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MAASTRICHT AND THE CULTURAL HERITAGE OF FUTURE GENERATIONS

ESSAY

The Maastricht Principles on the Human Rights of Future Generations[1], dated February 3, 2023, were adopted by approximately two hundred experts from around the world.

They are not an international treaty, but the binding nature of their content is undeniable, as they constitute "jus cogens," norms on human rights accepted and recognized by the international community as a whole.

Human rights belong to human beings, and in accordance with the principles of dignity, timelessness, progressiveness, and "in dubio pro homine," and following the maxim of intergenerational responsibility, the ownership belongs to both present and future generations.

When we speak of generations, we are referring to heritage, in this cultural case, the legacy of past generations that present generations have the right to enjoy through its conservation, safeguarding cultural identity and diversity, along with the responsibility to transmit it in the received state (at least) to future generations.

These ideas of intergenerational responsibility and sustainability intersect, reminding us of the final Declaration of the UNESCO World Conference on Cultural Policies and Sustainable Development (Mondiacult 2022).

These Maastricht principles start from the premise that each generation has the duty to protect and preserve cultural heritage for future generations, and to respect and guarantee the human rights of future generations, highlighting the right to cultural heritage.

Similarly, it is stipulated that interference by States in the voluntary perpetuation of the cultural legacy of a community or people to future generations constitutes a violation of the obligation to respect.

In reality, the provisions outlined in these principles are remarkably rich, particularly in the realm of rational management of cultural heritage. However, from a legal perspective, undoubtedly the most significant aspect is envisioning the adequate representation of the interests of future generations in decision-making procedures that may affect the enjoyment of their human rights, including access by legal representatives to necessary information, and even the corresponding justiciability or effective judicial protection of the human rights of future generations.

Here is a field of extraordinary richness for developing creativity in the formation of legal institutions in favor of humanity and its timeless enjoyment of cultural heritage.

