Cultural Preservation and Protection

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For generations, the weavers of Africa have perfected the art of making blankets and cloth in complicated patterns and vibrant colors. Traditionally in Africa, weavers produce luxury fabrics for religious ceremonies, weddings and for chiefs and kings to wear. Afel Aly Sarre is one of the gifted weavers of this traditional fabric. Afel finds it hard to keep his art and his culture alive, however. Imported cloth and clothing and the “urbanization” of many rural areas of Africa is grinding away at the traditional cultural aspects of life in some African countries (UN Works, 2003).

Cultural identity is essential for the peaceful cooperation of civilizations. If people have a strong sense of self-identity through culture, they are more likely to interact peacefully with other cultures, with respect for the diversity of value systems and religious beliefs as well as the tangible aspects of culture. As different cultures become more intertwined, these cultural identities may change. The fluid nature of culture can be positive, leading to stronger societal structures and values, but also can destroy minority or less-powerful cultures, leading to the disintegration of fundamental human values.

One prominent example of the destruction of culture is the destruction of ancient Buddhist statues in Taliban-ruled Afghanistan. However, threats to culture are evident in all countries, whether countries are developed or developing, or self-governed or ruled by force. North American Native Peoples struggle to maintain their language, art and religious practices and many Native North American children are losing their cultural identity as they join the socio-economic structure of the dominant culture. In all parts of
the global community, diverse peoples struggle to maintain their cultural identity in the face of globalization, development, conflict and cooperation with the international community.

**Background**

Protecting and preserving culture includes aspects of human rights, tolerance, development and protecting cultural sites and artifacts, as well as intellectual property rights for culturally specific language and art. The protection and preservation of the diverse cultures of the world is one of the foundations on which the United Nations was built. The United Nations Education Scientific and Cultural Organization (UNESCO) is the primary body of the UN to protect and preserve culture. At the core of UNESCO’s work is the acknowledgement of the links between culture and the broader aims of people throughout the world. Respect, tolerance and protection of culture are central to the UNESCO mandate of "advancing, through the educational, scientific and cultural relations of the peoples of the world, the objectives of peace and the common welfare of mankind" (UNESCO Constitution, 1945). The International Covenant on Economic, Social and Cultural Rights, adopted by the General Assembly on 16 December 1966 and entered into force 3 January 1976, outlines the rights of self-determination of all peoples to freely pursue their cultural development (GA, 1976). The 1966 Declaration of the Principles of International Cultural Co-operation states that "each culture has a dignity and value which must be respected and preserved" and that "every people has the right and duty to develop its culture" (UNESCO, 1966, Article 1). The United Nations proclaimed 1995 the International Year for Tolerance, stating the UN is “Convinced that tolerance – the recognition and appreciation of others, the ability to live together with and
to listen to others – is the sound foundation of any civil society and of peace” (GA, 1993). Numerous other resolutions and declarations of the United Nations promote the protection and preservation of cultural rights, including the Declaration on the Elimination of All Forms of Intolerance Based on Religion or Belief (GA, 1981), the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (GA, 1992), the UNESCO Declaration on Race and Racial Prejudice (UNESCO, 1978) and the Convention Concerning the Protection of the World Cultural and Natural Heritage (UNESCO, 1972).

**Defining Culture**

Often, people define culture only as it relates to the art and heritage of Native or Indigenous People. However, culture has greater meaning and should be applied to both dominant and minority populations in both developed and developing countries. At the World Conference on Cultural Policies in Mexico City (1982), participants defined culture as “the whole complex of distinctive spiritual, material, intellectual and emotional features that characterize a society or social group. It includes not only arts and letters, but also modes of life, the fundamental rights of the human being, value systems, traditions and beliefs.” (UNESCO, 1982) This broad definition of culture extends beyond art and heritage, and recognizes the intricate tapestry of culture that defines societies.

**Culture and Human Rights**

Most of the international community recognized that there are universal human rights, as set forth in the Universal Declaration of Human Rights (GA, 1948). However,
the international community is increasingly sensitive to cultural relativism, the notion that human values vary with different cultural perspectives (Ayton-Shenker, 1995, 1). While it is generally recognized that the international community must continually work towards the establishment and protection of universal human rights, the need to incorporate the myriad cultural values into the human rights structure is still in its infancy. Regardless of the work yet to be accomplished, the respect for cultural diversity that leads to cultural preservation and protection has long been a central tenet of the work of the United Nations, grounded in the principles set forth in the International Covenant on Economic, Social and Cultural Rights (GA, 1966), and perpetuated through succeeding covenants, declarations and resolutions of the United Nations.

The task of incorporating cultural relativism into human rights is difficult and demanding, and the road to cultural human rights is threatened by abuse of the principles of respect for diverse cultures. Cultural relativism should not justify denial or abuse of human rights through veiled discriminatory practices, such as labeling certain groups of people as a culture different from a dominant culture, thus isolating them from the benefits of the economic and social advantages of their community and country. Real solutions to the address cultural sensitivity often are most effective when developed on a local level, with the direct participation of the cultural groups involved and considering the specific challenges of each situation. The task of incorporating cultural relativism, therefore, cannot be mandated. Rather, education and awareness, as well as cooperation between cultures, with emphasis on the differing needs of diverse cultures, are necessary for the promotion of human rights within the framework of cultural relativism.
In Article 3 of the International Covenant on Economic, Social and Cultural Rights (1976), member states of the United Nations agreed to “ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights” of the Covenant (GA, 1966). The Convention on the Elimination of All Forms of Discrimination against Women (1979) recognized that culture plays a defining role in women’s full enjoyment of their fundamental rights and that “a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality of men and women” (GA, 1979). States party to the Convention are required to modify cultural patterns of social and economic equality in their efforts to ensure equal rights of women. However, the balance between the respect for culture and the empowerment of women is uneasy in many parts of the world. While women sometimes enjoy the benefits of their cultural status, culture can also be used to discriminate against women. While the international community generally seeks to promote the equal rights and participation of women in governance, economic activity and social interactions, the cultural practices with regard to women is often a contentious area of debate.

Indigenous People

Protecting and promoting the rights of indigenous peoples is a central part of ensuring cultural protection and preservation. The UN Commission on Human Rights, through the Economic and Social Council, established the Permanent Forum on Indigenous Issues in April 2000 during the International Decade of the World’s Indigenous Peoples (ECOSOC, 2000). The Permanent Forum acts as an advisory body to...
the Economic and Social Council regarding issues related to economic and social
development, culture, the environment, education, health and human rights. The
Permanent Forum prepared a draft declaration on the rights of indigenous peoples that is
currently under review and discussion by the Commission on Human Rights. The draft
declaration would unequivocally give indigenous peoples the right of self determination
to freely pursue their economic, social and cultural development and calls for both
prevention of and redress for “any action which has the aim or effect of depriving them of
their integrity as distinct peoples, or of their cultural values or ethnic identities” (CHR,
1994). If adopted, the draft declaration would provide the essential foundation for
promoting and protecting the cultural rights of not only indigenous peoples, but also of
all distinct cultural groups in the various regions of the world.

Tolerance

The importance of tolerance cannot be overstated in the preservation and
protection of culture, and in the efforts of the United Nations to promote dialogue among
nations and promote peace. At the birth of the United Nations, the signatories of the
Charter resolved to “practice tolerance and live together in peace with one another” (UN,
1945a). UN members are made up of diverse civilizations, and within each civilization is
even more cultural diversity. In the absence of tolerance and respect for cultural
diversity, multi-ethnic conflict, racism, prejudice and violations of human rights occur
that could lead to the destruction of the fabric of society.

The United Nations proclaimed 1995 as the International Year for Tolerance (GA,
1993), and for the first time, emphasized that tolerance for cultural diversity is a moral,
political and legal requirement for the peaceful interaction of a culturally diverse world
(UNESCO, 2003b). During the International Year for Tolerance, the United Nations and its member states launched new programs to promote tolerance through education, the arts, dialogue and policy. Music, film and various forms of educational activity were used to promote understanding and awareness of the diversity of cultures and efforts to build tolerance in conflict zones and post-conflict societies fostered the succession of hostilities and reconciliation.

The efforts to promote tolerance were furthered by the United Nations Year of Dialogue among Civilizations in 1998 (GA, 1998). The General Assembly recognized that individual nation-states may have many different cultures within a nation-state and recognized the need for tolerance in international relations. In one of its resolutions regarding the Year of Dialogue, the General Assembly stated, “tolerance is one of the fundamental values essential to international relations in the twenty-first century and should include the active promotion of a culture of peace and dialogue among civilizations, with human beings respecting one another, in all their diversity of belief, culture and language, neither fearing nor repressing differences within and between societies but cherishing them as a precious asset of humanity” (GA, 1998).

**Culture and Development**

Development is both a threat and an opportunity to the cultures of the world, and economic globalization is at the core of the debate of how to preserve the cultural identity of diverse populations while working to provide the benefits of globalization to all people. International trade often brings material goods into countries that displace traditional goods, yet it also provides opportunities to enhance the economies of diverse populations through the inherent value of traditional art and practices.
The struggle to maintain cultural identity in the face of development came to the forefront of international debate in the 1960s during decolonization. Models of development at the time stressed modernization through industrialization and urbanization. These models threatened the established cultures of diverse populations and as people began to find political freedom, they also began to challenge the homogenization, or “Westernization” of their cultures (UNESCO, 2003a). In response, the international community began to incorporate the protection and preservation of culture into development models, recognizing the importance of cultural identity to the maintenance of society and finding ways to use culture to enhance the development process.

During the World Decade for Cultural Development (1988-1997), UNESCO established four key objectives of its culture and development agenda:

- to acknowledge the cultural dimension of development;
- to affirm and enrich cultural identities;
- to broaden participation in cultural life; and
- to promote international cultural co-operation. (GA, 1986)

The Decade prompted the development of over 1,200 projects in almost every country. The projects were done in cooperation with governments, local communities and non-governmental organizations. The projects, taken collectively, constitute substantive progress toward incorporating cultural aspects into development (UNESCO, 2003a).

**Protecting the Tangible and Intangible Product of Culture**

The sites, arts and artifacts, language and intellectual property of many cultures throughout the world are in danger of destruction or exploitation. The destruction of sites with both cultural and historical significance is a primary concern during times of both
conflict and peace. Artifacts from both ancient times and the contemporary world are sometimes highly valued by collectors and are sometimes traded legally or illegally. Ancient practices, knowledge and language are subverted for the benefit of those outside the culture of origin, undermining the rights of the members of that culture to safeguard their heritage.

The need for protecting the cultural heritage of the world’s diverse populations was recognized under the 1972 Convention on the Protection of the World Cultural and Natural Heritage. The Convention established the World Heritage List of over 550 sites in 112 countries, including, protected towns, monuments and natural environments. Sites threatened by neglect are included in the List of World Heritage in Danger. The member states party to the Convention pledged to engage in international cooperation for the protection of these sites.

UNESCO is also involved in protecting the intellectual property rights of cultural groups. In 1970, the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property furthered the efforts to safeguard the intellectual property rights of cultures and recognizes the need to return cultural property to the country of origin (UNESCO, 1970).

**Furthering the Protection and Preservation of Culture**

*Laws*

Protection of and preservation of cultural rights can only be effective if UN member states individually seek to protect the rights of cultural groups within their own boundaries. Member states can be encouraged to establish laws to define and enforce human rights, fight hate crimes and protect the intellectual property rights of diverse
cultural groups. These laws must also be adequately enforced and equal access to the rule of law should be provided for women, children and minority cultures. With the establishment and enforcement of comprehensive laws to protect and preserve culture, member states reaffirm to their populations the importance of cultural heritage, and can serve as examples to the international community, promoting the awareness of cultural diversity.

Education

As evidenced by the educational efforts of UNESCO, education is a primary key to promoting understanding and tolerance of cultural diversity. Education leads to consensus on the issue of protecting and preserving the cultural identities of all people. Community education, education in the school system, education to reach rural populations and education about one’s rights and responsibilities are all necessary steps toward respect for cultural diversity. Information to accurately portray different cultures and their belief systems fosters awareness that can lead to recognition of the values of different cultures.

Local Solutions

Because any viable solution to protecting and preserving the cultural heritage of all people requires a respect for cultural diversity, any program or policy to protect culture will be effective only if it is implemented in cooperation with the very society these programs and policies seek to protect. Programs, laws or education to protect and preserve culture must not only be sensitive to the needs of the culture that needs these protections, but also to the other cultural groups in the region.

Conclusion
Protecting and preserving culture is an issue that holds many challenges for the international community, yet the issue also holds tremendous opportunity. Through tolerance of diverse cultures, the international community can further the efforts to establish and maintain peace and security in all regions of the world. Through protection of intellectual property rights and through culturally sensitive development, the international community can bring the benefits of economic globalization to even the most remote civilizations. Through legal protections, all peoples of the world can benefit from other cultures while maintaining their self-identities and through education, awareness and acceptance, all peoples of the world can experience the dignity and value of the world’s diverse populations.
Works Cited


**Resources:**

Division for the Advancement of Women (DAW) http://www.un.org/womenwatch/daw/index.html

Economic and Social Council http://www.un.org/esa/coordination/ecosoc/sub_bodies.htm

Office of the UN High Commissioner for Human Rights  http://www.unhchr.ch


United Nations Development Fund for Women http://www.unifem.org


UNESCO http://www.unesco.org/

United Nations University http://www.unu.edu/index.htm
