

Study on Cultural Rights in The Gambia: Policy Brief



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Preparation

This brief is targeted at stakeholders in cultural rights. These include players in the cultural sector, women rights activists, religious leaders, and child rights defenders, public officials and media people. In general, In the public sector, most of the agencies bearing the responsibility for the promotion, preservation and observance of cultural rights, fall under the aegis of Ministries of Women's Affairs, Youth and Sports, Tourism and Culture, Communication and Information, Religious Affairs, Basic Education, Trade and Industry. Therefore, more than half of government institutions are involved in one way or the other with cultural rights.

In the private sector, there are a number of Associations, Clubs and NGOs catering for various aspects of cultural rights. Among the most noteworthy are: Gambia Association of Writers, Gambia Theatre, Association, Gamcotrap, Gambia Christian Council, Child protection Alliance, Action Aid The Gambia, Gambia Supreme Islamic Council:

The key message of the policy brief is that through promotion of cultural rights in The Gambia, it can contribute to the realisation of our national development aspirations such as increase access to education for girls, women's empowerment and respect for child rights and development of cultural industries for employment and poverty alleviation. Our approach is a practical, policy oriented one so that policy makers can use the document to enunciate and execute policies.

SWOT

The main strength of this research is that it was carried out by the public body mandated with cultural promotion and support in the country. This means that we are at a vantage point to have a global outlook of the entire cultural milieu and have good working relations with the stakeholders in cultural rights.

Weakness lies in the fact that time was limited to fully interrogate all the issues associated with cultural rights such as minority rights, and public officials' perceptions of cultural rights

Opportunity is in the fact that during the validation some of the gaps could be filled by the contribution of invited stakeholders whom the research team could not contact due to time constraints.

The main threat is the lack of appreciation of the concept of cultural rights among stakeholders and the general public such that it would need much sensitization to improve this situation.

Executive Summary

This brief seeks to disseminate the ideal and concept of cultural rights in its many facets; to foster an environment where cultural rights can embody peace, unity and development; to encourage government and all stakeholders to prioritize cultural rights as human rights; to offer policy oriented practical suggestions so that cultural rights could be seen as a necessary ingredient in our development aspirations.

Introduction

The topic of cultural rights is important because culture is the foundation for very facet of our lives as Gambians; therefore, cultural rights which stress access, appropriateness, availability of cultural expressions and manifestations to all groups, is an important factor in our development needs. The greater cultural rights are observed, the better we are at tackling our developmental problems as a nation because cultural rights are inclusive.

People should care about cultural rights because it is human rights, inalienable, sacrosanct and God given. When cultural rights are impinged upon, there is bound to be discrimination, misunderstanding and progress is therefore stifled.

Objectives of the research

- To look at the level at which our national laws and policies have addressed the issue of cultural rights in terms of minority rights, child, women and youth rights, language, heritage and Intellectual Property rights in relation to International accords and binding treaties such as the African Charter on Human Rights;
- To assess all national legal provisions on the promotion and limitation of cultural rights in The Gambia; in other words to interrogate the state and nature of cultural rights in the country;
- To suggest strategies of maximizing the exercise of cultural rights in The Gambia and to make their application more inclusive.
- To assess the right of minorities to take part in cultural life, and to conserve and promote their own culture:

Approaches and Results

The brief touches on cardinal issues such as:

Sensitization and mobilization; historic sites, monuments and museums, international treaties and conventions and local laws; promotion of cultural industries, harmful traditional practices; promotion of cultural industries, minority languages and funding opportunities for the implementation of the policy.

Conclusion

The issue of cultural rights is indeed a complex and invaluable one. Complex in the sense that it is dimensional, multi-faceted and could easily be given different meaning by different persons depending on the mores and values. Like its parent concept, 'human rights', cultural rights is therefore, not yet universally defined. This has the advantage of making it a dynamic, amorphous ideal that can be adapted to changing times and circumstances. Yet, it has the drawback of making the idea obscure and therefore impossible to fully grasp and implement. It is invaluable in the sense that cultural rights are defining of our identity. As we cannot survive without an identity, we cannot live normal lives without a modicum of cultural right such as language and heritage.

What is needed most therefore is for all stakeholders to realize that cultural rights are here to stay and are non-negotiable just as human rights are. They are either fully observed or respected or they are negated to the detriment of society. Public officials and governments have the onerous duty of protecting cultural rights from unnecessary violations in times of peace and turbulence; however, this task does not rest on them alone, the private sector, international organizations like UNESCO, NGOs and multilateral agencies have each a role to play in the protection of cultural rights. A combine effort shall be able ensure observance and respect of cultural rights. Funding by public, private and donors is needed to implement a robust cultural rights policy in The Gambia.

Implications and Recommendations

- Review and amendments of local regulations and laws that impinge of the exercise of cultural rights. A good example is the Copyright Act of 2004, which needs to be revisited to cater for issues such as digital musical piracy which is now a major issue of intellectual theft.
- The Gambia should ratify international legal instruments such as the UN Convention on Intangible Heritage under which the Kankurang Mask has been inscribed as a heritage of Universal value. This would enable the Kankurang to benefit from UNESCO support for its preservation and interpretation,
- An educational and public awareness strategy on cultural rights should be mounted targeting public officials and the masses to maximize the understanding and appreciation of cultural rights
- Increase the protection and conservation of heritage sites in the country such as James Island, a UNESCO World Heritage Site, to prevent it loss to the elements
- Introduction of cultural education in at all levels of the school system so as to impart basic cultural knowledge in children at an early age for better cultural appreciation
- Promote cultural industries such as batik, tie and dye, wood sculpture, recycling, basketry etc to preserve them as traditional industries and to make them employment generating sectors
- Establishment of more public libraries, reading centres. Notably, each administrative region should have a library to promote reading culture, learning and improve

educational standards

- Institutions concerned with cultural rights such as theatre groups, music troupes and the NCAC should be strengthened to enable them play their roles to the fullest
- The Gambia National Troupe should be revived as the compendium of Gambian musical heritage and for it to disperse the authentic Gambian culture abroad
- More museums should be established in all the Regions to preserve local history and culture at the grassroots level, and also to facilitate access to such centres of culture to the wider Gambian public.
- National Arts and Culture awards should be introduced to honour and exalt deserving cultural and artistic creators.
- In the past decade so much ground has been made in the eradication of harmful traditional practices such as FGM, early marriage, inheritance and so on. For example, GAMCOTRAP and TOSTAN NGOs have encouraged many traditional circumcisers to drop the knife, while the establishment of more schools and the scholarship scheme for girls has reduced teenage marriages.

However, practices like FGM persist in the society. There should be a concerted effort of government and NGOs to eradicate such harmful traditions from society. Better funding for stakeholders and greater public sensitization campaign should be adopted.

Globalization has put a severe strain on local cultural industries as the products are unable to compete with imported goods. This is why batik, tie-and-dye, wood, sculpture, basketry are increasingly disappearing as industries. This hampers cultural appreciation and manifestation, and also pauperise local people who depend on them for survival.

Therefore, efforts should be made to revive and promote the Cultural industries through research into local materials for construction, dissemination of skills on wearing, pottery, leather works, smithery in schools and about training centres etc.

- National Media should promote national folktales and storytelling, including the use of New Media such as Podcasting etc.
- Gambian and Senegalese writers should form a pan organization of Sene-Gambian writers to assist in greater cooperation and understanding between the two countries.
- The NCAC and civil society organizations should endeavour to document for posterity women's indigenous knowledge in medicine and other areas.