***Cultural rights in divided and post-conflict societies***

**Consultation organized by the Northern Ireland Human Rights Commission (NIHRC) in association with the University of Ulster and in cooperation with the United Nations Special Rapporteur in the field of cultural rights,**

**Ms. Farida Shaheed**

**Derry / Londonderry**

**Northern Ireland**

**1 July 2013**

**PUBLIC SYMPOSIUM**

**KEYNOTE SPEECH BY MS. FARIDA SHAHEED, SPECIAL RAPPORTEUR IN THE FIELD OF CULTURAL RIGHTS**

Ladies and gentlemen,

It gives me great pleasure to be here today, and I must thank the University of Ulster who made this possible by hosting this event. I also extend my appreciation to the Northern Ireland Human Rights Commission that, I am pleased to share, is cooperating with my Office to address the issue of cultural rights in divided and post-conflict societies.

**The mandate**

The mandate of the Special Rapporteur in the field of cultural rights was established in 2009, and I have held that position since then. My mandate, as set up by the Human Rights Council of the United Nations, to which I submit my reports, is to identify best practices as well as possible obstacles to the promotion and protection of cultural rights; to foster the adoption of measures for the realization of cultural rights, and to study the relationship between cultural rights and cultural diversity.

Let me clarify at the outset that my mandate concerns human rights. It is not about protecting culture and cultural heritage *per se*, but about ensuring that the conditions are in place that allow all people without discrimination to continuously develop their culture by accessing, participating in and contributing to cultural life in all its aspects.

**What are Cultural rights**

Cultural rights relate to a broad range of issues, such as self-expression and creation, including in the form of art; information and communication; language; education and training. Cultural rights are closely linked to personal and collective identities and belonging to communities; to being able to develop specific world visions and pursue specific ways of life; to conduct cultural practices and access cultural.

When I started my mandate, I proposed a working definition of cultural rights. For me, cultural rights protect the rights for each person, individually and in community with others, as well as groups of people, to develop and express their humanity, their world view and the meanings assigned to human existence and development through, inter alia, values, beliefs, convictions, languages, knowledge and the arts, institutions and ways of life. They also protect the right to enjoy and to have access to cultural heritage – which in many ways is a precondition to participating in cultural life -- and also to the resources and opportunities required to allow such identification and development processes to take place.

Given the rich diversity that characterizes our common humanity, it is not surprising that when individuals and groups of individuals express their world views and showcase their cultural heritage, they do so from diverse perspectives and project different narratives. In some cases this may create or perpetuate misunderstandings as well as tensions and even lead to confrontations between groups, particularly in divided as well as in post-conflict societies. (I am still looking for a better word for ‘divided’, but by this I mean when perspectives are so sharply delineated as to create mutually exclusive cultural lives, like a fractured mirror). Conflicting viewpoints/perspectives and even conflicts of interest exist in all societies and are integral to the evolutionary processes. Indeed, culture is to be understood as a site of perpetual contestations over meanings and ways of being. The issue is not conflicting views but how such differences are expressed and addressed.

Having spent four years delving into and trying to explicate the largely unchartered area of cultural rights, I am convinced it is time to have a closer look at how cultural rights are, and can be, implemented in divided and post-conflict societies, and to explore how they can play what I believe can be a key role in promoting mutual understanding and reconciliation. More precisely, the question is how the enjoyment of cultural rights can help people and communities to ***both*** express themselves ***and***interact with the Other (or Others) in a constructive manner.

To answer that question, I have chosen two specific topics as the subjects of my two forthcoming thematic reports: the first, presented to the United Nations General Assembly in October 2013, relates to the writing and teaching of history; the second to the Human Rights Council in March 2014 relates to memorials and history museums.

**Interpreting and memorializing the past**

Ladies and gentlemen, I have to say that early on in my mandate, especially during country visits, I was struck by the centrality of cultural rights in interpreting and memorializing the past as well in sharing it today and passing it on to future generations. How the past is remembered and interpreted, prepared for and actually transmitted defines the cultural and symbolic landscapes of specific societies. Memorials, monuments but also artistic expressions in the public space become a reflection of the past; of people’s identities and histories, their divisions and fights but also their achievements, successes and reconciliations.

In all the countries I have visited, whether Brazil or Austria, the Russian Federation or Saint Vincent and the Grenadines, Morocco or , Bosnia-and-Herzegovina, I have met people striving to have access to their own history as well as to that of others. Listening to them, I believe some common interrelated issues relate to:

* First, how to ensure that history is written and taught in schools in ways that are inclusive of the narratives of all those residing in the country, including groups that are marginalized, such as minorities and indigenous peoples (but also women and the poor, for example).
* And second, how to ensure that the perspective of the Other (or Others as the case may be) on past events is taken into consideration, or at least is acknowledged both when writing and teaching history and when building the memorial landscape of a country or a region. This point is particularly controversial in post-conflict societies.

In fact I am just coming from Bosnia and Herzegovina, where I studied those issues more carefully, and I see that the difficulties are manifold.

First, communities see their memorials, monuments, artistic expressions and history textbooks as expressions of their own heritage and history. We must not forget as a premise that memorials and monuments are tools through which people express their cultural identity; mourn and honour their dead; remember violations; and tell their children but also the passer-by not to forget the past. Of course some memorials celebrate a victory over the Other, but many mark the victory of resistance resilience and survival. Hence, they may be highly emotionally charged. As such, they must be respected and understood.

However, we must not forget that memorials and monuments that bear symbols of belonging exclusively to one community, be it ethnic, religious, linguistic or political, can also serve to draw or cement boundaries between people, including by marking territorial borders within and between States. I am convinced that memorials and monuments, while being the expressions of the identities and experiences of particular communities, may also be used to shape community relationships more positively. When they move beyond the ‘claim and blame’ paradigm, memorials can help opposing sides recognize the humanity of the other and commonality of suffering.

The writing and teaching of history can also be quite divisive between people, in particular when students are taught different histories in segregated classes or schools, with no chance at all to be informed about the existence – much less the perspective -- of other narratives.

This can be highly detrimental, undermining the respect for human rights as well as peace-building efforts. For it transforms culture and education, bringing them into the battlefield of politics. In extreme situations, cultural expression and history teaching become the arenas where violations, wars and conflicts are either continued or prepared for the future.

**So, What can a cultural rights based approach bring to these debates?**

Ladies and gentlemen, I hope you did not expect me to provide you with a prepared list of responses. I am in a learning mode, which I think is not a bad mode for all of us to be in all the time. Coming from a society that is both fragmented in its communities and has experienced more armed conflicts than any country should have to experience, I am keenly interested in seeking answers. Northern Ireland is seen by some as a positive example of overcoming violent conflict and I look forward to this public symposium which will allow me (and all of us) to listen to and learn from the views and perspectives of local communities. I shall also be able to learn from the number of experts who have traveled to Derry / Londonderry from all parts of the world to discuss these very issues in what promises to be a very enriching two days discussion, starting tomorrow. In the meantime, let me share some of my thinking, concerns and ideas.

I think that adopting a cultural rights based approach enables us to agree that:

1. As a matter of principle, people should be free to express their own perspective of past events and narratives of history.

2. The State has a crucial role to play in ensuring that minimum educational standards are implemented in schools that cultural and symbolic landscapes are encompassing rather than provocatively exclusionary, that all means are used to systematically de-escalate tensions between communities and that mutual respect and understanding are promoted. Calls for violence and discrimination, in particular, should not be tolerated.

Therefore: we must take into consideration the following:

1. The right to freedom of expression, including the right to freedom of artistic expression and creativity, is crucial for the development and maintenance of cultural heritage, and dialogue essential when conflicting interpretations about the meaning and significance of cultural heritage or past events arise. Similarly, the right to information plays an important role; people need to be adequately informed about the existence, significance and background of diverse cultural heritages, about the possibilities of accessing or participating in these, and, where relevant, about debates surrounding the divergent interpretations to be given to cultural heritage.
2. In accordance with article 15 of the ICESCR, which is one of the main international human rights treaty protecting cultural rights, every person has the right to take part in cultural life, which includes a right to (a) access, (b) participate in, and (c) contribute to cultural life. Together with the Committee on Economic, Social and Cultural Rights, which monitors the implementation of that treaty, I consider that the obligation to respect the right to take part in cultural life in all its aspects “…includes the adoption of specific measures aimed at achieving respect for the right of everyone, individually or in association with others or within a community or group… to have access to their own cultural and linguistic heritage and to that of others.” The right to participate in cultural life implies that individuals and communities have access to and enjoy cultural heritages that are meaningful to them, and that their freedom to continuously (re)create cultural heritage and transmit it to future generations should be protected.
3. Therefore, and this is a conclusion I have reached in many other instances while working on cultural rights, the right of individuals and communities to express their identities and enjoy their cultural heritage should not lead to situations where people, on that basis, create separate hermetically sealed worlds in which they live. Cultural rights also protect the rights to interact culturally with the Other; indeed with as many (or few) Others as you may desire.

Here I would like to stress an issue which I find particularly important regarding individual and collective identities. Individual identities promote characteristics that distinguish one person from another, while collective identities privilege similarities among the individual members of a group.

Each individual is the bearer of a multiple and complex identity. This is what makes each of us a unique being. Individuals identify themselves in numerous ways, simultaneously participating in several cultural communities for example on the basis of ethnicity, descent, language, religion, beliefs and convictions; it can also be around gender, age, class or professional affiliation, sporting or music interests geographical location or through the internet. Regardless of location or basis, the moment we use the pronoun “we”, we selectively project certain aspects of ourselves, certain parts of ourselves, while downplaying or ignoring others. The use of ‘we’ also defines the “them”, who we are not and who are not us. So while the complex “I” may not change - there is no accurate plural of this ‘me’ – and the ‘we’ can and does change depending on the circumstances.

Individuals may select one collective identity over others in particular interactions and engagements. These multiple cultural identities, which include, but also go beyond, issues relating to ethnic, linguistic and religious affiliations, are relevant for private life as well as the sphere of public life, and are an integral part of cultural diversity.

I believe it is crucial to never forget that cultural diversity exists not only between groups and societies, but also within each group and society, and that identities are never singular. This is a point I have stressed in all my reports. There is also diversity within each community of shared cultural values. Most commonly youth have a different perspective but they do not see themselves as outside that community.

* Collective identities never encompass all the characteristics of any individual: they are formed on the basis of privileging certain parts of individual identities. Communities, it must be recalled, are never monolithic blocs.
* Hence, it is of paramount importance that the rich multi-facetted identity of human beings not be reduced to two-dimensional cardboard cut-outs. Individuals must not be cornered into binary either-or choices or be forced to identify themselves in terms of a singular aspect of their identity, such as being female, or of a particular ethnic, religious or linguistic background.

Importantly, the right to take part in the cultural life of a specific community, includes both the right not to participate and the right to critique, challenge and reshape its cultural parameters; to leave and join without fear of punitive action. One main challenge in our discussions, therefore, is to understand how diverging voices within each community can be heard and taken into consideration.

Amongst the many difficult questions that the experts will address in the next two days are the following:

* Should the views and perspectives of all parties and relevant communities on historical narratives be included in textbooks? If so, what are the best ways to proceed? If not, what would be the basis and criteria for the selection? Who is consulted, who decides?
* Should the views and perspectives of all parties and relevant communities be taken into account when establishing a memorial and a history Museum? If so, what are the best ways to proceed? If not, which criteria and which prices should be adopted? Who is to decide?
* How might cultural rights be used to contribute to the development of a new narrative to bridge the divides in a post-conflict or divided society?  What medium and methodology would be most effective?

I consider that history as a science should be written and taught in a manner that ensures that it is not subjected to political influence; that memorials and history museums can only play their role and serve healing processes in divided societies when memorialization processes include all concerned actors, sides and communities.

**Conclusion**

Ladies and gentlemen, let me conclude by stressing how happy I am to be able to discuss these crucial issues here in Derry / Londonderry. I believe we can learn a lot from people’s experience, so it’s most appropriate that this discussion starts by exploring what cultural rights mean to people today here in Londonderry/Derry. For me, this is clearly a good place to begin.

I must also share that in Bosnia-and-Herzegovina, many people declared their willingness to go ahead. To remember the past yes, to pass it to younger generations yes, but also to meet each other in neutral spaces, free from the intrusion of politics, and to enjoy and invent culture freely.

So… ladies and gentlemen, I thank you very much for your attention… the floor is now all yours.