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## Cultural Rights, Sustainability and Development: are they related? If so, how?

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### Abstract

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This article examines the relationship between the often separated ideas of rights, development and sustainability. While accepting that each is a contested term, the paper argues that the three elements can be brought together into a holistic model of positive social transformation, and in which each informs the other in creative ways. The article expands this triangulation by exploring in some detail the notion of Cultural Rights as an expansion and re-application of more classical understandings of human rights, and then links this exploration to contemporary debates in the field of culture and development. It argues that cultural rights provide the best vehicle for clarifying and applying the 2005 UNESCO *Convention on the Protection and Promotion of Cultural Diversity* and suggests concrete ways in which, on the one hand, culture can be more effectively integrated into holistic development discourse and practice, and, on the other, by which cultural as well as ecological sustainability can be foregrounded.

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## Introduction

The notions of Rights, Development and Sustainability are now very much part of the contemporary discourses of politics (both national and global), environmental policy (like managing the effects of climate change), and society (social or community movements, calling for justice, equality and recognition). Yet, these three notions vary and are often contested as to their meaning and viability, but all three (perhaps along with a fourth notion, 'globalization') now frame the way in which both social scientists and policy makers approach the world which they attempt to both understand and influence. But leaving aside for a moment the question of their precise definition, and of the ideological baggage that these (as with most social science concepts) carry. A significant issue also arises – whether they are related, and if so, how? Are they three quite separate *approaches* to the contemporary social, political and economic aspects of the world, each valid in its own sphere, but with no organic links between them? Or can a case be made that a more holistic approach to positive social transformation (and hence potentially a more powerful and effective one) might be envisaged – if these three primary terms are brought into a working relationship? This paper will take the latter as its starting point, for an approach that will argue that by identifying their interconnection, and by strengthening them where they are currently weak, a new theoretical model and a workable policy framework can be created and utilized.

But first, so as to briefly comment on the semantics of the debate: the notion of 'development' has of course attracted a vast literature and many voices contesting its nature, and indeed contesting whether it is a good idea at all (or simply the latest phase of Western imperialism in a more attractive package). One area of agreement is that its relative failure still very much exist – (given many of the problems that development purports to address, such as poverty, inequality and social exclusion) – and one reason for this has been the neglect of the cultural aspects of development in favour of over emphasis on economic aspects. The somewhat belated recognition of this lacuna has begun to

give rise to a burgeoning literature to bring culture and development back into fruitful dialogue with one another (Schech and Haggis, 2000; Radcliffe, 2006; Clammer, 2012). Likewise the recognition of the unsustainable nature of contemporary patterns of 'development' (and their historical and continuing patterns of industrialization, consumption, transport, energy use and urbanization), and the growing acknowledgement that these cannot continue without courting disaster for the eco-systems on which all life depends, has rightly become a major preoccupation. But what of Rights? While as a recognition of certain inalienable dimensions of the relations of human beings to one another, the principles set out in the 1948 Universal Declaration of Human Rights, are not widely contested (even if some of the details are). In fact, it was quite quickly recognized by the UN and many of its constituent agencies and adhering governments that the scope of the UNHR was not wide enough, and in 1966 two additional treaties were adopted – the *International Covenant on Civil and Political Rights* (ICCPR) and the *International Covenant on Economic, Social and Cultural Rights* (ICESCR). But although the latter does indeed contain the word 'culture' in its title, it does not clearly indicate which of its provisions specifically relate to cultural rights, nor does it actually define such rights. The relationship between human rights and cultural rights, if such there be, is consequently left vague in the principle international legal instruments.

Yvonne Donders attempts to clarify this confusion by both defining cultural rights and indicating their scope: 'Cultural rights can be broadly defined as human rights that directly promote and protect cultural interests of individuals and communities and that are meant to advance their capacity to preserve, develop and change their cultural identity' (Donders, 2015: 117). She expands this minimal definition by arguing that such rights not only include those that specifically mention culture (e.g. the rights of minorities to practice and enjoy their own culture), but also those broader human rights that have a direct link to cultural freedom, such as the rights to self-determination, to education, to free expression and freedom of religion, and to those principles

embodied in such international instruments as UNESCO's 2001 *Universal Declaration on Cultural Diversity* – in which cultural rights are noted as required for the full expression of cultural diversity. Seen in this light, cultural rights can be identified as a sub-section or extension of general human rights. At one level, of course, it is odd to talk about culture as being a 'right' at all: everyone already has a culture (or a mixture of several of them). The key issues are not those of a 'right to' or by logical inference of 'possession', but of the tragic fact that in so many cases cultural rights are threatened by censorship, suppression, erosion, exclusion or displacement. This is the case with those who desire to practice their culture, but find themselves, for example, in refugee situations (Balfour, 2013). The question then becomes, how are cultural rights related to either or both of development and/or sustainability?

### Culture and Development Revisited

As noted above, there has been a considerable swing towards the idea of systematically relating culture and development. This has taken a number of forms. One has been the more familiar argument that culture contributes to the 'delivery' of development goods. Examples indeed abound of the necessity of taking culture into account in many contexts – health provision (where local ideas of the body, gender, disease causation and witchcraft and magic may have a large impact on the successful implementation of well-meaning but culturally inappropriate health care plans – see Samson, 2004), agriculture (including the adoption of crops that are new to indigenous diets), housing and architecture (for example post-disaster reconstruction – for examples see Aquilino, 2011), and many other situations (for a slightly dated but still excellent set of case studies see Dove, 1980).

In these cases, culture has a primarily instrumental role: it is not necessarily valued for itself. This weakness implies a more comprehensive approach in which culture itself is seen as an intrinsic value, and hence what might be called not so much 'development and culture' as the 'development of culture. This again has a

number of possible dimensions, including the encouragement by UN agencies such as UNESCO and UNDP of 'creative industries' – particularly drawing on indigenous cultural production (music, performance, crafts, visual arts) as an important economic resource for income generation in 'developing' communities (UNESCO/UNCTAD 2008; Kabanda 2014). This approach is different again from the older 'human needs' approach, in virtually every list of which aesthetic needs and the needs for expression and leisure are always prominent (Dube, 1984). This is reflected in recent discussions of the role of the arts in development, which not only argue for the utility of the arts in income-generation, but for their essential role in actually constituting culture as well as their role in establishing dignity, identity, imagination and creativity (Clammer, 2015). All this points to a holistic conception of development that takes into account sociological, economic, political and cultural elements, not only as parts of the totality of a rounded image of development, but also as defining the *goals* of development. What should development look like? What are its ends and what kind of future society do we envisage that is the outcome of the whole process?

But what then of sustainability? Does it relate in any coherent way to the notion of cultural rights? Here again, I will argue that it does, if we consider four possible dimensions of the relationship between culture and sustainability. The first is the relationship between cultural diversity and biodiversity. Here two levels are relevant. One is that local notions of ecology are encoded in local languages and cultural practices (including methods of farming, foraging, hunting and conservation, embodied in turn in symbolic practice such as systems of taboo), and with the loss or erosion of such cultures and languages, such knowledge is lost. Societies that have maintained sustainable relationships with their environments have obviously got something right, and the loss of their 'know-how' weakens the whole body of human knowledge and experience when dealing with the crucial issue of the environment which we are so rapidly despoiling. The second is that it is widely recognized that biodiversity strengthens the entire biosphere. We often do not know the role that a creature or a

plant plays in this total system, and how it contribute to the maintaining of the whole. But when we do, we see the principle clearly at work: the humble bee for instance, populations of which are becoming seriously depleted (probably because of human over-use of insecticides), are the major pollinators of many plant species, and without them many such species could not reproduce; and without bees themselves reproducing, human food supplies will greatly diminish.

It is not unreasonable to extend the same line of reasoning to human cultures: that the loss of cultural diversity diminishes the whole as knowledge, alternative lifestyles, long sustained relationships with the environment and forms of music, performance, cuisines, language, technologies, cosmologies and kinship structures, are lost for ever. Even such an arguably staid body as UNESCO recognizes this, and in the preamble to the 2005 *Convention on the Protection and Promotion of the Diversity of Cultural Expressions* recognizes 'the need to take measures to protect the diversity of cultural expressions, including their contents, especially in situation where cultural expressions may be threatened by the possibility of extinction or serious impairment'.

The second element is that of the emergence (in the affluent societies) of consumption cultures that are inherently unsustainable. Buy-and-throw-away, binge flying, dependence on the motor car, un-necessary packaging, rapid changes of fashion in clothing, huge amounts of food wastage (some estimates suggest that 50% of all food grown is wasted), and energy wastage in many forms, all contribute to unsustainability, especially when scaled-up to a global level. Linked to this is the third factor of what might be called 'cultural performances' – the many ways in which our culture has itself contributed to, or indeed created, the planetary crisis in which we now find ourselves. Its propensity for generating conflict (and militaries by the way are among the world's biggest polluters and energy users, and much of their pollution is highly toxic), its dependence on high-tech medical procedures, destruction of the soil through over use of artificial fertilizers and pesticides and weed-killers, its excessive resource

extraction, over-urbanization, reliance on energy guzzling (but inefficient means of transportation and massive air pollution deriving from the same), are all examples of the ways in which our 'civilization' is actually self-destructive. Even small-scale actions and activities can contribute to this situation: cruise liners are among the most polluting and waste-generating things ever afloat, and as ecologically-minded theatre producers have in some cases come to recognize, a theatrical production can be highly unsustainable in its short term use of non-recyclable sets and costumes, huge usage of electricity, waste generation by the audience (many of whom used unsustainable modes of transportation to get to and from the theatre), something that until recently rarely occurred to practitioners in the theatrical world (Garrett, 2012).

The fourth element is the relationships between culture and economy. One does not have to be a Marxist to recognize that the economy is the dominant element in modern society. It not only creates the material and immaterial goods, but it also creates the desire or the 'need' for them; it shapes our subjectivities, our use of time, the possibilities of our leisure, our patterns of movement and structure of time, our ways of moving and what we wear, eat, drink. This has a number of important implications. One is that cultural critique alone rarely in itself reshapes society. It certainly provides the imaginative engine, but without addressing its relationship to, and often complicity in, the economic system, it cannot in itself be a lever of fundamental change. Yet cultural critique can supply the ammunition in many forms: reimagining the future, engaging in what a generation ago, Herbert Marcuse called the 'education of desire', formulating forms of cultural practice that are sustainable and discouraging those which do not. Sustainability and culture are intimately connected, and so then necessarily is development, desirable or undesirable forms of development being precisely the outcome of that intersection.

There are a number of major implications of the foregoing, and certainly four that immediately spring to mind. The first is obviously the expanding of the notion of human rights to

include cultural rights, and to ensure that such rights are not subordinated to others in the classical list of the UDHR. The second is encouraging the cultivation of cultural practices that are both sustainable and just. It might indeed be here that we are broaching the question of the *rights of nature* – the link in other words between human rights and the protection of the biosphere. The third is to link the idea of rights to that of responsibilities, since a culture of only entitlements is likely to be destructive of both the rights and liberties of others, and of the environment. The fourth is to expand the notion of social justice to include *cultural justice*, and to include in the latter what I have elsewhere called ‘visual justice’ – the right to beauty, or at the very least to the reduction of ugliness, bad design, visually unattractive architecture and city planning (Clammer, 2014, Schwartz and Krabbendam, 2013). As the message on a T shirt spotted on a suburban train in Tokyo (a very functionally efficient, but not visually attractive mega-city) ‘Good design may not save the world, but it sure makes it more attractive’.

If these principles are correct then *cultural activism* is required. This will entail a pro-active stance, which promotes cultural rights and cultural production, extends legal and copy-right protection to indigenous cultural products, and pressures governments to meet their obligations under the various UNESCO conventions and declarations. It will also encourage a broad and concretized notion of human rights (i.e. rooted in actual cultural practices and manifestations), which encompasses both cultural and ecological rights. In other words, it will construct a genuinely holistic conception of development.

### Interrogating Cultural Rights

The argument of this article so far, has been that indeed cultural rights are closely connected to development and to sustainability through many intimate links – sustainable cultural practices in consumption patterns, transport, urban planning, and very much in the arts, architecture and design (Kagan, 2011). Cultures are both expressions of and sources of imagination, including what we might term ‘social imagination’ – ideas that

promote new patterns of social change and transformation. The development of culture is in a very real sense ‘development’ – the creation of spaces of meaning and freedom (often beyond politics or economics in their narrow sense), the source of alternatives, the watering of the roots of identity, and the generator of cultural and aesthetic pluralism that constitutes the diversity that, as we have suggested, parallels in significance the bio-diversity on which the web of life depends. But more than one approach can be taken to this – certainly an anthropological one. This examines the actual manifestations of culture, but also a more formal one as expressed in international legal instruments, and in particular in the various declarations and conventions that UNESCO, as the UN body specifically charged with the protection and promotion of culture, is so keen on issuing.

The most recent of these is the 2005 *Convention on the Protection and Promotion of Cultural Diversity*, and the ways in which it conceptualizes culture and its relationship to development is significant and contestable (UNESCO, 2005). The preamble to the Convention, while never attempting to define its operative concept of culture, sets out, in typical UN-speak, a series of propositions. Having stated that it regards cultural diversity as a normal characteristic of humanity, and that it is a global common heritage and should be cherished, the Convention develops these propositions: ‘*Being aware* that cultural diversity creates a rich and varied world, which increase the range of choices and nurtures human capacities and values, and therefore is a mainspring for sustainable development for communities, peoples and nations’; ‘*Recalling* that cultural diversity, flourishing within a framework of democracy, tolerance, social justice and mutual respect between peoples and cultures, is indispensable for peace and security at the local, national and international levels’; and ‘*Celebrating* the importance of cultural diversity for the full realization of human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and other universally recognized instruments’. Having set out these claims, the Convention goes on to argue (without any specific evidence or suggestions of how to do so) for the

need to incorporate culture into national and international development policies, to protect cultures from erosion, particularly under the impact of globalization. The subsequent Articles reaffirm the importance of the link between culture and development, and specifically asserts in Article 2, subsection 6 (the Principle of sustainable development) that ‘The protection, promotion and maintenance of cultural diversity are an essential requirement for sustainable development for the benefit of present and future generations’, and again repeats itself in Article 13: ‘Parties shall endeavour to integrate culture in their development policies at all levels for the creation of conditions conducive to sustainable development and, within this framework, foster aspects relating to the protection and promotion of the diversity of cultural expressions’; and it then suggests a number of means of doing this, including strengthening cultural industries, allowing fair access to global markets for developing country cultural products and services, cultural capacity building, and the promotion of the mobility of artists from the developing world. Very woolly in its language, without sanctions or concrete methods for promoting its aims (left specifically up to the good will of signatory governments), and without actually defining the concept of cultural rights, the Convention is clearly a well-meaning, but ineffective instrument for promoting those rights and the broader field of social justice which they are supposed to embody. But this weakness in turn points to where the lacunae exist, and hence to potentially strengthening and more clearly defining the links between culture and development.

There are, of course, many aspects of the Convention, and of its predecessors including the various human rights declarations such as the 1965 *International Convention on the Elimination of All Forms of Racial Discrimination*, earlier UNESCO documents such as the *Convention Concerning the Protection of the World Cultural and Natural Heritage* (1972) and the 2001 *Universal Declaration on Cultural Diversity*, together with debates about the circulation and protection of cultural products arising from moves to liberalize global markets through the GATT (General Agreement on Tariffs and Trade) and its

successor, the World Trade Organization (WTO), which cannot detain us here (for a systematic study see De Beukelaer, Pyykkonen and Singh, 2015). The aspect that specifically concerns me here is the link between culture, sustainability and development, which now needs drawing out in more detail.

Significant in the Convention is that it specifically relates cultural rights to human rights, and culture to sustainability. Whether the logic that links these things in the Convention itself is very clear, is another question, but at least this important triangulation has been put on the table for debate, and the question now is to operationalize and strengthen it. To do this I would suggest that several steps have to be made. The first of these is the recognition that all people’s ‘have’ a culture, and that all cultures are in principle equal. Debate about this arises primarily in relation to such issues as, classically, female genital mutilation, cannibalism and perhaps today in relation to non-sustainable cultural practices, such as excessive waste generation. But the principle remains as all cultures are dynamic and change over time. As Foucault and others have pointed out, in Western cultures disciplinary regimes have evolved from the brutality of violent and bloody public executions towards, for the most part, much more psychological-based forms, and from the infliction of pain on the body towards rehabilitative work on the ‘soul’. What this principle also points to is the dissolution of any distinction between so-called ‘high’ and ‘popular’ cultures. In practice these draw on each other, ‘quote’ each other, and interact in numerous ways (in forms such as advertising for example), and many forms of ‘craft’ are, in terms of workmanship and aesthetic qualities, often far superior to many manifestations of contemporary art. Furthermore, many forms of performance arts are rooted in ritual, religious practices or ecological/agricultural practices that are an integral part of a local culture, not something just ‘put on’ for purely entertainment purposes.

While an instrumental approach to culture – whether as seeking culturally appropriate ways of conceiving or delivering development policies, or as the encouragement of creative industries – is

important, it should not obscure the fact that culture runs much deeper – in fact, very deep indeed. It represents world-views and forms and expressions of meaning (often embodied in religion as much as in art), the ways in which a group of people express themselves verbally, visually, architecturally, in performance and in self-representations. It is also holistic and encompasses such themes rarely discussed in the development literature as food, costume, bodily decoration, music, body language, hair, sexuality, sport and design, and intersects in fundamental ways with economy, kinship and indigenous legal conceptions and practices. The notion of the development of culture points to the idea that the recognition of ‘culture’ not as some abstract idea, but in its concrete manifestations, and the active strengthening and encouragement of these manifestations, is real development and reflects in a very practical way the ‘capabilities’ approach recommended by scholars such as Martha Nussbaum (2011) and Amartya Sen (2009). This, in other words, constitutes ‘cultural rights’ at work, in their concrete expression. If attempts to define ‘development’ point towards ideas both of social justice (freedom of expression and the creation of a context in which cultural rights can be actually exercised) and to some concept of an abundant life, or even to a utopia, and certainly to a future in which creative cultural expression is an organic part of everyday life. Indeed one could argue that the poverty of many development practices is precisely that they point to an image of life dominated by the economic and by work, rather than to a picture in which creativity and imagination are given full play. Simple evidence of this can be found in the fact that few aid agencies actually fund cultural work, and that when governments decide that they need to cut budgets, the first to go is usually funding for the arts and for such valuable, indeed essential cultural institutions as libraries and museums.

Martha Nussbaum and others have cogently argued that cultural development (and its expression in forms of education and particularly the humanities) is essential to the creating and maintaining of democracy and civilised forms of governmentality in general (Nussbaum 2012). The notion of cultural rights may then be extended to

encompass not only the protection of existing forms of cultural diversity, but also to the right to be exposed to such forms: in other words the entitlement to a humanistic education, whether in itself, or as a component of an education in other technical fields – management, engineering, medicine, law and so forth, or may one dare to say so, in development studies – as an essential part of a rounded upbringing and as the mechanism through which forms of imagination, creativity and the search for alternatives is best pursued. Such imagination and creativity need not be confined to the arts themselves, but spills over into any number of adjacent fields, providing the tools to rethink such socially fundamental categories as gender, ethnicity or sexual and subcultural differences. It also allows local conceptions of ‘heritage’ to be embraced, and, as UNESCO itself has done, to extend this notion from purely material remains to what it is calling ‘intangible cultural heritage’ which includes folklore, oral traditions and stories, local musical traditions, folk dances and many other ‘popular’ but non-material expressions of culture. And it allows the expansion of ideas of what constitutes a ‘social movement’, it being evident that many cultural movements are also social movements – say, Surrealism in the West, or the Mayan Rights movement in Latin America, in which rights were seen not only as political and economic but also very much as cultural (Davis 2004), and in which the struggle for cultural rights was part of a holistic conception of identity and development.

### **Cultural Rights, Multiculturalism and the Cosmopolitan**

An essentialist or ‘anthropological’ definition of culture tends towards the static, but yet stasis can hardly be taken to be the condition of culture in the contemporary world situation. Here we can not only invoke globalization, but also seemingly non-cultural events such as climate change, which in fact have profound effects on cultural practices and conceptions of the world in which such practices might flourish (or not.) Such a view of culture is what, in critiquing the work of the anthropologist Jonathan Friedman, Nikos Papastergiadis calls a ‘residentialist’ conception of culture – notably one that denies hybridity and

mobility and which assumes that 'Symbolic practices were supposedly confined to the physical and territorial boundaries of a given place' and which has the corollary that someone uprooted from or disconnected from the original place of belonging and 'severed from the cultural system that holds together the whole set of identifications' (Papastergiadis, 2012: 125). Such a view of culture, which is very close to the ones embodied in the UNESCO documents cited, makes at least three important and contestable assumptions. Firstly, that cultures are spatially rooted (presumably in only one place); secondly, that identity is tied to such a specific location (a kind of cultural nationalism) such that mobility destroys that vital connection; and thirdly, consequently, that hybrid cultures are inauthentic. And so a cosmopolitan subjectivity equals rootlessness.

However, these three assumptions can be contested both theoretically and empirically, and have significant consequences for both the notions of cultural rights and of cultural diversity. The UNESCO understanding of culture does appear to be highly 'residentialist' in assuming that culture exists in particular spaces; but not between them. This is why they need to be 'protected' from globalisation. It seems hardly necessary to even argue against this view: it is glaringly obvious that cultures, like people, 'travel', that they recompose themselves in dialogue, conflict, merger or influence with one another; that there are no 'pure' cultures, that hybridity is more the norm than the exception; that migrants successfully reconstitute a variety of their original culture in ways that interface with the new host culture (modifying habits of food, dress, body language, housing and so forth, while retaining religious identity and many aspects of kinship and marriage customs); and that very many such persons do not feel any problem with their 'identity' (itself a very conceptually unclear term) but formulate new subjectivities appropriate to and quite comfortable with, their new spatial and cultural situation.

The notion of cultural rights then cannot be tied to a static conception of culture. On the contrary, it might be argued that the notion of rights needs

to be recast as, as it were, an 'hybrid' one – that is to say, that is open ended and contextualised. This does not dissolve the idea that cultural rights can refer to the preservation and the right to practice the 'original' culture, but expands it to allow for the rights of hybrid cultural forms to be equally respected, particularly when they are quite normal. The political dimensions of this need to be recognized: claims for the special protection of (only) original cultural rights, often masks, at best, a form of nationalism and at worst, a barely disguised forms of fundamentalism. There are, alternatively, strong voices suggesting that what is emerging on a global scale is a new form of *cosmopolitanism*, fed by the internet and reflecting new ways of 'belonging' or asserting identity (Creed, 2003), or Paul Gilroy's claim that what we are seeing is a new 'planetary humanism' emerging from and fed by new forms of urban conviviality and transnational human rights movements (Gilroy, 2004: 28). These are optimistic voices, but they do point to the real possibility of new forms of cosmopolitan identity, no longer necessarily rooted in a place, or in the spaces 'in between', but in a new space, constituted exactly out of the processes of globalization and cultural transnationalism, that are the contemporary planetary reality. This has important implications, including that universalism can exist at some levels (for example, in the ideals of the UDHR), while diversity can be celebrated at others, whether in local cultures or in the many hybrid forms that cultural dynamism takes. It also suggests that *cultural translation* becomes an important tool – perhaps the basis of a new anthropology – as mediation between cultural forms takes place and as interpretation is constantly needed, between what used to be called nations, between generations, between one culture of origin and others, and between one culture of origin and its own emerging transformations.

There are many points of contact between debates about the possibility and nature of cosmopolitan identities and debates about multiculturalism, although the two should not be confused. Multiculturalism suggests a situation in which a number of cultures co-exist together, without achieving any degree of integration, while

cosmopolitanism suggests either a melding of cultural identities or a transcending of cultural differences in favour of a more universalised sense of identity. But even the concept of multiculturalism undermines any essentialist or 'residentialist' notion of culture, or at the very least posits the spatial and temporal coexistence of multiple residential cultures, aware of each other's existence, although not necessarily interacting. For philosopher Kant, for whom the development of appropriate political formations is a pre-requisite, it follows that, as Papastergiadis rightly points out, 'Cosmopolitanism is thus not a virtue that is to be pursued for its own qualities, but is dependent on the developments within a political process that seeks to control the destructive drives in human nature, as well as to temper the tyrannical abuses of power' (Papastergiadis, 2012: 83). The simple diversity of cultures does not guarantee that all of those cultures are benign or committed to the integrity or autonomy of other cultures in the world-order. Far from it: some cultures may be predatory, colonialist or assimilative of others in the total cultural ecology. Some might argue that this is a natural evolutionary or historical process. But even if it is, it demonstrates the role of power in cultural relationships. All cultures may be born equal, but they certainly do not necessarily remain so.

So while what Papastergiadis calls a 'Cosmopolitan Imaginary' is certainly possible and desirable (unless one is a hard-core residentialist), it, along with UNESCO like concepts of culture, must be framed in relation to a complex understanding of hybridity – as the inevitable incorporation of 'foreign' elements into identity, as the process of the assimilation or attempted neutralization of such elements by the receiving culture, or the recognition of the inevitability of socio-cultural change, of individual and communal strategies of openness while still retaining attachment to earlier dimensions of identity (such as one's religion of birth), and the existential and social process that emerge in diasporic situations (which in many ways are now the norm, whether through physical migration or the consumption of globalized cultures via the media and other pervasive sources of influence). The nature of the

public sphere is thus transformed and becomes a (culturally) fluid space in which all the partners involved are, if not transformed, certainly influenced by the process of 'culture contact' within which they are necessarily involved, and which can lead to new group formation or, and this is crucial, to new forms of social exclusion (Nederveen Pieterse, 2001). Cultural rights, then, have not only to recognise the dynamic nature of culture/cultural change, but also to grasp that cultural interaction is not equal, but an aspect of power relations. 'Diversity' in itself tells us nothing about the actual dominance of some cultures and the marginalization of others (and hence of their members) in the total global cultural ecology. Cosmopolitan cultures have always existed and the collaborative methodologies now become widely employed among artists, scientists, ethnic groups, co-religionists and in many other spheres are witness to this process. But without recognition of culture as a primary site of struggle, the notion of 'cultural rights' is hollow. Like all notions of rights (and indeed of all systems of law and jurisprudence), the notion is unnecessary where justice prevails. Its salience comes precisely from the fact that such justice (and ecological responsibility) does not yet do so, making the pursuit of cultural rights an even more urgent and sustainability-promoting process than ever before.

### **Deepening Development: Culture and Social Justice**

Development itself then is a highly plural project, one that necessarily includes culture and in which for developmental processes to last, must be sustainable. Cultural policies as a result enter the field of development discourse every bit as much as economic ones. It must be rooted in the local soils of cultures or it withers, and the many development failures that litter the landscape are testimony to this, as the anthropologist James Scott and others have so pointedly indicated (Scott, 1998). This is, in many cases, because of the failure to adequately triangulate culture, development and sustainability. To make that relationship a creative reality, I will suggest a number of factors that ideally need to be incorporated into the model.

The recognition that we live on one shared planet, and one of remarkable complexity and beauty, (and on which, leaving aside science fiction fantasies, we are happily condemned to live), points to some of the ways in which the C-S-D triangle needs to be both filled in and modified in the light of emerging global issues. All three terms share the quality of being implicated equally in all these factors: they form their constant field or horizon. The recognition of shared Earth-boundness has at least two implications. One of these we have already suggested, notably the necessity of orienting culture, sustainability and development towards the environment and its protection and improvement – the fostering of ‘ecological cultures’ as a basis for truly sustainable development, without which merely temporary band-aid solutions are likely to predominate (and ultimately fail). The second is the rethinking of the concepts of citizenship, multiculturalism and the cosmopolitan in the context of a shared and globalized world. Earlier concepts of citizenship have been tied to the notion of the nation-state. But in a world of inter-connections (signalled most significantly by global warming and climate change) no socio-political unit stands alone. As a result the suggestion has been emerging that new and more globally inclusive concepts of citizenship are required, including what some commentators are calling ‘ecological citizenship’ (Davidson, 2004). This implies a global ethics, and one of mutual responsibility rather than either an individualistic one or a purely local or politically rooted one. The very word ‘cosmopolitan’ means to be linked to a larger whole. Some scholars of multiculturalism have suggested that the kind of ‘cultural diversity’ embodied in the UNESCO document represents a form of ‘liberal multiculturalism’ (Kymlicka, 2005) – a well-meaning, but hardly pro-active concept that does not uncover the radical implications of such a notion, which would include a culturally multi-polar world, one in which globalization rather than homogenizing cultures supports genuine difference and hence the existence of many epistemologies and cultural ontologies. Culture is not only what is, but also what might be -- the very notion of literary fiction being exactly the creation of alternative visions, as Mario Vargas Llosa so cogently argues (Vargas Llosa, 2007).

The C-S-D triangle also has to be contextualized within those contemporary processes of globalisation that throw up constant new challenges to all three. The list is long and can never be inclusive, but certainly contains the relationship between the C-S-D holism and globalization itself as an economic and social phenomenon, containing such elements and migration and migratory cultures, new global social networks supported and made possible by the internet and social media, emerging issues of food security, of global health, of the impact of new technologies and their relationship to the appearance of a ‘digital world’ and the functional and dysfunctional (for example cyber-crime) that this generates, new forms of often violent fundamentalisms, new subcultures, patterns of travel, and new concepts of identity among not only the displaced (refugees and asylum seekers) but also among those who chose to be multicultural and have the means to be so. Slowly, yet another area rarely discussed in development thinking is merging partly in response to these issues – notably new forms of international law, which have themselves to negotiate their relationship with local legal codes. As transnationalism increases, legal systems rooted in a single culture become less and less applicable, not only in relation to local legal pluralism (say in India with Hindu, Muslim, tribal and British colonial law all occupying the same national space), but precisely to issues of international trade, copyright, space (as perhaps a logical extension of the existing law of the sea?), new technologies, and basic religious and cultural differences.

This discussion then points to a number of propositions, which can be summarized as follows:

1. That cultural rights, sustainability and development form a triangle of necessarily related elements.
2. That cultural rights are an integral part of human rights, and both are related to the rights of nature.
3. Critiques of the supposed universalism of human rights as they are embodied in the UDHR have largely taken the form of arguing

that there are cultural variations that mean that human rights should be contextualized in relation to particular cultures. Leaving aside the self-serving motives of some governments that have argued this position (in order to water down their commitment to particular rights, for example), the incorporation of cultural rights as an aspect of human rights goes a long way to meeting this objection.

4. Cultural rights must recognise the autonomy of particular aesthetic expressions, a recognition that gives cultural rights a critical edge by not simply acknowledging diversity (a patronizing position), but recognising them as genuine alternative and equal epistemologies and ontologies – of ways of seeing the world and of being in that world. No one culture can then claim a monopoly as having *the* correct world-view. There is no such thing.
5. All cultures evolve and change, but should, except when clear violation of fundamental human rights occur behind the smokescreen of claims to cultural exceptionalism, be allowed to evolve at their own pace. The alternative is a kind of cultural colonialism, in which the more economically and politically powerful societies seek to impose their own culture on the rest of the world, (often today in the name of ‘soft power’), leading to forms of cultural homogeneity quite at variance with the goal of the protection and promotion of cultural diversity.
6. Given the imbalances in power, politically, economically, technologically and culturally in the contemporary world, imbalances enhanced rather than diminished by globalisation. Pro-active cultural policies should seek to not only protect, but to actively support indigenous cultures in all their variety, to encourage cultural experimentation and new forms of art, and aid agencies should see it as part of their duty to support culture as an essential part of a holistic approach to development.

We are in a situation in which development fails without culture, as does any realistic notion of sustainability, in which it is now recognized that culture is a ‘pillar of sustainability’ (Hawkes, 2001).

The bottom line then is an expanded notion of human rights that not only includes cultural rights, but which sees the fulfilment or achievement of a rights-based world as constituting the nature of sustainability and the purpose or end of development. Social justice is the non-negotiable project, but in the recognition that social justice must now include both cultural and ecological justice in the recognition of development as a holistic and life-enhancing process.

## References

- Aquilino, Marie J. (ed.) (2011) *Beyond Shelter: Architecture of Crisis*. London: Thames and Hudson.
- Balfour, Michael (ed.) (2013) *Refugee Performance: Practical Encounters*. Bristol and Chicago: Intellect.
- Clammer, John (2012) *Culture, Development and Social Theory: Towards an Integrated Social Development*. London and New York: Zed Books.
- Clammer, John (2014) *Vision and Society: Towards a Sociology and Anthropology from Art*. Abingdon and New York: Routledge.
- Clammer, John (2015) *Art, Culture and International Development: Humanizing Social Transformation*. Abingdon and New York: Routledge.
- Creed, B. *Media Matrix: Sexing the New Reality*. Crow’s Nest, NSW: Allen and Unwin.
- Davidson, Julie (2004) ‘Citizenship and Sustainability: Rights and Responsibilities in the Global Age’. In Rob White (ed.) *Controversies in Environmental Sociology*. Cambridge: Cambridge University Press, pp. 168-184.
- Davis, S.H. (2004) ‘The Mayan Movement and National Culture in Guatemala’. In V. Rao and M. Walton (eds.) *Culture and Public Action: A Cross-Disciplinary Dialogue on Development Policy*. Stanford: Stanford University Press, pp. 328-358.
- De Beukelaer, Christiaan, Miikka Pyykkonem and J.P. Singh (eds.) (2015) *Globalization, Culture and Development: The UNESCO Convention on Cultural Diversity*. Basingstoke and New York: Palgrave Macmillan.
- Donders, Yvonne (2015) ‘Cultural Human Rights and the UNESCO Convention: More than Meets the Eye?’. In Christiaan De Beukelaer, Miikka Pyykkonem and J.P. Singh (eds.) *Globalization, Culture and Development: The UNESCO Convention on Cultural Diversity*. Basingstoke and New York: Palgrave Macmillan, pp. 117-131.
- Dove, Michael (ed.) (1980) *The Real and Imagined Role of Culture in Development*. Honolulu: University of Hawai’i Press.
- Dube, S.C. (1984) *Development Perspectives for the 1980s*. Kuala Lumpur: Pelanduk Publications for the United Nations Asian and Pacific Development Centre.
- Friedman, Jonathan (1999) ‘The hybridization of roots and the abhorrence of the bush’. In Mike Featherstone and Scott Lash (eds.) *Spaces of Culture: City, Nation, World*. London: Sage, pp. 230-256.
- Garrett, Ian (2012) ‘Theatrical Production’s Carbon Footprint’. In Wendy Arons and Theresa J. May (eds.) *Readings in Performance and Ecology*. Basingstoke and New York: Palgrave Macmillan, pp. 201-209.

- Gilroy, Paul (2004) *After Empire: Melancholia or Convivial Culture?* London and New York: Routledge.
- Hawkes, J. (2001) *The Fourth Pillar of Sustainability: Culture's Essential Role in Public Planning*. New York: Common Ground.
- Kabanda, Patrick (2014) *The Creative Wealth of Nations: How the Performing Arts Can Advance Development and Human Progress*. Washington, DC: World Bank Group.
- Kagan, Sacha (2011) *Art and Sustainability: Connecting Patterns for a Culture of Complexity*. Bielefeld: Transcript Verlag.
- Kymlicka, W. (2005) 'Liberal Multiculturalism: Western Models, Global Trends and Asian Debates'. In W. Kymlicka and B. He (eds.) *Multiculturalism in Asia*. Oxford: Oxford University Press, pp.22-55.
- Llosa, Mario Vargas (2007) *Touchstones: Essays on Literature, Art and Politics*. Selected, translated and edited by John King. London: Faber and Faber.
- Nederveen Pieterse, Jan (2001) 'Hybridity, so what? The anti-hybridity backlash and the riddles of recognition'. *Theory, Culture and Society*, 18 (2/3), 219-45.
- Nussbaum, Martha S. (2011) *Creating Capabilities: The Human Development Approach*. Cambridge, MA: Belknap Press of Harvard University Press.
- Nussbaum, Martha S. (2012) *Not for Profit: Why Democracy Needs the Humanities*. Princeton and London: Princeton University Press.
- Papastergiadis, Nikos (2012) *Cosmopolitanism and Culture*. Cambridge and Malden, MA: Polity Press.
- Radcliffe, Sarah A. (2006) *Culture and Development in a Globalizing World: Geographies, Actors and Paradigms*. Abingdon and New York: Routledge.
- Samson, Colin (2004) 'We Live This Experience: Ontological Insecurity and Colonial Domination of the Innu People of Northern Labrador'. In John Clammer, Sylvie Poirier and Eric Schwimmer (eds.) *Figured Worlds: Ontological Obstacles to Intercultural Relations*. Toronto and London: Toronto University Press.
- Schech, Susanne and Jane Haggis (2000) *Culture and Development: A Critical Introduction*. Oxford and Malden, MA: Blackwell.
- Schwartz, Michiel and Diane Krabbendam (2013) *Sustainist Design Guide*. Amsterdam: BIS Publishers.
- Sen, Amartya (2009) *The Idea of Justice*. Cambridge, MA: Belknap Press.
- Scott, James (1998) *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed*. New Haven: Yale University Press.
- UNESCO (United Nations Educational, Scientific and Cultural Organization) (2005) *Convention on the Protection and Promotion of the Diversity of Cultural Expressions*. Paris: UNESCO.
- UNESCO/UNCTAD (2008) *Creative Economy*. Paris and Geneva: UNESCO and UNCTAD

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