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The Endangerment of Culture: the Clash of Environmental policies and Cultural rights

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The Endangerment of Culture: the Clash of Environmental policies and Cultural rights



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Introduction

The urgency of environmental deterioration and climate change acquired most of the attention of the international agenda. Climate change threatens the well being and the survival of all living creatures on Earth. The International Panel on Climate Change affirmed in the Sixth Assessment Report (IPCC, 2022a, p. 11) that the occurrence of environmental degradation has caused severe damages and losses of livelihoods and key infrastructures. Therefore, numerous policies constraining human activities have been discussed and decided (Heyward, n.d., p. 149). The broad category of environmental policies includes several subcategories and covers a wide range of implementations. It is widely known that climate change itself causes negative impacts on human rights and the protection of them (Humphreys, 2010, p.1). Human rights are aimed at the protection of people from possible mistreatments in the political, legal and social circumstances (Nickel, 2021). In this context, human rights are to be protected from environmental threats. The possible threats deriving from climate change are diverse, from loss of residential territory for rising sea levels to health deterioration for air pollution (IPCC, 2022a, p. 11 & 13).

In particular, numerous studies have been developed over the impact of climate change on human rights in general (Humphreys, 2010, p. 1; Boumghar & Quirico, 2016, p. 9). Even where there is some degree of examination on the factors of human rights and the environment, they are studied as separate concepts, on the one hand, the environment and how climate change is damaged, on the other and in a different realm, culture as something pertinent to communities without any connection to the environment; but it is evident that at the practical level they are connected and have repercussions on each other. However, there has been recent shift in focus toward the connection between human rights and the environment (Boumghar & Quirico, 2016, p. 19), but still, debates over the impact of environmental policies on the protection of human rights are not being studied enough. Another relevant problem raised by scholars is that the voices of the most vulnerable groups are often disregarded in the implementation of mitigation and adaptation policies, which results in the frequent clash between the two for local communities (Szpak, 2019, p. 18).

The balance between the two is to be achieved for the stability of both life of nature and life of the communities. In particular, there is insufficient debate on the balance between culture and nature. The principal question to be discussed in this paper will be: Can policies aimed at protecting the environment coexist with the right to participate in cultural life? If so, how should the balance between the two be achieved? This paper will respond to the research

question with the statement that policies on environmental protection should be aligned with the preservation of right to culture; particularly, it is necessary to acknowledge that, for certain communities, culture and subsistence are deeply merged, thus, increased participation of the most vulnerable communities is required in the decision on environmental measures. Although the debates on this clash are not highly recurrent in academia; there are separate arguments on these two concepts of nature and culture. The principal debate of this paper will be on what effects environmental policies have on human rights, with emphasis on the right to culture; and how the right to culture should be integrated in the policymaking process.

This paper will examine the relationship between environmental policies and the right to culture. The first chapter will focus on the existing studies on the two components of environment and culture, and provide the definitions of each, which will be adopted in debates. In this examination, the perspective of human rights will be applied in order to analyse the notion of cultural right. The second chapter will describe how culture and human rights are linked and to what extent culture is important for identity. This chapter will also address to the issue of whether to regard culture as a basic human right or as an instrument to be adopted for secondary needs. The third chapter will pay attention to the tension between environmental policies and the cultural rights. Specifically, conservation policies and climate policies are going to be studied in relation to the regular fulfillment of the right to culture. In the conclusion, a general overview of the paper will be given together with the main findings; also, suggestions on the potential solutions to this tension on the priority between environmental safeguarding and cultural conservation will be presented. Additionally, limitations and strengths of research will be given for future research.

Chapter 1: Environment and Culture

This chapter will present the existing literature on the main components of this paper: environment and culture. Firstly, I will be giving the definitions which will be adopted by this paper, this will allow a common ground for understanding and for engaging in the debates of this paper. Secondly, I will connect the two concepts, looking at how scholars and experts adopted the specific point of view of human rights, in order to analyse climate change and explain why this approach is relevant for this thesis. This paper has the purpose of examining the right to culture and further investigate on how it is affected by environmental policies.

Environment:

The first concept to be analysed is the one of environment and its policies. This is a very recurrent concept at various levels. But what is entailed in the term? The term is often taken for granted. The most adopted definition of environment is the total sum of living and non-living parts (Ahluwalia, 2018, p. 1), this definition also includes natural elements, such as air, land, and their interaction among and between living organisms (Environmental Protection Act, 1986, Chapter 1 Section 2). This definition is going to be the basis for examining environmental issues in this paper. It is important to consider not only each of the natural components, but also how they interplay.

At the international level, many decisions have been made through agreements and conventions, such as the United Nations Framework Convention on Climate Change (UNFCCC). The wide range of implementations covered by environmental policies are based on two broad categories of policies: adaptation and mitigation. All policies of both principles are aimed at ensuring essential human needs, without being limited by environmental changes. Both of them accept the ongoing crisis, as basic premise. The first, adaptation, strives to find solutions to adjust through more environmentally sustainable ways, such as green energy projects. It is implied that current systems adjust and reduce climate risks and vulnerability (IPCC, 2022, p. 20). The second, mitigation, is aimed at reducing the existing activities which are harmful to the environment, such as the cut on green house gas emissions. Mitigation requires more costly efforts, because most of activities which need to be reduced to limit greenhouse gas emissions are economically beneficial. Here, the short-term benefits are to be given up for the long-term interests. These international provisions are applied to the national and sub-national levels (IPCC, 2022, p. 24).

The broad category of environmental policies covers several subcategories. Environmental policies are considered to be effective when they are achieved at the possible lowest economic and social costs (Morlot, 1999, p. 13 & 69). The ones to be discussed in this thesis are: conservation and climate policies. Firstly, conservation policies have the purpose of preserving nature and species, and they have already been existing before the climate change crisis. An example of these could be limiting the collection and harvest of certain plant and animal species, this is for preventing their over-exploitation (International Union for Conservation of Nature, 1973, p. 80). Secondly, climate policies are another type of environmental policies. They aim for a more sustainable and more secure market system, together with the achievement of economic growth and development (Morlot, 1999, p. 2). An example of these could be bans and limitation in greenhouse gas emissions. An essential subgroup of climate policies are green innovation policies, for example, creating and developing renewable alternative materials and sustainable sources of energy. This is done by substituting polluting energy sources, such as gas and fossil fuels, with renewable and sustainable ones, such as solar and wind power; without compromising productivity (Waltner-Toews, 2004, p. 95). The subcategory of green energy policies and projects are particularly relevant for the scope of this thesis, as they are going to be discussed in more detail in the clash with the right to culture.

Safeguarding the environment is a responsibility needed not just for the integrity of nature per se, but further, for the survival and well-being of all living organisms, including humans. Conservation, in this context, refers to the protection of plant, animal species and natural areas from the damaging impacts of human activity (Cambridge Dictionary). Some scholars view the preservation of life and nature as a global ethical responsibility to be born by every individual (Tan, 2021, p. 2). This responsibility results from the relationship between human beings and environment, human life depends on the integrity of nature (Boumghar & Quirico, 2016, p. 19); food, water and health security are vulnerable to environmental degradation (Humphreys, 2010, p. 3). However, these burden-costs of environmental conservation are not fairly allocated across the globe (Tan, 2021, p. 3). Some groups are affected more heavily than others (Heyward, n.d., p. 150). Climate change might be manifested through extreme weather events and result in forced climate migration for inhabitants of coastal regions, hindering the right to adequate standard of living and fostering the issue of climate migration (UNGA, 1948, article 25). Similarly, climate change might worsen the quality of the air and have a negative impact on health, hindering the right to safe, clean, healthy and sustainable

environment (IPCC, 2022, p. 13). Heyward (n.d., p. 152) identifies two ways in which climate change imposes threats to cultural identity: territorial dispossession and loss of traditional ways of life. The first, territorial dispossession, refers to the situation in which communities and groups are forced to move due to climatic phenomena. The second, loss of traditional ways of life, is more directly linked to culture; in this case, people are no longer able to carry out traditional practices because of environmental changes and they are obliged to find alternative ways to survive. The security of cultural identity is a key element for the wellbeing of individuals because it provides comprehensive frameworks of meanings through which each person perceives and understands himself and the world (Heyward, n.d., p. 152). Through culture the sense of belonging and ability to interpret and act are acquired (p. 153).

Culture:

The second concept to be developed is culture. Culture is defined as the complex total of knowledge, beliefs, art, laws and customs of members in a community (Ferrazzi, 2021, p. 7). Culture is manifested through concrete results of human invention and kept alive through its acquisition and reproduction by future generations of any community, through socialization, which sometimes contributes to the advancement of human knowledge (Ferrazzi, 2021, p. 7; Chow, 2018, p. 34). Cultural heritage is defined as the total sum of objects and properties, which concretely manifests cultures and civilizations (Ferrazzi, 2021, p. 6). The term was created to fulfill the need for a new terminology able to incorporate the wide range of cultural manifestations (p. 15). Cultural heritage can be classified into two categories: tangible and intangible (UNESCO, 2003). Tangible cultural heritage is the collection of physical works and sites which have significant cultural value; these are commonly also called as cultural and natural heritage (UNESCO, 1972). These are more accessible to studies and more concrete implementations for protection are possible, because their status is visible. Most natural and cultural sites are already under protection, usually displayed in museums and specific places under surveillance. Intangible cultural heritage incorporates practices, expressions, skills and knowledge, together with the associated instruments and spaces, that communities and individuals identify as part of their cultural heritage (UNESCO, 2003). For the purpose of this paper, the focus will be on the category of intangible cultural heritage, because it is difficult to assess the impacts on these and, thus, often being disregarded. While, impacts on tangible cultural heritage are clearly visible and assessable; intangible cultural heritage is not static and change over time and space (Tan, 2021, p. 5), making it hard to assess whether it has been damaged by external forces or its loss is naturally caused by its

dynamic nature (Heyward, n.d., p. 153). This category is tightly linked to activities and people that represent traditions and cultures. Cultural practices are of particular significance in this context. Cultural practices are defined as specific uses or purposes which embody or convey cultural expressions, regardless their commercial value (UNESCO, 2005).

Human rights perspective for climate change

This section will present a new approach arising from the debate on the relationship between environment and culture. The recent human rights approach to the environmental crisis will be introduced. This perspective resulted from the tension on whether one of the two principles should be given more importance over the other or whether they could be aimed for together at the same level of relevance.

It is internationally defined that human rights are to be ensured universally (UNGA, 1948), however, in the context of climate change, there are certainly local communities who suffer more hardly from the negative impacts of climate change (Heyward, n.d., p. 150). Ensuring key human needs and rights regardless the environmental challenges is the main challenge (p. 151). Yet, it is debatable what is to be included in the category of human rights which needs absolute protection, certain human rights are undoubtedly included, but the question remains in how long this list continues. The human rights approach to climate change and, more broadly, environmental degradation, is relatively new compared to the ordinary environmental perspective, and many scholars affirm that the distinction between the two is still not clear (Bodansky, 2010, p. 514). It is a new approach as it tries to examine the issue of climate change through the lenses of human rights, rather than questioning the ranking of priority between the two concepts. This perspective attempts to establish a threshold of human rights which every individual has the right to demand and which the state has the duty to ensure and achieve for the individual (Bodansky, 2010, p. 515). This viewpoint is important because, when problems have human rights relevance, they are released from political terms of costs and benefits (Bodansky, 2010, p. 516). When some activity infringes human rights, it is directly considered illegal and immediate counteraction is needed (Bodansky, 2010, p. 517). Furthermore, this approach is particularly necessary for this paper because it gives more urgency to climate change by regarding it as a security and a human rights problem, rather than limiting it to an abstract environmental problem (Bodansky, 2010, p. 518). Here, the focus is on the harm caused to and on giving more power to the victims of environmental degradation in order to recompensate their sufferings, this is accomplished through three types of duty: respect, protect and fulfill (Bodansky, 2010, p. 519). The first,

duty to respect, is connected to negative duties and is about quitting particular actions which contribute to environmental degradation in order to avoid the deprivation of human rights of individuals (Bodansky, 2010, p. 519-520). In the context of climate change, an example for this duty would be choice of renewable sources of energy, instead of using fossil fuels. The second, duty to protect, consists of preventing actors from violating human rights and of alleviating the harms, resulting by both climate change and actors (Bodansky, 2010, p. 520). These are considered as positive duties which have the aim of adopting adaptation measures to reduce the damages, in this context, resulting from environmental degradation, for example the regulation on greenhouse gas emissions from private actors (Bodansky, 2010, p. 520). The third, duty to fulfill, involves the facilitation of the fulfillment of human rights, states have the responsibility to ensure the minimum indispensable levels of human rights for every individual (Bodansky, 2010, p. 521). For example, providing tool and opportunities to environmentally vulnerable individuals for maintaining their life standards.

There has been a lot of studies and international conventions on how the ecosystem is being degraded and what climate change causes to the current system and how it affects the well-being of humanity. Climate change is one of the main factors fostering the worsening of many forms of life, including human, by constraining their living habitat through natural disasters or extreme weather events. Attempts to get through these negative phenomena have been made through the establishment and decisions on limitations and changes in anthropogenic activities which are redeemed as accelerating the degradation of the environment. Numerous perspectives have been adopted to tackle the environmental crisis, among these, human rights perspective is particularly relevant for this paper, because it emphasizes the role of human rights in the policy making and implementation of these international efforts. Also, the impact of climate change on cultural heritage and the ability to participate in cultural practices has been examined to a certain extent. However, the relationship between environmental policies, chosen to tackle the climate change crisis, and the ability of taking part in cultural practices has not been developed enough. Furthermore, limited number of studies have focused on the cultural practices and cultural identity, considering them as human rights, which have been lost due to restrictions deriving from policies aimed at the preservation of the environment.

Chapter 2: Culture as a Right or as an Instrument?

This chapter is going to analyse the concept of culture more in detail and connect it to relevant concepts which are base for the debates. Firstly, human rights are to be introduced and discussed. Secondly, the concept of identity is going to be raised as consequential to the first connection. Here, I will support my logic on various scholars' arguments.

Culture and human rights:

First of all, human rights are defined as common standards to be achieved for every individual of every nation, regardless their personal characteristics, such as gender, and regardless the surrounding circumstances, such as nation (UNGA, 1948, Preamble & article 2). A right is defined as the provision of rational grounds for some justified demand (Shue, 2020, p. 13). A right should be guaranteed by the society, and it must be justified by good reasons; and for good reason Shue means not causing harms to others and protecting the individual from external threats, at the same time (p. 13).

As previously mentioned, there is a relevant distinction between basic rights and additional rights, made by Shue (2020, p. 19), and he affirms that basic rights are required in order to fulfill the secondary ones. Similarly, in the international sphere, a distinction between subsistence and procedural rights has been made, because rights are engaged in a wide range of fields; an example for substantive right is the right to an adequate quality of environment, and an example for procedural rights, the right to fair trial (United Nations, 1972, principle 1; Council of Europe, 1950, art. 6). Shue (2020, p. 20) further clarifies that basic right does not mean it is more valuable than some other rights, all rights are important at the same level, but some are to be accomplished first. An individual who has a certain right should be able to enjoy the right even when this person does not have the power and capabilities to achieve it and the society should make arrangements which are required to accomplish those rights (Shue, 2020, p. 16-17). Additionally, the scholar separates subsistence rights and security rights. Security rights are related to physical security, and they are less subject of disagreements. According to Shue, subsistence rights are also called minimal economic security, these are the basic requirements for an individual to have in order to maintain a reasonably healthy and active life, which is the reason Shue (2020, p. 23) calls them as subsistence rights. This notion of subsistence rights is highly connected to Bodansky's argument on the minimum threshold of livelihood. Both scholars support the need for minimal prerequisites to establish the standards of fundamental livelihood. However, these restrictions of subsistence rights are more debatable and further exploration about the specific

boundaries of what is entailed for subsistence is said to be needed (Shue, 2020, p. 23). Basing on Shue's argument, I argue that subsistence includes a broad range of human interests, and culture should be comprised in the category of basic rights for subsistence.

But what is right to culture? Why is it often questioned? And is it a primary right?

Culture has been formally recognized as a human right (Chow, 2018, p. 4), which needs to be protected and preserved (UNGA, 1948, article 22 & 27; UNGA, 1966, article 27). It is important to look at the stances of scholars on the concept of culture conceived as human right. First of all, it is relevant to emphasize that there has been historical opposition of the concepts of "culture" and "rights" (Cowan, 2006, p. 9). Rights were perceived as a duty, thus, essential to be protected by providing a nuance of urgency and absolute necessity, while culture was thought as non-essential, secondary, which had to be overlooked at and came once rights were fulfilled (p. 9). Culture was considered as a concept which had a little more value than choices over consumption and it was questioned whether it was accurate to assign the value of human right and it is still a questionable issue among both scholars and policymakers (p. 13).

Secondly, the right to culture embodied different nuances among scholars and in official international documentation. It is named as cultural liberty in the UNDP Human Development Report (2004, p. 10), culture is perceived as a freedom, where an individual should be free to choose without being hindered by others. People should be free to choose the way of life they want to adopt and should be provided of the means and opportunities to achieve those choices and lead a satisfying life (p. 10). According to Kymlicka, the right to culture is understood as a part of the broader right to freedom, where culture offers a set of options among which individuals have the freedom to choose and form own identities with respect to the culture-specific community (Margalit & Halbertal, 1994, p. 503). The authors have a different view on the right to culture, they affirm that each person has the right to their own culture, and culture is a comprehensive way of living (Margalit & Halbertal, 1994, p. 497). However, there has been a debate over what are the ways of life worthier of human rights' protection (Chow, 2018, p. 42). To this debate, Margalit and Halbertal (1994, p. 509) respond that the state's role is being neutral with regards to the majority's culture, while intervention is required for assisting minorities. While Malinowski's view (1944, p. 36) is highly dependent on individual interpretation, he takes a functionalist perspective of culture,

which functions as means to fulfill human needs. Human needs are a vast category, which comprises basic and secondary necessities.

Culture and identity:

Chow (2018, p. 4) names the entitlement to culture as cultural rights, where culture is a way to express one's identity, and, in this context, culture is an expression of the self in a broader circle of a society. This perspective gives less priority to culture because the author connects it to identity, giving more urgency to the problem of survival (Chow, 2018, p. 4). In the Human Development Report (UNDP, 2004), there is a relevant distinction between culture and way of life. This means that, on the one hand, culture is the component that enables the formation of identity, which goes beyond the question of survival; on the other hand, the way of life is directly linked to the basic needs and its discourse has a rights' connotation (UNDP, 2004, p. 10). Similarly, Chow (2018, p. 44) argues that culture is a network of responses in front of the intricate necessities of humans. As a matter of fact, cultural heritage concerns the interest of communities, through the act of remembrance of the origin of a collectivity (Jakubowski, 2015, p. 1). From this perspective, culture functions as the tool for the foundation and maintaining collective identity and memory because it embodies the historically symbolic meaning, which applies to both local and national settings (Jakubowski, 2015, p. 1). This sense of connection is both at the territorial level, unifying a population in one identity, and at the intergenerational level, passing down traditions provides continuity and uniformity of a given cultural identity (UNESCO, 2003, p. 5).

Moreover, culture is directly linked to the value of identity and history. Cultural practices are commonly considered as representing historical and geographical frameworks and they can be regarded as acts of remembrance of a community's origin (Jakubowski, 2015, p. 1).

Similarly, cultural practices form the foundations for identity formation, they embody values and interests of communities. Culture is a means for collective identity, because it gives the opportunity for collective memory for a community. The effort of restoring and reconstructing cultural heritage illustrates the symbolic meaning of them being important for national identities, also, they are not static, they change over time and space, as a reaction to the interaction with natural and historical circumstances (p. 2). This is the reason they are transmitted from generation to generation, know-how and behavioural components to be preserved and kept practically alive. Malinowski (1944) views culture as the environment in which basic needs' problems are to be solved (p. 37). According to this perspective, culture is tightly correlated and exists with the purpose of satisfying demands coming from the

organism, such as nutritive, hygienic and reproductive necessities. In this context, culture is both the place where needs are to be accomplished and the means through which ends of necessity are fulfilled, performing both instrument and functional roles (Malinowski, 1944, p. 67-68). As a result, culture is where humans feel the need of an identity and how they achieve the formation of identity.

Basing on this notion of culture, I move my attention to the impact of environmental policies. I will focus on two specific categories of environmental policies, which are conservation policies and green energy policies. These two types of policies have a significant impact on culture, and I will focus on how these have negative consequences on the right to culture. The analysis by Tan is key for my argument on the right to culture affected by conservation policies. He affirms that there is an unfair burden of conservation costs of wildlife across countries and attention needs to be paid on the social burdens which are confronted by local communities due to particular policies and laws (Tan, 2021, p. 2).

In this paper, I adopt the right to culture comprehended as both basic requirement and network of responses in which and through which human needs are accomplished. For some communities it is difficult to draw the limit between necessity and freedom; their way of living depends directly on the choices they make. Their criterion for defining cultural practices is different from the standard Western perspective, considered as a surplus choice over consumption. Their cultural practices are means for fulfilling crucial basic human interests, such as food. How cultural practices are intertwined with the sustaining of life will be described with examples in the following chapter.

The debate questions what is to be considered as basic need and whether culture needs to be included in them. Pursuing cultural identity and the inherent practices can be considered as part of securing basic human interests. One way of linking culture to human rights perspective is that one of climate change having negative repercussions on culture and cultural identity by taking away essential means of sustaining cultural practices (Jakubowski, 2015, p. 1; Tan, 2021, p. 5). However, when examining more in detail its consequences, it is noticeable that they are directly linked to the problem of safeguarding fundamental human rights. For example, the relocation of particular communities because of environmental degradation outcomes or the loss of traditional ways of life (Heyward, n.d., p. 152) implies the necessity of finding alternative or new ways are to adopt for sustaining modes of life.

In the Framework Principles on Human Rights and the Environment (UNHR Special Procedures, 2018, p. 7), they acknowledge the fact that indigenous people are often disregarded in international debates, their human rights are to be protected, recognized and respected. Importantly, the cultural practices and patterns of life they pursue are identified as foundation for the safeguard of natural resources, biodiversity and food security. Not only basic, but also additional rights are universally deserved. They are less vital interests, but essential for the communitarian life, such as the sense of the collective and of belonging, which relate to the previously mentioned value of identity, specifically, in the formation of identity. Enlarged inclusion in the participation of vulnerable and affected communities in decision and policy making could be one of the solutions for this issue of limited consideration. Not only international formal recognition is important, but also public awareness and education over these issues might be helpful in order to achieve the best balance for environmental protection and cultural preservation (Heyward, n.d., p. 163). Not only safeguarding cultural rights from the consequences of climate change is vital, but also deciding policies and measures which do not undermine the entitlement to culture and cultural practices of every individual (p. 163).

Chapter 3: Environmental policies and Right to Culture

The previous sections discussed about to what extent culture and environment are important and relevant for human beings. Environmental degradation has negative consequences on the broader realization of human rights, but it has been largely debated whether right to culture should be included in those human rights to be protected. Furthermore, also environmental policies have significant impact on the fulfillment of human rights, especially, attention on culture and the right to culture. Two important relationships will be examined with illustrative examples. Two particular categories of environmental policies will be taken into consideration: conservation policies and green energy policies. The first relationship to be analysed is between conservation policies and cultural rights, through the observation on the impacts of conservation policies in accomplishing the right to participate in cultural life, with real life examples. The second relation to be considered is between the right to culture and green energy policies. The two connections will be analysed on the basis of the above-presented arguments on culture as way to identity formation and way of life.

Cultural rights and conservation policies

First, I will engage in debate between the clash between cultural rights and conservation policies. Despite conservation policies are aimed at the integrity of the environment, which is essential in order to allow the survival for all forms of life on Earth, including humanity; several cases have proven that these policies could interfere with the fundamental activities required for survival. Conservation policies are aimed at securing the existence of animal and plant species, together with their natural habitat. These even predate climate change crisis; however, they have evolved with the exacerbation of the environmental degradation. The most relevant type for conservation policies is the limitation in harvesting and hunting activities. However, these activities have been the first way of life humans built their survival on and are still vital forms of living for certain local and indigenous communities. Through the development of other means for subsistence, collecting and hunting certain species has significantly reduced and focus has shifted to the development of measures for protection. The aim of conservation policies is to avoid and to prevent the over-exploitation of nature and, particularly, of endangered plants and animals. The issue in this context regards those communities where these banned activities form the basis for their culture, which is directly linked to the problem of survival. I raise the questions of whether these communities should be granted the entitlement to perform these debatable practices, whether there should be a threshold to be respected and how that should be imposed.

Maasai tradition and lion hunting:

A first relevant example illustrating this tension is the practice of lion hunting in Maasai population. The Maasai tribe is an ethnic population living in the African continent and they inhabit in a widespread territory, not limited to a single state, covering Kenya and Tanzania, close to the African Great Lakes region. They have the tradition of hunting African lions, specifically, the subspecies of *Panthera Leo*, which is tightly connected to their culture. Lion hunting is culturally conceived as the performance of manhood for warriors and method to pass on masculinity to future generations (Hazzah et al., 2017, p. 3). Furthermore, this practice has the historical value of providing an important role to warriors in the Maasai community, it is a way for reaffirming warriors' power in protecting the tribe from external threats. Their safety is directly linked to the provision of protection of these warriors, this connects to both right to participate in cultural life and right to live in healthy environment. According to the International Labour Organization Convention n. 169 on Indigenous and Tribal People (1989, article 7), both rights could be interlinked under the same category of rights in which it is affirmed that people should have the rightful freedom to make decisions on the priorities affecting their lives, beliefs, and spiritual well being over economic, social and cultural development. Additionally, according to the United Nations High Commissioner for Refugees (Szpak, 2019, p. 22), the state is legitimately entitled to promote economic development, however, this may not hinder article 27 of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (1992), which protects the right to the enjoyment of culture of minority groups. In this case, the practice of lion hunting has both values of culture and subsistence. Through the action of hunting lions, male individuals in Maasai tribe gain the reputation of strong and reliable warriors, which is vital for their life in the tribe. This culture is directly related to the issue of survival of the whole community and, consequently, of their own lives.

However, this activity is highly threatened by the conservation policy of limitations and bans on the killing of lions. This measure to protect the species of lions derives from the ecological approach to environmental problems, which supports the idea of human beings owing duties of conservation and protection to the ecosystem (Tan, 2021, p. 2). According to this approach, humanity is the main origin of the problem of environmental degradation and has the responsibility to repair the damages. As a consequence, a number of plant and animal species are labelled as endangered, because of their sudden decrease in number posing the risk of

extinction, and limitations and bans on certain activities which are direct harm to nature and to natural habitats are implemented.

This limitation on the hunting activity, in its turn, poses at risk the culture of a tribe and by threatening the culture, puts in danger the existence of this community. Therefore, a question arises from this clash, is it ethically acceptable to protect the ecosystem at the cost of endangering the life of a whole community?

Makah population and whaling:

Another significantly illustrative example is the tradition of whale hunting for Makah population. According to the International Convention for Regulation of Whaling (1946), whales are a common resource which need to be conserved and have the value worth being protected. Therefore, there have been numerous attempts for international cooperation which resulted in the establishment of the International Whaling Commission (IWC) in 1946, where the species of whales is considered as both object for economic exploitation and object for adoration (p. 3). Within the broader activity of whaling, there are three official categories: scientific, commercial and aboriginal whaling. The first, scientific whaling, is the case of whaling for research purposes and this is limited but allowed. The second type, commercial whaling, concerns the case where whales are hunted for commercial aims, for their meat, oil and baleen, which constituted an important economic source and fostered the development of whaling industry (Fitzmaurice, 2013, p. 452). The last, aboriginal whaling is the category subject to examination of this example.

Even though the practice of hunting whales is internationally restricted, the practice of whaling for the Makah population is recognized as a form of aboriginal whaling in the international context. Aboriginal whaling is a category of hunting whales which is allowed internationally, and it is limited to indigenous peoples whose hunting activity is recognised as a substantial part for their survival (Fitzmaurice, 2013, p. 455). Makah population used to engage in whale hunting for subsistence and they were legally allowed from the US government to continue their whaling activities, in exchange of land concessions to the government (p. 479). After realizing the decrease in number of whales, they decided to interrupt the activity and to resume when they would recover in numbers (p. 480). This behaviour towards whales explains their ideology, the importance of maintaining their lives through the capturing of whales, together with the willingness to cohabit in harmony with this animal species. The restrictions on whaling heavily impacted their lifestyle and their primary

source of existence. This is an example where the practice of an activity harmful to a specific animal species is exclusively allowed to circumstance in which otherwise existence would be impossible.

Cultural rights and green energy policies

In this section, I will give attention to the relationship between cultural rights and green energy policies. Green energy policies are a subcategory of the broader group of climate policies. Climate policies have the objective of reaching more sustainable plans for market systems without hindering the realization of economic growth and development. An example of these could be bans and limitation in greenhouse gas emissions. An essential subgroup of climate policies are green innovation policies, for example, the creation and development of renewable alternative materials and sustainable sources of energy. This is done by substituting polluting energy sources, such as gas and fossil fuels, with renewable and sustainable ones, such as solar and wind power; without compromising the existing productivity (Waltner-Toews, 2004, p. 95). The subcategory of green energy policies is particularly relevant for the scope of this thesis, as they are going to be discussed in more detail in the clash with the right to culture.

The case to be presented for illustrating the tension between culture and green energy policies is the building of wind farms in Sweden. This project planned to build wind farms for producing wind power, which falls under the category of green energy policy. However, the chosen territory was a focal position for the Saami people, more extremely, they were forced to move elsewhere for the realization of this project. Additionally, these wind farms had negative consequences on the pasture of reindeers, which is the principal method for their existence (Szpak, 2019, p. 17). This example shows the relevance of participation of involved population in the formulation of plans for any type of development which might have direct effects on them. It is internationally agreed that potentially vulnerable people should be involved in the implementation of projects aimed at advancing national and regional progress and which might have consequences on them (ILO, 1989, article 7). In this case, not only cultural practices of reindeer herding are impeded, but also their residential areas are being confiscated.

This chapter analysed a few cases in detail with the aim of illustrating the tensions arising between environmental policies, with particular attention to conservation and green energy policies, and the right to participate in cultural life. Environmental protection measures could

be potential threats to culture and, more importantly, to traditional practices of indigenous and local communities. I emphasize that measures per se are not morally wrong, instead, I sustain that, obviously, illegal and indiscriminate killing of any species should not be allowed, and it should be prevented. It does not mean we need to be ethically indifferent or neutral about certain acts, but rather, when the burden surely exists, it is a matter of how to fairly divide that burden (Tan, 2021, p. 2). The question about where and on whom to allocate the costs for environmental protection needs to ask whether these costs could potentially threaten the culture and survival of those local communities.

Following my arguments, some could counterargue that my perspective separates human beings and nature as two separate concepts, which cannot cohabit in harmony. However, I consider humans and nature as complementing each other in the broader notion of ecosystem, where humans cannot live without nature and nature, in its turn, has no reason for being repaired if there is no human activity causing harms. Where there are people, culture exists and it represents one of the essential needs, as debated in this paper, and without the fulfillment of this need, other efforts, such as environmental conservation commitment, cannot be accomplished.

Conclusion

In this paper, I introduced the connection between climate change and human rights, which is a relatively new and understudied area and of which impacts are partly known. Climate change has negative consequences on human rights, especially on basic human rights, such as right to life, food. However, I acknowledged the lack of research on the relationship between environmental policies and culture. I started from learning that right to participate in cultural life is not considered as a basic right and often ignored in the protection of basic rights. Through examination, I learned that environmental policies could negatively affect the culture and practice of traditional customs, as the examples mentioned above. In most of indigenous and local communities, culture is intertwined and difficult to divide from subsistence, this is the reason why hindering cultural aspects has direct impact on their way of existence. I highlight that there should be commitment to safeguard the environment, however, people should acknowledge that policies could not be always beneficial for everyone. Generally, I suggest looking at the social burdens faced by local communities because of certain policies and laws which constrain their usual way of living and which, more importantly, pose threat to their subsistence and finding strategies to safeguard nature which suit to their circumstances.

Action is needed to achieve the balance between environmental protection and cultural preservation. First, the acknowledgement of the potential harms caused by environmental policies is required to be known. This could be done by educating and raising public awareness of the diversity of circumstances in which people can live in and of the differences in everyday life struggles. Second, I propose more involvement of voices from vulnerable and more affected communities in both policy making and planning of projects. This is especially relevant when these policies and projects are expected to have great impact on the lives of these peoples, regardless of these consequences being positive or negative. Together with enhanced involvement of people, consent is key in the implementation of agreed measures.

In developing this research, I encountered both strengths and limitations, which could be a helpful starting point for future studies. The most standing strength of this paper is that it focuses on a topic that has been underemphasized, but, simultaneously, has been a source of problem for numerous clashes. This strength directly connects to the limitation of scarcity of documentation on how local and indigenous communities' cultures have been affected by international and national policies which are aimed at tackling environmental degradation.

This might be evidence on how they have been disregarded and isolated from studies and policy making procedures. The gap on attention to indigenous and local communities is a topic which needs more development and analysis, and ideal for future research. Additionally, studies on how indigenous and local people feel about climate change and environmental degradation could be done, where they would express perceived threats which they encounter in everyday routine and how they would be able to cooperate in tackling climate change.

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