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Rethinking the African Perspective on Cultural Rights and Cultural Heritage as a Precursor towards the Attainment of Sustainable Development



By

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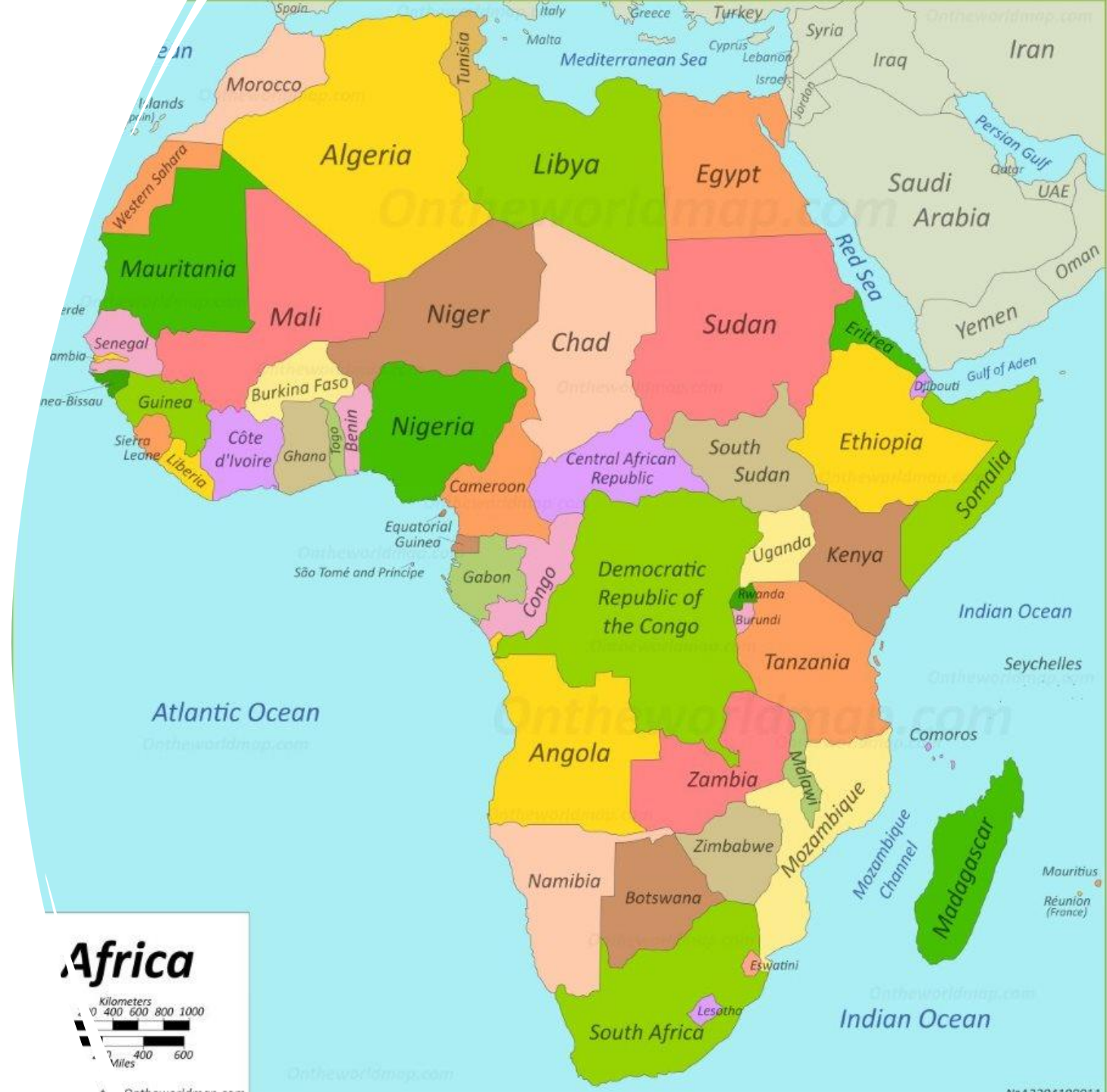
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Outline

- African perspective of cultural rights.
- International perspective of cultural rights.
- Sustainable Development Goals- Culture as a tool to aid achieving it
- Present situation in respect of cultural rights in Africa.
- Way forward
- Conclusion





Culture:

- Is a fundamental part of every man's identity.
- encompasses the way of life, language, belief system, customs and traditions etc of individuals, groups of individual and communities.

INTRODUCTION



Cultural heritage are those things tangible or intangible that express the way of life and thoughts of a particular community or society.

Introduction (contd.)



The cultural agenda has often been neglected but its inclusion as one of the sustainable development goals is slowly gaining prominence as many international cultural networks called for its inclusion in the 2030 agenda for Sustainable development.

Sustainable development is the ‘development that meets the needs of the present without compromising the ability of future generations to meet their own needs.’(the Brundland Report)

Introduction (contd.)





Cultural Right

- Is the right of access to, participation in and enjoyment of culture.
- Relates to the right of individuals and communities in relation to culture

Introduction (contd.)



African cultural heritage embraces all aspects of African life.

It involves people's history, philosophy, poetry, psychology, medicine and health care delivery, ecology, various arms of the traditional government, ethics, economic and social activities, education, military strategies, mathematics (especially numerology) astrology, arts in its various forms and even including science and technology.

African people have various moral and societal values meant to regulate interpersonal relationship and to perpetuate the entire community.

Africans have certain standards or norms directed at social cohesion and smooth running of the community. These norms prevented members of the community from becoming rebellious and thereby endanger the welfare of the society. A set of values that guided the behavior of every member. Values such as hospitality, chastity before marriage, truth, respect for old age, covenant keeping, hard work and good character existed.

African Perspective



The Indigenous African perspective on cultural rights and cultural heritage focuses on **collectivity**. This ideal extends into the cultural heritage or objects of these diverse cultural groups in that their lands, artifacts, art and all other forms of tangible and intangible cultural heritage were also seen as the collective property of the whole unit. As such they were inalienable and personal rights could not be claimed on them. Even where person were in physical possession of these cultural heritage or objects, it did not amount to ownership and as such no right of disposition was laid on such person in possession.

African Perspective (contd.)





This communal indigenous viewpoint of African cultural rights and heritage has been expressed in the African charter.

Articles 17(2) provide that “*every individual may freely take part in the cultural life of his community.*”

An individual’s enjoyment of his cultural life is as expressed through the community.

African Perspective (contd.)

Article 22 of the charter extends the scope of cultural rights to include cultural heritage.

The African Charter recognizes the role of individuals in its Article 29(7) where it provides that the individual is to "preserve *and strengthen positive African cultural values in his relations with other members of the society, in the spirit of tolerance, dialogue and consultation and, in general, to contribute to the promotion of the moral well-being of the society.*"

But this recognition is for the common good of the whole society.

African Perspective (contd.)

African Charter endows state as the protector and promoter of such values which are recognised in these communities and in doing so the state also must help the family unit which is described as the custodian of the morals and traditional values recognised by the society.(Article 18)

Emphasis is placed on the role of units such as the **family, community and the state** as the custodian, protector and promoter of these cultural rights as the African perspective does not view them as the sole entitlement of an individual but that of the community.

African Perspective (contd.)

The UDHR, ICCPR and the ICESCR are the major international documents which have provisions on cultural rights at the international level.

A crosscut similarity through all the provisions is that humans are deemed the possessor of human rights' and this includes cultural rights.

The international perspective put an obligation on the state not to interfere with an individual's enjoyment and freedom to these cultural rights.

International Perspective

- The international perspective on cultural rights is huge and promises to be a tool for the sustainable development of cultural heritage.
- Several western countries have actively taken steps to enforce the cultural rights of their people.
- the legislative authority in the western states in respect of cultural heritage is spread across the various tiers of government which would ensure that the enforcement of cultural rights is strict.

International Perspective (contd.)



There is a strong link between cultural heritage and sustainable development.

Paul Bator has stated that

‘...national patrimony...are part of national capital: they generate income (by attracting tourists, etc) and they can produce social and psychological benefits for a country and its inhabitants... The national artistic patrimony is therefore closely linked to the processes of education: The study of a nation's art is part of the process through which citizens learn who they are. This is obviously true of works possessing special historical or symbolic significance -national monuments or treasures...’

Bator P.M, 1982. “An Essay on the International Trade in Art.” *Stanford Law Review*, Vol. 34, No. 2: 275-384 at 303, 304

Sustainable Development Goals:
Culture as a tool to aid it

Goal 8 on achieving economic development: cultural development has contributed to economic development in the area of tourism and other creative industries.

Goal 4: Education : Cultural tourism is linked to Education. Students go for excursions to visit art and craft centres/ villages, Museums etc

Goal 11: Sustainable cities and communities- preserving cultural and natural heritage.

Goal 12: Sustainable consumption/Production patterns. (Develop and implement tools to monitor sustainable development impact for sustainable tourism that creates jobs and promotes local culture and products.)

These goals are related to eradicating poverty and the achievement of the other goals.

**Sustainable Development Goals:
Culture as a tool to aid it (contd.)**



Westernisation and globalisation has led to the abandonment of the communal lifestyle in Africa for Individualism.

Before colonization, the social and spiritual guardian of the community was the traditional ruler.

The colonial masters shifted the seat of administrative power from the traditional ruler to the government house and the foreign way of life was introduced into Africa.

Gbolokom has stated that **“...colonialists categorically denied the existence of African cultural values and worse still, taught the Africans to despise them.”** (Mbakogu, I. A 2004. “Is there Really a Relationship between Culture and Development?” *Kamla-Ray Anthropologist* 6(1) :27-43 adapted from Owete K and Oviomaigho J. I, Culture and Development in *Culture, Development and Religious Change*. Kilani A. O and Iheanacho N.N (Eds). M & J Grand Orbit Communications: 117)

The idea that African traditional values and practices are fetish and backward has led to the abandonment of the African ideals and values which were once held dear. The heritage objects and sites have suffered systematic plunder, destruction, and illicit trade, aided by greed, ignorance and prolonged neglect.

Cultural rights and cultural heritage
in present day Africa

Many people are undergoing identity crisis even in their homes and villages as their cultural values and languages risk extinction having been jettisoned for the western way of life. (Kaul V, 2012. “Globalisation and crisis of cultural identity.” *Journal of Research in International Business and Management* Vol. 2(13): 341-349 at 342)

African researchers have identified that traditional education and early childhood education in one’s mother tongue provide a better, more lasting foundation than an educational system using foreign language and culture. (Olupona, Jacob Kehinde., (2008). *Reconciling the Faiths: Strategies for Enhancing Religious Harmony for National Development*. Lagos: KingSquire Media Print Ltd.)

Cultural Rights and Cultural Heritage
in present day Africa (contd.)

Though African laws make provision for cultural rights, African governments have not adequately put measures in place to ensure that the cultural rights of the citizens are protected. For example in Nigeria, we have the Child's Rights Act which has beautifully worded provisions on the cultural rights of a child, the mechanisms for enforcing these rights are however not yet in existence.

Lack of mechanisms for enforcing the rights is hindering the achievement of the SDGs in Africa.

Cultural Rights and Cultural Heritage
in present day Africa (contd.)



- There is the need for the **reawakening of a cultural conscience** in Africans. The appreciation, development and patronage of African cultural resources and values is very essential.
- The citizens should be **enlightened about the value and significance** of their heritage and the **need to protect** it in a sustainable manner.
- The government should **prioritize activities that promote culture** and heritage at the different levels of government, encourage the use of the mother tongue at all levels of education; and incorporate traditional forms of teaching in the education process.
- **Community museums** can be established especially in communities with large amount of heritage objects, to ensure objects are inventoried and not trafficked but kept in a place where they can be visited and appreciated by tourists for a fee while at the same time, providing job opportunities for the locals.

Way Forward



Until Africans and African governments ensure that the right value is placed on cultural heritage, the sustainable development goals may not be fully achievable.

Conclusion





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