



Human Rights Advocates

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

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Human Rights Advocates urges this Council to send an important statement to the General Assembly through the necessary renewal of this mandate.

Following the initiation of the Millennium Development Goals (MDGs), many individual actors as well as nations have encouraged the importance of culture as both the driver and the product of development. Additionally, the Special Rapporteur on the Right to Culture has spoken extensively on the right to culture, and country's memorialization of history through textbooks.¹ The Right to Culture can not only drive sustainable development, but also serves as an important tool influencing how citizens understand and respect their culture and cultural differences. For these reasons the Human Rights Council should renew the mandate of the Special Rapporteur and recommend that culture be included in the agenda for the post-MDGs.

This statement will cover two examples: Cambodia and the United States. However, these are only two examples, among hundreds, of reasons why culture must remain at the forefront of the Council's planning for the future. The mandate must be renewed because it will further support to that planning for the development agenda in the post-Millennium Development Goal era must include culture, not only as a goal of development but also a driver of development.

¹ Special Rapporteur on Right to Culture, Cultural Rights, U.N. Doc. A.68/296 (Aug. 9, 2013), available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N13/422/91/PDF/N1342291.pdf?OpenElement>.

I. **The Mandate Should Be Renewed because culture is a driver and a goal of sustainable development.**

Culture is a path out of poverty through sustainable development² and economic inclusion.³ A “one-size-fits-all” development approach will never be appropriate; however, culture as a driver for development uses the unique attributes and knowledge of each culture. It fosters participation in development at the lowest, local levels of a society and creates a more balanced and meaningful development model for the people and by the people. Culture as a path towards development brings unity, cohesion, pride, and confidence to local economies.

Culture has become important to sustainable development at most levels of development planning as it is increasingly self-identified factor for development in many countries. In 2008, culture was mentioned in fewer than 30 per cent of the United Nations Development Assistance Frameworks (UNDAFs); however, in 2013 culture’s importance is highlighted in more than 70 per cent of UNDAFs.⁴

In particular, travel and cultural tourism⁵ has been experiencing a period of unprecedented growth and is one of the leading economic sectors. Taleb Rifai, UNWTO Secretary-General has

² Sustainable development is development that meets the needs of the present 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>.

³ 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>.

⁴ *Id.*

⁵ The movement of travellers motivated by the mosaic of art forms, heritage sites, festivals, traditions and pilgrimage.

said, “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 differentiates one destination from another.”⁶

With over one billion international tourists in a single year, tourism represents 9% of world gross domestic product (GDP), 30% of total exports and services, and one out of eleven jobs across the globe.⁷ The World Bank has found that in some of the poorest countries in the world, 25% of tourism revenue goes to people who live on less than United States \$1.25 a day.⁸ In fact, one million United States dollars in tourism sales generates almost twice as many jobs as the same amount of US dollars in financial services, communications or automotive manufacturing.⁹ Additionally, tourism is well balanced from a gender perspective as women make up a proportionally higher share of the work force in tourism, and they are almost twice as likely to be business owners or employers in tourism industries. Correspondingly, tourism employs young people at almost twice the rate as other industries.¹⁰

Due to the continued growth of both culturally-based development projects and the importance of tourism, it is necessary that the post-MDGs include culture on the agenda so that sustainable development can be carefully managed. The following two examples highlights the importance of regulating tourism as it affects the peoples’ right to culture.

⁶ First UN conference on tourism and culture opens in Cambodia, seeks to build partnerships, available at <http://www.un.org/apps/news/story.asp?NewsID=49987#.VOULpGTF8mU>.

⁷ UN-NLGS, GA Thematic Debate: Culture Deserves Recognition in the Post-2015 Agenda, available at http://www.un-ngls.org/spip.php?page=article_s&id_article=4441.

⁸: Andrew Holden, *Tourism, Poverty and Development* (Routledge, 2013).

⁹ 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 *Id.*

A. Sustainable Development, Culture, and Cambodia

In post-conflict areas or areas that have been hit by disasters, such as Cambodia following the Khmer Rouge (KR) genocide, rehabilitating cultural heritage and encouraging cultural activities can help enable the communities concerned to rebuild their identities and regain a sense of normality, helping them to heal the scars of wars or catastrophes. It is also an important tool to help a war-torn nation's economic recovery.

Between 1992 and 2011, Cambodia's GDP has quadrupled, increasing from \$216 per capita to \$909 per capita. Revenues from tourism have increased seventeen-fold, from US \$100 million in 1995 to US \$1.786 billion in 2010. The number of international tourists to Cambodia has increased twenty-fold in the past 17 years, from 118,183 in 1993 to 2.5 million in 2010.¹¹

Tourism is now the third largest sector of the economy, after agriculture and the garment industry. The increase in the tourism sector over the past 20 years has been a significant driver in the economic growth of Cambodia. Revenues from tourism have increased seventeen-fold, from 100 million USD in 1995 to 1.786 billion USD in 2010.¹² In 2008, tourism represented 4.3 percent of GDP, and in 2010 it generated 315,000 jobs. The sector is estimated to have grown by 20 percent per annum in real growth in the past decade.¹³

The Cambodian Government recognizes the immense development potential of tourism to the country, and therefore placed tourism as one of the priority sectors in the National Strategic Development Plan (NSDP) 2009-2013. The tourism sector is a key to Cambodia's sustainable

¹¹ Kingdom of Cambodia, *The Cambodian Government's Achievements and Future Direction of Sustainable Development*, 37, 2012. Available at <https://sustainabledevelopment.un.org/content/documents/1022cambodia.pdf>.

¹² *Id.*

¹³ *Id.*

development agenda, by contributing to economic and social development and poverty reduction through job creation and income generation, while contributing to reducing climate change and promoting green economic development.¹⁴ The NSDP 2009-2013 referred to “cultural and natural tourism that contributes to the development, protection and conservation of the country’s cultural and historical heritage and the sustainable use of its natural resources.”¹⁵

Due to the increased attention on tourism, and to highlight the Cambodian government’s commitment to encouraging tourism, civil aviation has expanded in Cambodia to respond to the growing needs of the tourism sector.¹⁶ Cambodia has three international airports and nine local airports, including the Phnom Penh International Airport, the country’s largest, and Siem Reap Airport, the gateway to Angkor Wat.

The NSDP articulated its tourism strategy around the following elements: the implementation of an open sky policy; strengthening of intra-regional tourism; promotion of domestic tourism; strengthening of human resources in the tourism sector; strengthening the security and social safety of tourists visiting Cambodia; developing innovative tourism products, including eco-tourism; improving physical infrastructure (roads, airports, ports), and providing a climate of peace, and law and order.¹⁷

As a part of its tourism promotion strategy, in 2008, the Government launched the campaign "Cambodia: Kingdom of Wonder." The campaign has been globally recognized and has strongly enhanced Cambodian competitive levels as a tourist destination. The Ministry of Tourism (MoT) has also promoted the movement of “Clean City, Clean Resort and Good Services.”

¹⁴ *Id.*

¹⁵ NSDP Update 2009-2013.

¹⁶ Kingdom of Cambodia, The Cambodian Government’s Achievements and Future Direction of Sustainable Development, 12 (2012), available at <https://sustainabledevelopment.un.org/content/documents/1022cambodia.pdf>.

¹⁷ *Id.*

In late 2011, the MoT formulated a draft Tourism Development Strategic Plan 2011-2020, which identifies four potential tourism areas: Siem Reap and its surroundings, Phnom Penh and its surroundings, coastal areas and eco-tourism areas in the Northeast, and Boeung Tonle Sap. Between 2012-2013, MoT finalized the formulation of these key policies, strategies and plans, and their accompanying regulations, providing the basis for a sustainable tourism sector in Cambodia.

One example of this has been the rehabilitation of the site of Angkor in Cambodia, in which the international community has worked for over twenty years to help reunite a nation torn by the internal and regional conflicts.¹⁸ Angkor Archaeological Park, in the Cambodian province of Siem Reap, consists of a complex of linked archaeological sites, monumental structures, ancient urban infrastructure, and natural resources that together form one of the best recognized historic sites in Southeast Asia. This area, focused around the temples of Angkor Wat, the Bayon, Preah Khan, and Ta Prohm, is considered by the United Nations Educational Scientific and Cultural Organization (UNESCO) to include “a unique concentration of features testifying to an exceptional civilization,” the Khmer Kingdom, which had royal capitals within the Angkor region from the ninth to the fifteenth centuries.¹⁹

However, in 1991, the United Nations and UNESCO’s affiliated organizations became concerned that the monuments of Angkor were in a precarious state due to a long-term lack of preservation planning and extensive looting activities.²⁰ As a result, UNESCO took a series of

¹⁸ UNESCO, Conservation and Restoration of Angkor War Temple (2008), available at <http://www.unesco.org/new/en/phnompenh/culture/tangible-heritage/conservation-and-restoration-of-angkor-wat-temple/>

¹⁹ UNESCO World Heritage Centre, “World Heritage List (2012), available at <http://whc.unesco.org/en/list/>.

²⁰ Di Giovine, Michael A., *The Heritage-Scape: UNESCO, World Heritage and Tourism* (New York: Lexington Books, 2009).

unusual measures to designate this region as a unified World Heritage site under the title of Angkor Archaeological Park in 1992. UNESCO formally recognizes the “outstanding universal value” of Angkor, thus promoting it as a major destination of cultural tourism, a site deserving of extensive international assistance in its preservation and management, and an important symbol of the richness of human experiences across the world. This designation succeeded in bringing tremendous resources and attention to the stabilization of the Park’s monuments, but also led to the rise of new problems resulting from the need for sustainable cultural tourism development.²¹

At Angkor Wat, visitors are allowed to climb over the structures and explore in a hands-on fashion, often citing childhood desires to be like Indiana Jones or Lara Croft’s “Tomb Raider.”²² These exploratory acts, however, have been further damaging, and encourages visitors to undertake similar behaviors in other areas that are supposed to be more restricted, but lack sufficient supervision. The tourist attention that the international community has renewed at Angkor has created a new threat to the physical structure of the complex, with many of its buildings facing extensive wear and tear from visitors eager to touch – or take home – a piece of Khmer history.²³

The dangers from this tendency of visitors to touch, climb on, and sometimes break off pieces of Angkor’s structures in fact directly correlates to the *Tomb Raider* franchise. This series, constituting video games and an action movie, stars Lara Croft, who explores exotic locales filled with ancient monuments and archaeological sites in search of forgotten treasures – which

²¹ *Id.*

²² Winter, Tim. “Tomb Raiding Angkor: A Clash of Cultures.” In *Indonesia and the Malay World*, 58-68 (2003).

²³ World Monuments Fund, “2011 Annual Report,” New York: World Monuments Fund.

sometimes end up in the illicit antiquities market.²⁴ It is dangerous to many archaeological sites to have a pop-culture figure be seen looting them professionally, but the premise of *Tomb Raider* is particularly unfortunate for Angkor itself, a site that has already suffered from a history of looting.²⁵ After viewing the scene where a number of Buddhist statues are destroyed, “one Cambodian viewer responded, ‘for the first time Angkor has been brought to life for the world to see, only to be chopped down again’,” a sentiment which indicates how disrespectful the promotion of such behavior in *Tomb Raider* has been viewed relative to the integrity of Angkor, in addition to the damaging exploration that guides actively encourage in reference to the movie.²⁶

Moreover, some tour guides emphasize the making of *Tomb Raider* and the presence of Angelina Jolie, the American actress who played the Lara Croft, instead of the long and rich history of Angkor itself.²⁷ Through such interpretive practices, the administration of Angkor allows guides and their tourists to effectively celebrate the experience of being an explorer or tomb raider as one of the primary values achievable through a visit to Angkor Archaeological Park. Although this has some potential benefits for getting visitors actively engaged with the monuments and the history of the site, the negative angles to these practices, particularly those directly related to *Tomb Raider*, have far more immediate and concrete effects, as they directly lead to higher traffic through sensitive structures and encourage the valuation of Angkor as

²⁴ Winter, Tim. “Tomb Raiding Angkor: A Clash of Cultures.” In *Indonesia and the Malay World*, 58-68, 2003.

²⁵ *Id.*

²⁶ *Id.*

²⁷ Hahn, E. Emmons, “Angkor Archaeological Park and Repercussions of World Heritage Status” (2012), available at <http://sustainableheritagetourism.com/case-studies/cases-and-news-from-south-east-and-east-asia/angkor/essay-angkor-archaeological-park-and-the-repercussions-of-world-heritage-status/>.

something far from the peacemaking, “unity-in-diversity” promoting symbol that UNESCO has hoped it would be.

From the point of view of the physical stabilization of the temples of Angkor, relative to their fragile state in the early 1990s, the massive amount of work conducted by UNESCO, the International Criminal Court in Cambodia and a wide variety of groups from around the world has been a success.²⁸ In fact, this great amount of work has allowed Angkor to be considered “one of the most successful cases of World Heritage Sites ... [due to] the conservation of monuments and sites” around the complex.²⁹ The increased international tourist attention UNESCO’s designation brought to the site has led to a series of damaging complications for the cultural, environmental and socio-economic health of Angkor and its neighbors, including the effective removal of the local community from the heritage and identity narratives of Angkor. As such, this World Heritage Site still has far to go before it will achieve that which it deserves: a sustainable environment that supports the local and national economy, protects the material and intangible heritage of the area, spreads knowledge of the significance of Angkor and the Khmer in world history, and celebrates all that truly gives Angkor its outstanding universal value for humankind, including its living cultural landscape.

B. Sustainable Development, Culture, and the United States

The United States has been taking proactive steps in recognition of the threat that cultural expropriation and tourism can have on a country’s cultural groups. Statutes, like the Native

²⁸ The creation of this ICC was one of the conditions given by the World Heritage Committee to accept the Angkor Site on the UNESCO World Heritage List (2012), available at <http://www.unesco.org/new/en/phnompenh/culture/tangible-heritage/icc-angkor/21st-technical-session-of-icc-angkor-meeting/>.

²⁹ Miura, Keiko, “World Heritage Sites in Southeast Asia: Angkor and Beyond” In *Heritage Tourism in Southeast Asia*, edited by Michael Hitchcock, Victor T. King, and Michael Parnwell, 103-129 (Honolulu: University of Hawai’i Press, 2010).

American Grave Protection and Repatriation Act³⁰ (NAGPRA) and the National Museum of the American Indian Act³¹ (NMAI), were enacted to potentially repair the damages caused by colonization practices, as well as to celebrate the diversity of American heritage.³²

By returning lost culture to its original owners and caretakers, communities can assert their right to maintain, exhibit, and control their cultural patrimony according to their customs. This reinforces the Special Rapporteur's mandate to sensitize institutions to diverse cultures by encouraging dialogue to resolve contentious issues of resolving ownership of history and culture.³³

Both statutes are meant to protect the cultural diversity of American heritage as well as compensate native communities for past injustices. By returning these items to their original owners, communities can assert their right to maintain, exhibit, and control their culture and their representation in accordance with their customs. These laws are a positive step forward in providing regulations for the protection of culture, as well as providing positive examples of ways in which culture can stimulate the economy through tourism and education.

II. Culture must be integrated in the post-2015 goals because textbooks and teaching history in post-conflict countries influence the experiences of citizens and their practice of culture.

Most, if not all, societies today face challenges in writing and teaching history, in particular countries that have seen international or internal conflicts in their past; including post-colonial societies; societies that have experienced slavery; and societies challenged by cultural divisions.

³⁰ Native American Graves Protection and Repatriation Act, 25 U.S.C. 3001 (1990).

³¹ National Museum of the American Indian Act, Pub.L. 101-185 (1989).

³² National Museum of the American Indian, Repatriation (2014), available at <http://nmai.si.edu/explore/collections/repatriation/>.

³³ Carole E. Goldberg, A United States Perspective on the Protection of Indigenous Cultural Heritage (Edward Elgar Publishing Ltd., 2012).

The Special Rapporteur considers the issue from the perspective of the right of all persons to have access to cultural heritage, based in particular on article 15 (1) (a) of the International Covenant on Economic, Social and Cultural Rights.³⁴

The ability of people to have access to and have their own cultural heritage and that of others acknowledged. Having access to information and education and to develop critical thinking and an understanding of the realities and perspectives of others is a right owed to all people, and understanding history is key to developing a tolerant society.

History is an academic discipline based on rigorous and systematic research of historical sources using confirmed methods and providing ascertainable results, and should be treated as such.

A. History and Memorialization, Culture, and Cambodia

Genocide education helps to preserve the memory of the Khmer Rouge (“KR”) atrocities, promote moral and civic values, and advance rule of law in a culture long accustomed to impunity. Moreover, understanding the important historical events enables people, especially the young generations, to participate in the process of the Khmer Rouge Tribunal whose goal is to help to promote accountability for the abuses of that period. However, this vitally and emotionally sensitive issue remains largely absent from school curriculums in Cambodia.

During the 1980s, Cambodian school children were taught about the KR genocide in politically charged ways. Because the Cambodian society at that time prioritized basic economic recovery, the suffering of the Cambodian people under the KR became a folktale for young Cambodians who were born after the regime collapsed. After peace was restored in 1993, the

³⁴ International Covenant on Civil and Political Rights, Dec. 16, 1966, 999 U.N.T.S. 171; S. Exec. Doc. E, 95-2 (1978).

volatile issue of KR genocide was removed from the school curriculum for the sake of reconciliation and political stability.³⁵

In 2002, the Cambodian government ordered the withdrawal of a section of Cambodian modern history (Cambodia from 1953 to the 1998 national elections), which included the KR history, as a result of the conflict between the two main political parties over the issue of the 1993 national elections.³⁶

Research shows that young generations know very little about the history of the KR, and many young Cambodians do not believe that their parents and relatives experienced such hardship and unspeakable suffering during that period.³⁷ In addition to this political dispute, the Cambodian Ministry of Education, Youth and Sports (MoEYS) claims that it lacks resources to teach the history of the Cambodian genocide. Moreover, teachers lack the training to teach effectively about genocide.³⁸

The Documentation Center of Cambodia, seeing this important gap in governmental responsibility, has been independently documenting the KR genocide since 1995, approved the establishment and implementation of a Genocide Education Project.³⁹ The aim of the project is “to enhance the capabilities of teachers and the Ministry of Education to convey the regime’s history through the provision of ideas, materials, recommendations on curriculums, and a short

³⁵ Yair Auron, *The Pain of Knowledge: Holocaust and Genocide Issues in Education* (Transaction Publishers, 2005).

³⁶ Pin Sisovann, Prime Minister Orders Recall of Textbooks, *The Cambodia Daily*, April 29, 2002.

³⁷ *Id.*

³⁸ Khamboly Dy, *Challenged of Teaching Genocide in Cambodian Secondary Schools, Policy and Practice: Pedagogy about the Holocaust and Genocide Papers* (2013).

³⁹ *Id.*

text on the history of Democratic Kampuchea.”⁴⁰ The project started in September 2004 and ended in March 2007. The result of the project was a hundred-page history book called “A History of Democratic Kampuchea.”⁴¹ Coinciding with the start of the Khmer Rouge Tribunal process, copies of the book were distributed and were very well received by students, teachers, researchers and the public. One thousand five hundred copies were delivered to two hundred fifty-nine secondary schools throughout the country. In this context, the government seems to open more opportunities for, and remove the barriers to the way Cambodians students are educated about genocide. The textbook has only recently been introduced to Cambodian students, therefore its effects are yet to be determined.

B. History and Memorialization, Culture, and the United States

According to the National Assessment of Educational Progress, the federally administered test results released in June 2011, the area in which U.S. students perform most poorly is U.S. history.⁴² According to the results, only 12 percent of high school students were proficient in U.S. history.⁴³

In terms of history education, the United States faces two problems. First, as the Nation's Report Card indicates, students know very little history.⁴⁴ Second, many of the U.S. history

⁴⁰ Khamboly Dy, Teaching Genocide in Cambodia: Challenged, Analyses, and Recommendations, available at <http://www.hurights.or.jp/archives/pdf/education12/hreas-12-12-cambodia.pdf>.

⁴¹ *Id.*

⁴² Kuznick, Peter, “The Problem with America’s Textbooks,” Huffington Post (2014), available at http://www.huffingtonpost.com/oliver-stone/the-problem-with-america-history_b_2059593.html.

⁴³ *Id.*

⁴⁴ Long, Cindy, Stagnant NAEP Scores Indicate Need for More Education,” available at <http://neatoday.org/2014/05/09/stagnant-naep-scores-indicate-need-for-more-education-resources/>.

books contained politicized versions of history.⁴⁵ For example, the discussion of the atomic bombings of Hiroshima and Nagasaki in one popular high school text--*The American Past* by Joseph Conlin devotes only a few brief paragraphs to the event. However, the Newseum's 1999 panel of experts declared the most important news event of the 20th century. Conlin manages to repeat the falsehood twice that the bombs were used to avoid one million U.S. casualties in an invasion, that Japanese fanaticism was "impossible to overstate," and that the bombs ended the war.⁴⁶

On the other hand, in 2014 the College Board, the private U.S. company that produces the Scholastic Assessment Test ("SAT") and the Advanced Placement ("AP") exams, unveiled a new "Framework" for its AP U.S. History exam which essentially forces American high schools to teach history of a leftist perspective.⁴⁷

History, and history textbooks are not treated as scientific documents or tools for academic endeavors. Instead textbooks are written to shape the opinions of students, not to encourage free development of their own opinions.

France and Germany have confronted this issue with a new textbook co-written by French and German historians. Recognizing that there are always at least two views of history, this book allows pupils to develop their own standpoint, their own image of history. Peter Geiss, one of the book's two publishers has found that aspect to be very useful within democratic and liberal

⁴⁵ Strauss, Valerie, "Proposed Texas textbooks are inaccurate, biased, and politicized, new report finds" Washington Post, available at <http://www.washingtonpost.com/blogs/answer-sheet/wp/2014/09/12/proposed-texas-textbooks-are-inaccurate-biased-and-politicized-new-report-finds/>.

⁴⁶ Kuznick, Peter, "The Problem with America's Textbooks," Huffington Post, available at http://www.huffingtonpost.com/oliver-stone/the-problem-with-america-history_b_2059593.html.

⁴⁷ Kurtz, Stanley, "How the College Board Politicized U.S. History," National Review, available at <http://www.nationalreview.com/corner/386202/how-college-board-politicized-us-history-stanley-kurtz>.

teaching of history.⁴⁸ Although the book has only been available for ten years, the concept was proposed by students that recognized the importance of an equal and unbiased representation of history.

III. **Conclusion**

These are only two examples, among hundreds, of reasons why culture must remain at the forefront of this council's planning for the future. The mandate must be renewed because it will further indicate to the General Assembly that planning for the development agenda in the post-Millennium Development Goal era must include culture, not only as a goal of development but also a driver of development.

IV. **Recommendations**

Human Rights Advocates urges the Human Rights Council to:

1. Renew the mandate of the Special Rapporteur on culture; and,
2. Request that the General Assembly includes the right to culture on the post-MDG agenda.

⁴⁸ Joint German-French History Book a History-Maker Itself, available at <http://www.dw.de/joint-german-french-history-book-a-history-maker-itself/a-2078903>.