical area of activity has become UNESCO's Programme on Cultural and Digital Technologies (supported financially by the Kingdom of Saudi Arabia). It aims to utilise new digital opportunities to preserve cultural goods and present them to the broadest possible audience. The directions of this programme include the digital cataloguing of various

cultural traditions, 3D modelling of World Heritage sites for their preservation and virtual access, an online museum of looted artefacts (featuring 600 objects), and others.⁵⁸

A significant impetus for the further application of information technologies in education and culture was provided by the global shift to predominantly distance forms of learning, communication, entertainment, and creativity during the extremely dramatic COVID-19 pandemic, with its profound humanitarian and socio-political effects. The pandemic severely impacted cultural workers, sharply limiting opportunities for both cultural creativity in traditional formats and access to cultural goods. However, in the difficult social conditions of the pandemic (not to mention the health risks it posed, which many could not overcome), the adoption of information technologies became not only a necessity but also a salvation for millions of people worldwide, primarily youth. Beginning to spread as a forced measure necessary for day-to-day socio-organisational and educational activities, and as a means of compensating for slowed or even interrupted interpersonal and social ties, new information and communications technologies eventually found universal application, becoming a ubiquitous and indispensable condition for a usual way of life.

In the new socio-cultural situation, the accessibility of cultural goods is also a matter of people or their communities having the technical means and skills, without which the use of modern information technologies is impossible. Since technical means are not free, digital access to cultural goods requires users to have sufficient financial means (either their own or from third parties) to use the technical equipment. The economic factor, namely financial constraints, is one obstacle to the implementation of “the principles of Internet universality that promote a Human Rights-based open Internet, which is accessible to all and characterised by multi-stakeholder participation.”⁵⁹ There are also socio-cultural obstacles, generally denoted by the term “digital divide,” which manifest in differences in the extent of use and accessibility of digital technologies between developed and less developed countries, within both developed and less developed countries, as well as between generations, between women and men, and between urban and rural residents. Meanwhile, information and communications technologies are developing and spreading extremely quickly. The number of people globally with Internet access has doubled every ten years since the beginning of the 21st century,⁶⁰ and the growth in the number of Internet users primarily comes from developing and less developed countries.⁶¹ There is every reason to believe that with the technical capabilities available today, the problem of Internet access

58 Culture and Digital Technologies, UNESCO, <https://www.unesco.org/en/culture-and-digital-technologies> [28 August 2025].

59 Operational Guidelines on the Implementation of the Convention in the Digital Environment, in: *Conference of Parties to the Convention on the Protection and Promotion of the Diversity of Cultural Expressions. Sixth ordinary session. Resolutions*, Paris: UNESCO, 2017, 6.

60 Individuals using the Internet, *Connecting the world and beyond*, ITU, <https://www.itu.int/en/ITU-D/Statistics/pages/stat/default.aspx> [18 August 2025].

61 Individuals using the Internet (% of population), 1990–2024, *World Bank Group*, <https://data.worldbank.org/indicator/IT.NET.USER.ZS> [18 August 2025].

for every inhabitant of the planet (provided the individual desires it) can be entirely solved in the coming years, leaving obstacles to full Internet access only on the part of authoritarian political regimes not interested in having a free Internet for their citizens.

The development of information and communications technologies creates unprecedented opportunities for increasing the potential for cultural creativity and access to cultural goods. However, the digital format in which cultural goods are stored makes them quite vulnerable and harbours risks to access. Digital heritage⁶² needs no less care than other forms of cultural heritage. One of the biggest challenges in preserving digital heritage is still related to the fluctuation of file formats and the software used to access them. Software and hardware manufacturers are interested in technical developments that would encourage consumers to replace their hardware and software more frequently. Additional programs are needed to enable the prompt and lossless conversion of digital heritage files into new formats. Therefore, to preserve digital heritage and ensure its continuity, UNESCO sets the task to design “reliable systems and procedures which will produce authentic and stable digital objects.”⁶³

There are other, less obvious problems hindering effective access to digitised and digital materials, including user-unfriendly cataloguing, the lack of unified standards, and poor compatibility between repositories.⁶⁴ And, of course, the tasks of preserving digital heritage and, consequently, maintaining access to it, require caution and readiness for emergencies. UNESCO documents emphasise the need for continuity plans, the distribution of backup copies, particularly through participation in regional and international networks of repositories and international cooperation programmes for digital heritage preservation, among other measures.⁶⁵

The adaptation of culture to the conditions resulting from the digital transition also requires greater attention to the normative regulation of the digitalisation of cultural heritage. This, in turn, presupposes raising the level of technical literacy of specialists in cultural institutions – workers in libraries, archives, museums, and arts centres.⁶⁶

A distinct issue concerning information and communication technologies is their linguistic accessibility. In 2003, UNESCO issued recommendations advocating the development of multilingualism in cyberspace as a fundamental precondition for universal access

62 Charter on the Preservation of Digital Heritage (Article 1), *Records of the General Conference. 32nd Session. Vol. 1: Resolutions*, Paris: UNESCO, 2004.

63 *Ibidem*, 75.

64 *Guidelines for the selection of digital heritage for long-term preservation* / By the UNESCO/PERSIST Content Task Force (March 2016), https://unescopersist.org/wp-content/uploads/2017/02/persist-content-guidelines_en.pdf [7 September 2025].

65 The relevance of addressing these tasks increases manifold in circumstances where digital heritage becomes part of big data, and their storage centres are already becoming elements of the national critical infrastructure of strategic importance, which, in the event of military conflicts, are likely to become targets of destructive strikes.

66 UNESCO World Conference on Cultural Policies and Sustainable Development – MONDIACULT 2022. p. 3, <https://unesdoc.unesco.org/ark:/48223/pf0000380779> [22 March 2025].

to cultural goods.⁶⁷ Since then, the integration of artificial intelligence into communicative processes has, to a significant extent, alleviated barriers between languages. Nevertheless, empirical evidence indicates that such barriers are most effectively removed between languages with a large speaker base and, crucially, with a considerable volume of texts that have already been professionally translated into other languages. Furthermore, securing funding for platforms with larger audiences is generally more feasible, and expansive language communities possess a sufficient number of specialists who can support efforts to ensure the openness and accessibility of their language. UNESCO justifiably calls for the adequate — that is, globally accessible — representation of the creative achievements of minority peoples. Yet, meeting these objectives requires more than political will and targeted funding. Given current technological capabilities, the development of machine translation tools for many of the world's languages remains constrained by the scarcity of texts in those languages and the even lower availability of their translations into major languages of international communication.

Taking into account all the risks associated with the development of information and communications technologies and their application in the cultural sphere, and understanding that they are given predominant attention during discussions at UNESCO out of fear that they could become critical in the matter of upholding human rights and maintaining democratic security standards in society, it should be borne in mind that it is precisely the breakthroughs in new technologies that create the most favourable prerequisites for securing the human rights to participate in cultural life and access cultural goods, as proclaimed in fundamental international documents. One only needs to use them wisely, ethically, and humanely.

67 Recommendation concerning the Promotion and Use of Multilingualism and Universal Access to Cyberspace, *Records of the General Conference. 32nd Session. Vol. 1: Resolutions*, Paris: UNESCO, 2004, 70–74.

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ACCESS POINTS #4

ACCESS
Kolleg-Forschungsgruppe
Zugang zu kulturellen Gütern
im digitalen Wandel
ZUGANG

ACCESS TO CULTURAL GOODS IN UNESCO NORMATIVE DOCUMENTS

For the first time, this study presents a comprehensive reconstruction of UNESCO's normative documents in which the issue of access to cultural goods was developed. Over more than seventy years, these documents were elaborated in response to challenges of current socio-political practice. Taken as a whole, they form a conceptual, political, and ethical unity. The context they create must be taken fully into account when discussing cultural policy, the understanding of cultural goods, and access to them. The study traces the development within UNESCO's documents of conceptions of the principle of access to cultural goods, of the notions of culture and cultural goods, of potential restrictions on access to cultural goods, and of the specific features of such access under the conditions of globalisation and the digitalisation of informational and cultural processes.

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