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# DEVELOPMENT OF THE FRAMEWORK FOR THE APPLICATION OF CULTURAL RIGHTS IN SMART URBAN GOVERNANCE

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Abstract: In the 21st century, urban management poses significant challenges, necessitating a comprehensive approach such as intelligentization for enhancement. The future of effective urban management now hinges on the adoption of smart governance, which has led to the pursuit of sustainable and promising solutions. This approach is increasingly acknowledged as a potent tool that enhances the acceptance of decisions, plans, and policies while safeguarding societal rights. Governance is intricately intertwined with cultural rights, underscoring the importance of cultural rights in fostering a unified, interconnected world. Hence, integrating cultural rights into national policymaking processes is imperative. This study adopts a pragmatic approach and utilizes the UN cultural rights questionnaires, and the electronic governance questionnaire from Kerala University as well as relevant documents, laws, regulations, and articles. The results demonstrate the significant role of cultural rights in advancing smart urban governance. The discussion delves into various concepts and experiences, highlighting the framework of cultural rights and its application in smart governance. This includes considerations of legal, managerial, and technical structures. Ultimately, the necessity for nations to prioritize the implementation of cultural rights to enhance the governance of smart cities is underscored.

**Key words:** Cultural Rights, Smart Governance, Policy-Making, Application Framework

#### Introduction

In the contemporary context, urbanization and the rapid pace of urban development present a unique phenomenon that contradicts conventional public management practices [1]. This trend has introduced challenges to cities and nations worldwide that surpass the capacity, extent, and capability of traditional institutions and their conventional processes [2]. The concept of smart cities has emerged in recent decades, emphasizing the utilization of information and communication technology to deliver intelligent services to the populace [3]. This concept has garnered global attention as a promising solution to modern challenges such as interactive and collaborative governance [4,5,6]. According to smart technology researchers and policymakers, the integration of technology and data, in conjunction with various stakeholders. shapes and directs technology policies in smart urban management, addressing the inefficiencies and inconsistencies of traditional management processes and intricate technical and social systems [7,8,9,10]. Smart governance is predicated on elucidating the interactive relationships among stakeholders. This approach, coupled with a transparent management framework and unfettered information dissemination, aims to enhance democratic services. It also facilitates citizen involvement in decision-making, planning, and policy formulation, fostering the development of a smart government. This entails establishing an open information exchange system, enhancing coordination across all levels, and safeguarding citizenship rights within the digitalization context [11,12,13,14,15].

Smart governance is intricately connected with cultural rights and their functions. The prioritization of commercial and economic issues by countries in the context of cultural rights often results in the protection of other rights [16]. Therefore, it is essential to focus on the principles and standards of cultural rights, such as providing accessible services, promoting cooperation and participation with a specific emphasis on indigenous, and ensuring services are sufficient and of the desired quality for implementation in smart cities. This approach covers a broad spectrum of community rights [17]. Cultural rights are safeguarded within the framework of smart cities and are influenced by smart urban governance [18]. Consequently, in smart cities, governance is implemented in a more informed manner, facilitating the realization of cultural rights through a reciprocal process [19]. Smart urban governance establishes the necessary conditions for the fulfillment of cultural rights, including multi-level participation and cooperation, as well as the fundamental right to freedom, encompassing the freedom to seek, receive, and disseminate information, which forms the foundational framework of cultural rights. Furthermore, smart governance and cultural rights mutually reinforce each other through interactive engagement, playing a mutually stimulating role [20]. Despite the increasing number of challenges and problems facing urban management, and the specific measures taken to enhance urban management through Smart initiatives, there is a limited amount of research applying the concept of Smart urban governance within the realm of cultural rights. Existing studies in this area have predominantly focused on e-government within the context of traditional urban management, lacking comprehensive theoretical frameworks and conceptual tools. The absence of an effective framework for implementing Smart urban governance that integrates technical, legal, and managerial structures, as well as diverse stakeholders, to ensure city management aligns with cultural rights principles, represents a critical gap in contemporary urban governance. Recognizing the significance and urgency of establishing a Smart urban governance framework and addressing these deficiencies, this study aims to fulfill this need. The adoption of a Smart governance framework within the cultural rights context is a crucial step towards enabling intelligent city management. This research seeks to develop a framework for incorporating cultural rights into Smart governance practices through a pragmatic approach, drawing on relevant literature and documents to explore the essential components of an effective framework. By identifying the

concepts, dimensions, and elements of Smart urban governance and cultural rights, primarily guided by policies promoting Smart urban management, this study endeavors to address the fundamental question of the capabilities required in a robust framework.

# **Background: Definitions and Concepts**

Cultural Rights: Cultural rights encompass various entitlements such as the right to health, adequate housing, infrastructure, social security, work, and education. Farida Shaheed, the inaugural United Nations expert, laid the groundwork for the conceptual framework of cultural rights from 2009 to 2015. The acknowledgment of collective cultural rights is a fundamental aspect of international human rights law. Consequently, a pivotal right that warrants attention is the right to engage in cultural life, which can be perceived as a form of liberty. To ensure this right, governmental intervention is imperative, entailing the establishment of prerequisites for participation and collaboration, facilitation and promotion of cultural activities, and the accessibility and preservation of cultural assets. This prerequisite is achievable within the realm of freedom, encompassing the liberty to seek, receive, and disseminate information and opinions through various media channels of choice [20,21,22]. Karima Benun, the second UNappointed expert on cultural rights from 2015 to 2021, redefined the conceptual parameters set forth by Shaheed. According to Benun, cultural rights are transformative and empowering, offering significant prospects for the realization of other human rights. A key requisite is the promotion of cooperation as a foundational principle in contemporary collectivism and mutualism. Cultural rights advocate for the rights of individuals both independently and in conjunction with others and societal groups. They can also be viewed as instrumental in safeguarding access to cultural heritage and resources that facilitate identity formation and developmental processes. Cultural rights are perceived as a mechanism for upholding rights [23,24]. Hence, the acknowledgment and safeguarding of cultural rights serve as a means of validating identity and ultimately fostering empowerment. Alexandra Xanthaki, the third UNappointed expert since 2021 focusing on cultural rights, emphasized that individuals are through self-discovery and exploration of the world via cultural engagements and reflections. Collective mobilization in the realm of rights is achieved by highlighting the significance of indigenous communities, thereby reinforcing collective learning and participation [25,26,27,28] (see Table 1).

Table 01: Dimensions and Components of Cultural Rights

Table 01. Difficults and Components of Cultural Rights					
Dimensions	Indicator	Constituent Elements			
Managerial	Democratic Governance	By considering the interplay of the right to adequate information, focusing on all stakeholders, providing for their staff, and enhancing public awareness, cultural actors operate within three distinct sectors: public, private, and civil.			
	Legal institutional as well as political measures	The integration a cultural rights approach into actions and programs involves ensuring access procedures, identification, and introduction, stakeholder as well as legal, financial, social, educational, or institutional actions. This integration aims to investigate incentives that guarantee broad access to information and programs for individuals from marginalized groups, while also eliminating barriers to scholarly communication and collaboration.			
Legal	Access and freedom in cultural life (right to free access and free participation in cultural life, freedom to develop and share knowledge); Communication and information (freedom of opinion and information, freedom to search, receive, and publish information, the right to participate in information, the right to respond to false information); cultural participation and cooperation (participation and consultation in explaining, implementing, and evaluating decisions and democratic procedures); Legal and institutional support (inclusion of the agenda of cultural rights in the national agenda of the target country, local and national legal, administrative, and political frameworks); Activists and stakeholders (private sector, public sector, civil societies, citizens, disadvantaged and marginalized groups, Indigenous communities).				
Technical	Development of consultation and participation tools				

Source: Authors' studies adapted from [29,30]

Democratic governance serves as a key indicator of cultural rights, facilitating a technical-participatory approach. Consequently, it will be analyzed within the framework of smart urban governance.

#### **Smart Urban Governance**

In recent years, the concept of smart cities has transitioned from theoretical and conceptual discussions to practical implementation. The integration of information technology with urban development's aims to democratize access to web-based tools. Information technology is not viewed in isolation but is combined with technical systems and social capital to enhance the efficiency of cities. The primary goal is to facilitate policy-making and processes through transparent and collaborative approaches [31,32]. The synergy between technology and governance is crucial for the advancement of smart cities. Technology serves as the foundation for collecting, processing, storing, and disseminating data, and this must align with governance frameworks to ensure equitable access at various levels [33,34]. Smart urban governance emphasizes the collective management of urban data and information as the central tenet of smart governance, fostering citizen interactions, cooperation, and access [35]. Merely deploying technologies is insufficient for achieving smart city status; a comprehensive understanding of technology and its structures within a process-oriented smart urban governance framework is essential. The integration of the Internet with information and communication technology establishes the technical groundwork for enhancing urban management efficiency and effectiveness. This streamlined information flow simplifies citizenrelated matters and promotes an interactive and inclusive decision-making system involving governmental entities, the private sector, municipalities, civil societies, and citizens online [36,37,38] (see Table 2).

Table 02: Dimensions, indicators, and components of smart urban governance

Dimensions	Indicator	Definition		
Technical	Information	The database serves multiple purposes, including storing texts, images, audio,		
	infrastructure	video, maps, data, and descriptive information.		
	Communication infrastructure	The items mentioned include mobile phones, laptops, the internet, applications, telecommunication networks, web services, systems, intelligent systems and platforms, high bandwidth and high-capacity technologies, geoportals, and optical fiber line ports.		
	Instruments	Beneficiary tools refer to the typology used to assess willingness and commitment to species participation. Structure tools encompass legal-political support and assistance in delineating duties and responsibilities. Processing tools aid in facilitating interactivity and cultural integration of participation. Exchange tools focus on fostering relationships between stakeholders, while technology tools involve the enhancement of technical skills.		
Managerial	Participatory electronic policymaking, consensus-based decision-making aimed at creating a broad agreement among stakeholders, adherence to the rule of law by establishing a legal framework to safeguard the rights of all societal groups, ensuring accountability by delivering services in a timely manner, electronic accountability encompassing oversight of institutions, private entities, and civil organizations, emphasis on effectiveness and efficiency through the unfettered exchange of information, consensus-building, and continuous monitoring and evaluation, commitment to transparency by facilitating the unrestricted flow of information ensuring easy and direct access to data, strategic insight through electronic planning and a forward-looking approach, capacity building through the implementation of governance, service delivery, and citizen engagement, decentralization involving the participation of local institutions, and promotion of social justice through empowerment initiatives.			
Legal	Compilation of rules and regulations, documents, guidelines, considerations, memoranda, and contracts.			

Source: Authors' studies adapted from [37,39,40,41,42,43,44,45,46]

#### **Research Background**

In general, the human rights document approved in 1948 is the first legal document that mentioned cultural rights. The concept of cultural rights, as it is interpreted today, goes back to the 1970s. The United Nations Charter is the first international document that, after the

Second World War and the creation of a new international legal system, emphasized the necessity of providing international cooperation in the field of cultural issues in paragraph 1 of Article 3 in the section related to its objectives. Cultural rights are specifically addressed in this charter, and in 1948, the compilers of the Universal Declaration of Human Rights dedicated Article 27 of the above document to cultural rights and the way to recognize and benefit from them. The next step was taken in 1966 in the development of cultural rights, noted with the approval of the International Covenant on Economic, Social, and Cultural Rights. The third step in the field of cultural rights is related to the Freiburg Declaration of Cultural Rights, which was compiled into 12 articles by the international working group known as the "Freiburg Group" for UNESCO. Smart governance first emerged in the 1980s following governments' emphasis on the use of computers in the administrative structure. However, the history of using the term electronic governance or smart governance dates back to the 2000s; it was discussed in the United Nations report titled "The Use of ICT to Improve Good Governance" on the use of information and communication technologies to enhance the efficiency, effectiveness, and transparency of government services and processes and to empower citizens to participate in the decision-making process [47]. In the 2000s, e-government was proposed by the World Bank, which supports the development of smart and electronic governance policies [48]. In the academic sector, in 2007, a book entitled "Smart Governance: Governing the Global Knowledge Society" was compiled by German sociologist Helmut Willke [49].

## Methodology

The current research is an applied study conducted in a qualitative setting. Data and information were gathered using documents and articles. Qualitative content analysis was employed to analyze the data. Additionally, the questionnaire from Kerala University in India and the United Nations questionnaire were utilized to identify any existing gaps.

## **Cultural Rights: Smart Urban Governance Support Tool**

Cultural rights are considered a crucial tool effective smart urban governance. Therefore, establishing a framework for implementing cultural rights in smart urban governance can ensure the prioritization of cultural rights policies in smart urban governance.

## **Explaining the Role of Cultural Rights in Supporting Smart Urban Governance**

In the extension of this approach, it can be said that cultural rights provide the necessary legal infrastructure in legal, managerial, and technical dimensions. The meaning of legal infrastructure is the frameworks and laws in which rights and rights are recognized by different actors and stakeholders. These rights are concepts that have come in the form of policy, strategy, and considerations and are the criteria for action. These supporting infrastructures are known as a prerequisite for management and technical measures in smart governance, which provides the basis for facilitating smart urban governance. Legal support for intelligent and democratic governance is provided by cultural rights. Cultural rights recognize rights such as the right to access, communication, information, awareness, cooperation, the presence of various actors and stakeholders, the implementation of democratic governance, and the development of its tools. Smart urban governance develops communication and informational, legal, and management technical tools and infrastructures for the modernization of web-based urban management, information processing, exchange, structural change, and technology application. The development of information infrastructure becomes possible in the form of forming a comprehensive multi-purpose information base; which leads to the realization of the free flow of information between government-government and public-people institutions, strengthening cooperation and participation between various institutions and elements of urban-people management, creating a common and integrated understanding of national interests and the consensus of people about political interests and values, decentralization,

preparing a comprehensive set of rights and regulations for all members of society, accountability of institutions and organizations, improving the effectiveness of the government, preparing a strategic vision, creating the capacities of electronic administration, providing electronic services and electronic participation, creating the basis for the participation of local institutions and empowerment (see Figure 1).

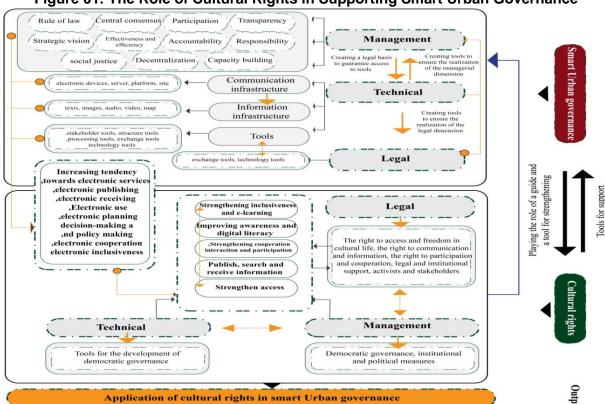


Figure 01: The Role of Cultural Rights in Supporting Smart Urban Governance

#### The Existing Framework: What Gaps Does It Show?

The review of documents related to cultural rights at the international level revealed that its influence in the legal literature of countries has been a growing concern with insufficient attention. However, a notable weakness of these documents is their general nature, lack of specifics on participation methods and levels, and absence of a clear process framework. The primary gap and a crucial factor contributing to this issue can be traced back to the governance structure derived from the countries' power sources. Governance and implementation are closely tied to a country's governance structure, which also extends to its urban management. Power structures can be either centralized or decentralized, with the main challenge arising in countries with centralized power structures. The absence of legal support for collective agreements in planning, policy-making, implementation, and monitoring is a key characteristic of this model of city and country administration. In such countries, technical infrastructures have evolved into mere service delivery platforms for the population.

#### The New Framework: What Does It Show?

The change evaluation mechanism in the present research is based on the outlined in the literature section of the research. It categorizes changes based on the type of change, influencing factors, and the outcomes of the changes (see Table 3).

# **Discussion and Findings**

The effective governance of city management involves various stages such as data collection, information production, processing, documentation, establishing an efficient information circulation system, decision-making, planning, and policy-making. The goal is to institutionalize

an inclusive decision-making process based on collective agreement on an official web platform. This process requires structural-institutional changes and legal guarantees like participation, consultation, and access. Smart governance is characterized as a collaborative and all-inclusive process conducted on a web platform, contrasting with traditional top-down decision-making and policy-making methods that overlook various actors and stakeholders. Information technology and intelligence require governance to steer in the desired direction, and intelligent governance necessitates legal infrastructures for optimal performance, which are supported by cultural rights. Smart governance, assuming legal, technical, and management infrastructures, emphasizes the need for changes leading to the summarization and codification of rights related to electronic as well as the coordinated and comprehensive development of information and communication infrastructures. This approach engages all stakeholders and assigns roles to each in participating in various stages from initial thinking to policy implementation and evaluation. The platform determines essential tools for electronic engagement, with cultural rights being a key component in recognizing legal prerequisites such as participation, access, and democratic governance.

Table 03: Evaluation of Changes in the Research Platform

Indicators	Type of change	Affecting factors	Results of changes
Legal	- Consolidation of the country's legal and multilateral cooperation system in electronic management	- Recognizing the right of other social strata to benefit from electronic services	Summary and codification of rights related to electronic management     Recognition of cultural rights in national legal and political frameworks
Managerial	- Clarification of information - Shifting from one-sided planning and policy-making to two-way interactions - Structural institutional changes	- Enhancing the effectiveness and efficiency of the information circulation system - Encouraging participation - Preparation an e-learning document	- Strengthening understanding, dialogue, and interaction to facilitate the process of sharing and receiving information - Strengthening cooperative approaches and their levels based on power structures
Technical	- Ensuring inclusiveness, role- taking, and societal responsibility, as well as their access to information and communication infrastructures - Provision of two elites and its continuous and interactive monitoring	- Coordinated and comprehensive development of infrastructure - Developing web-based websites, applications, software, and geoportals	- Increasing inclusive access to information tools for information exchange - Increasing social participation of individuals - E-learning

Source: Authors' studies

#### Conclusion

The application of cultural rights in smart urban governance is defined based on two pillars. Firstly, the purpose of this approach is to bring together different stakeholders involved in city management on an electronic platform to facilitate interactivity in information circulation, decision-making, policy-making, and implementation, which forms the basis for electronic city management. Secondly, this approach can be based on three general goals: creating inclusive information communication bringing about structural-institutional changes in the legaladministrative system; and recognizing the principles of cultural rights (right to participation, access, legal protection, consultation, freedom) in the national legal and political frameworks of countries related to smart management. If the framework of cultural rights is applied in smart urban governance, there are obstacles such as lack of infrastructure, lack of culture, lack of digital education and learning, lack of information, lack of transparency, and disruption of executive bodies in inter-sectoral cooperation. Paying attention only to citizens in the form of recipients and consumers of services, the lack of complete and comprehensive information, and the absence of an intermediary device of the executive branch for integration through planning to create technical, legal, and managerial infrastructures is resolved. Intelligent management based on the capacities of cultural rights is guaranteed in this context. The purpose of this study is to provide a framework for the application of cultural rights in smart governance that outlines the goals, mechanisms, processes, and outputs in general; and to offer an idea of the integration of cultural rights and smart governance that countries can incorporate into their documents and benchmarks. This research should be extended to areas such as explaining the role of cultural rights in e-governance and emphasizing different areas such as environmental management, social management, and other forms related to city management to guide the aforementioned framework.

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