



General Assembly

Distr.: General
18 February 2016

English only

Human Rights Council

Thirty-first session

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Human Rights Advocates Inc., a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[08 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).



Protecting Cultural Heritage as Part of the Right to Culture

I. Introduction

Human Rights Advocates welcomes the continuation of this mandate and the increasing consideration of the importance of culture and its role in sustainable development.¹ Following the 2015 United Nations Conference on Tourism and Culture, many states have recognized the importance and the overlap between culture and tourism, and their ability to assist states in socio-economic development. The right to culture is a tool to both protect cultural heritage and drive sustainable development through cultural tourism. Cultural tourism and the right to culture are complementary, as the two basic goals of cultural tourism are to help economic development and to preserve cultural heritage. This report will expand on the goals of the 2015 UN Conference and focus on the need to develop international minimal cultural heritage laws and mechanisms to pave the path for sustainable socio-economic development via cultural tourism.

II. Right to Culture

Cultural rights were once regarded as an “underdeveloped” or “neglected” category of human rights.² Although much more focus has been shifted to the right to culture, especially with UNESCO’s support, it is necessary to further define the right to culture and set out attainable minimum cultural heritage laws to preserve both tangible and intangible culture for the opportunity of local economic development through sustainable cultural tourism. The mandate of the Special Rapporteur in the field of Cultural Rights has recognized that respect for cultural rights is essential for development and the eradication of poverty, and has reaffirmed the importance of promoting and protecting these rights in the Human Rights Council’s 2015 Resolution 28/9. It is important for states to promote this mandate and take adequate steps to protect cultural rights and to use the protected heritage as a means to achieve goals of economic development and education through tourism.

III. Cultural Heritage and the 2015 Conference

The 2015 Conference focused on the overlap between culture and tourism and the possibilities of using the two to enhance socio-economic development by creating jobs, alleviating poverty and protecting heritage.³ The conference also brought attention to the need to safeguard cultural heritage while promoting tourism, and the need to look at culture as a “driver and enabler of sustainable development.”⁴

“[T]he adoption of the concept of cultural heritage allowed people to embrace the idea that monuments, antiquities, remains of ancient civilizations, as well as traditions and customs have been inherited from the past as precious and irreplaceable resources and should thus be protected and nurtured for the sake of future generations.”⁵ This idea is essential in developing a tourism industry that both benefits and can benefit from the culture of an area.

IV. Cultural Tourism

“Today, cultural tourism – the world’s mosaic of art forms, heritage sites, festivals, traditions, and pilgrimages – is growing at an unprecedented rate . . . Humanity’s curiosity about cultural heritage is the element that truly

¹ Sustainable development is development that is compatible with the physical limits of the environment and makes appropriate use of planet’s resources without compromising the ability of future generations to meet their own needs. Culture in the Post-2015 Sustainable Development Agenda Why Culture is Key to Sustainable Development. Available at <http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CLT/images/Post2015SustainableDevelopmentAgendaENG.pdf>

² Symonides, Janusz. *Cultural Rights: A Neglected Category of Human Rights*. International Social Science Journal, Issue 158 (Dec 1998).

³ <http://www.un.org/apps/news/story.asp?NewsId=49987#.VrEkUzYrJE4>

⁴ *Id.*

⁵ Checi, Alessandro, *The Settlement of International Cultural Heritage Disputes* 16 (2014).

differentiates one destination from another.”⁶ This curiosity results in over one billion people travelling internationally each year, thus creating vast opportunities for socio-economic development in destinations across the globe. “Cultural tourism has proven to increase competitiveness, create employment opportunities, curb rural migration, generate income for investment in preservation, and nurture a sense of pride and self-esteem among host communities.”⁷ In fact, tourism is one of the top two export earnings in twenty of the world’s least developed countries.⁸ By protecting cultural heritage, we are preserving economic opportunity for communities to educate others while profiting from their own cultural knowledge. Culture is also crucial to sustainability in development, as preserving culture will help a community retain its own cultural ideas and traditions with the financial ability to preserve tangible heritage, promoting economic inclusion.⁹ When cultural heritage is destroyed, the opportunity for sustainable development through preservation of cultural heritage will also be destroyed. In respecting the right to culture and promoting tourism, it is important to keep the local people both informed of and involved in the decision-making. It is beneficial for tourists to have an authentic learning and cultural experience, and it is often helpful in limiting environmental impact since local peoples have a better understanding of their land and surroundings.

In the next section, three examples of cultural tourism will be discussed.

V. Examples

UNESCO is a great example of an international organization protecting heritage and supporting tourism. However, national standards are necessary to both promote cultural tourism and to safeguard against the possible negative impacts of tourism, as UNESCO has limited funding and cannot safeguard the world’s heritage on its own.

France

France is the most popular tourist destination in the world with 76.5 million annual visitors.¹⁰ In 2014 travel and tourism directly contributed 3.6% (EUR 77.1 billion) to national GDP, with total contribution reaching 8.9% (EUR 191.4 billion). Travel and tourism’s direct contribution to employment was 7.4%, with the total contribution, including indirect employment, at 15.7%. Tourism is a well-established industry in France and only continues to grow.¹¹ While wine tourism in France accounts for nearly 24 million tourists each year,¹² France also has 41 UNESCO World Heritage Sites drawing tourists annually.¹³

France’s Ministry of Culture and Communication supports and encourages cultural education, local cultural initiatives and cultural diplomacy among other activities.¹⁴ Along with protecting its own cultural heritage, France has also taken steps to protect at-risk cultural heritage in other countries.¹⁵

Mexico

Mexico is a positive example of how conserving cultural heritage can promote socio-economic development.

⁶ <http://www.un.org/apps/news/story.asp?NewsID=49987#.VpwwU5MrJE5>

⁷ http://whc.unesco.org/en/news/1235?=&utm_source=CLT-WHC&utm_medium=email&utm_term=whc&utm_content=whc-information&utm_campaign=whc-information-february-en-20150212

⁸ *Id.*

⁹ Inclusive economic development promotes that community’s unique identity, traditions, and cultural products, generating jobs, revenue and market opportunities and contributing to the reduction of poverty. Culture in the Post-2015 Sustainable Development Agenda Why Culture is Key to Sustainable Development. Available at <http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CLT/images/Post2015SustainableDevelopmentAgendaENG.pdf>

¹⁰ <http://www.statisticbrain.com/tourism-statistics/>

¹¹ <https://www.wttc.org/-/media/files/reports/economic%20impact%20research/countries%202015/france2015.pdf>

¹² <http://www.diplomatie.gouv.fr/en/french-foreign-policy/economic-diplomacy-foreign-trade/facts-about-france/one-figure-one-fact/article/france-the-world-s-leading-tourist>

¹³ http://whc.unesco.org/en/list/?search=france&searchSites=&search_by_country=®ion=&search_yearinscribed=&themes=&criteria_restriction=&type=&media=&order=country&description=

¹⁴ <http://culture360.asef.org/organisation/ministry-of-culture-and-communication-france/>

¹⁵ http://www.ifacca.org/international_news/2016/01/04/france-builds-grand-alliance-protect-cultural-heri/

Mexico is the 8th most-travelled destination among tourists and its rich culture attracts 19.8 million annual visitors.¹⁶ Travel and tourism directly contributed 6.8 percent to Mexico's GDP in 2014, with a total contribution reaching 14.8 percent. Travel and tourism directly contributed to 7.4 percent of total employment in Mexico, with a total contribution of 15.7 percent. While these 2014 numbers show the sizable impact, all numbers were predicted to grow in 2015 and beyond.¹⁷

Ancient ruins, archaeological sites and experiences such as Día de los Muertos attract tourists to the country. With the help of UNESCO, Mexico has put ample preservation efforts into protecting its cultural heritage, and the development has followed.

Guatemala

Travel and tourism directly contributed to 3.4 percent of Guatemala's GDP in 2014, with indirect contributions at 8.8 percent. Travel and tourism's direct contribution to Guatemala employment was at 2.9 percent in 2014. Including indirect contribution to employment, the percentage reaches 7.9 percent, or approximately 489,000 jobs.¹⁸

Comparing Guatemala to Mexico through 2014 statistics, Guatemala has an opportunity to grow its tourism industry. Guatemala already has strong cultural heritage protection through laws at national and municipal levels. These laws include The Constitution of Guatemala, which protects citizens' ability to express culture and national cultural property, Protected Area Law establishing a framework to manage protected areas, and The National Cultural Heritage Protection Law. Guatemala is also State Party to *Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict*, *UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage*, and the *UNESCO Convention for the Safeguarding of Intangible Cultural Heritage*.

Enforcing these laws will bolster sustainability in tourism. However, there are limited funds and resources available to contribute to the preservation of cultural heritage. Other States, including the United States, and the World Heritage Fund have contributed to Guatemala to assist in conservation efforts of the Maya Forest and other archaeological ruins.¹⁹ "Guatemala has a vast unrealized potential for development. Its trade and tourism rest on its natural resources and unique cultural heritage."²⁰ Cultural tourism in Guatemala could enhance the economy and boost conservation efforts. Its rich cultural heritage needs to be both protected and shared with the world.

VI. Recommendations

Human Rights Advocates urges the Council to:

1. Further define necessary terms and minimal cultural heritage laws to achieve adequate protection of cultural rights around the globe.
2. Urge governments to address the protection of cultural heritage in the following ways:
 - A. Create mechanisms to ensure protection of cultural heritage, including domestic bodies that work within and between tourism and cultural preservation.
 - B. Find and maintain mutually beneficial balance between cultural heritage protection and cultural tourism so that the two support and drive one another in a sustainable way.

¹⁶ <http://www.statisticbrain.com/tourism-statistics/>

¹⁷ <https://www.wttc.org/-/media/files/reports/economic%20impact%20research/countries%202015/mexico2015.pdf>

¹⁸ <https://www.wttc.org/-/media/files/reports/economic%20impact%20research/countries%202015/guatemala2015.pdf>

¹⁹ *Id.*

²⁰ Lush, Minoushka. "Guatemala: A Colourful Tapestry". *Realising Cultural Heritage Law*, Institute of Art and Law, 49 (2016).