CULTURAL DIVERSITY AND SERVICE DELIVERY
WHERE DO WE STAND?

Alexandre Marc, World Bank
amarc@worldbank.org

Abstract: The last twenty years has witnessed a growing recognition of the importance of taking cultural and ethnic diversity into account in the design and implementation of development programs. The increasing cultural diversity of societies throughout the world, as well as the important role of culture in identity formation in a global society, creates a major challenge for national governments as well as local governments in ensuring social cohesion and social inclusion.

This paper reviews recent approaches in taking into account cultural diversity in delivery of basic services. It first discusses the idea that supporting cultural diversity can help achieve social inclusion and social cohesion. It provides an outlook on the debate on multiculturalism from various perspectives and discusses the benefits and risks of policies supporting cultural diversity. The paper then examines policies and programs supporting cultural diversity in the delivery of basic services: education, health care, customary law, traditional governance systems and cultural services. For each of these services the paper reviews the main challenges and describes best practices. Finally the paper attempts a synthesis of what has been learned of the experience of taking cultural diversity into account in delivery of services.

Keywords: cultural diversity, service delivery, social policy, public policy, social inclusion

DISCLAIMER:
This is a draft working paper produced for the World Bank conference, ‘New Frontiers of Social Policy: Development in a Globalizing World’. The findings, interpretations, and conclusions herein are those of the author(s) and do not necessarily reflect the views of the International Bank for Reconstruction/The World Bank Group and its affiliated organizations, or its Executive Directors, or the governments they represent. If you wish to cite from this document please request the latest version from the author(s) or from socialpolicy@worldbank.org.
Table of Contents

CULTURAL DIVERSITY AND SERVICE DELIVERY ................................................................. 1
WHERE DO WE STAND? ............................................................................................................ 1
Acknowledgment ............................................................................................................................ 4
Executive Summary ........................................................................................................................ 5

Nurturing Cultural Diversity: A Growing Priority for Policy Makers ........................................... 5
Cultural Diversity in the Delivery of Basic Services .................................................................... 7
Policies for Nurturing Cultural Diversity in Delivery of Basic Services ..................................... 12
Introduction ............................................................................................................................. 15

A. Nurturing Cultural Diversity: A Growing Priority for Policy Makers ..................................... 18
   1. Increasing visibility of cultural diversity .......................................................................... 18
   2. A Growing International Recognition of Cultural Rights ................................................. 23
   3. The Concept of Multicultural Citizenship: a New Paradigm ............................................ 26
   4. The Content of Policies Dealing With Cultural Diversity ................................................ 29

Cultural diversity, minority rights and cultural rights .................................................................... 30

Political participation .................................................................................................................. 33

Accessing rights as all other citizens (Fighting discrimination) .................................................. 34

Fighting living mode exclusion or “cultural” exclusion ............................................................... 36

Blending the various approaches seems key to success ............................................................. 37
   5. Why is Recognition of Cultural Differences Important for Development and Poverty Reduction? ............................................................................................................................. 38
   6. What are the Risks of Taking Culture into Account in Public Policies? .......................... 43
   7. Service Delivery and Cultural Diversity a Knowledge Gap? ........................................... 46

B. Cultural Diversity in the Delivery of Basic Services ................................................................ 49
   1. Education .......................................................................................................................... 49
      Promoting multicultural education ....................................................................................... 49
      Teaching in the mother tongue .............................................................................................. 51
      Adapting the curriculum to reflect various cultures .............................................................. 53
      Taking into account cultural differences in the classroom ................................................... 54
      Bringing cultural diversity in pre-school .............................................................................. 55
      Maintaining Quality in Multicultural Education ................................................................. 56
   2. Health Care ....................................................................................................................... 58
      Recognizing cultural environment of patients: ................................................................. 59
      Recognizing the importance of traditional medicine .......................................................... 61
      Developing national policies for traditional medicine ...................................................... 63
      Supporting collaboration between traditional medicine and Western medicine .................. 63
   3. Customary law .................................................................................................................. 65
      Increased recognition of customary law .............................................................................. 66
      Understanding what is specific about customary law ........................................................ 68
      Recognizing customary law ............................................................................................... 70
      Finding a compromise between common law and customary law ..................................... 71
   4. Traditional Local Governance Systems ............................................................................ 75
      Understanding the advantages of working thru traditional governance systems .............. 75
      Recognizing traditional governance systems ....................................................................... 77
   5. Cultural Services ............................................................................................................... 79
      Recognizing the value of local cultural services for strengthening identities ...................... 79
Supporting community initiatives ................................................................. 81

C. Policies for Nurturing Cultural Diversity in Delivery of Basic Services ................. 82
   1. Establishing a conceptual framework to guide assessments for the recognition of cultural institutions ................................................................. 83
   2. Recognizing that solutions have to be local and that there are no universal solutions to cultural diversity and service delivery ........................................... 86
   3. Understanding political motivations .......................................................... 86
   4. Multi-sectoral approaches are essential ....................................................... 89
   5. Importance of a clear national framework .................................................... 89
   6. Clarity in decentralization framework supports better policies of cultural diversity ...... 91
   7. Involving concerned socio-cultural groups in framing the approach and outreach ....... 92
   8. Balancing citizen’s rights and cultural rights ............................................... 93
   9. Understanding cost and efficiency trade offs ............................................... 95
  10. Policies to support cultural diversity require long-term investments and a long-term... 96
  11. Collecting information, measuring and providing feedback ................................ 98

Conclusion ........................................................................................................... 100

References ............................................................................................................ 103
Acknowledgment

The study was conducted with the support and advice of Shelton Davis, Georgetown University, and with the contribution of: Viviana Andreescu who reviewed the case of Romania, Abebe Zegeye, from the University of South Africa who analyzed the case of South Africa; and Oscar Augusto Lopez from FLACSO Guatemala, who looked at the case of Guatemala. Kelci Lowe did a literature review cultural diversity issues in Latin America and Asia and Costanza Hermanin did a literature review for Eastern Europe and Middle East and North Africa.

The author is also very grateful to Antonela Capelle-Pogacean of the CERI (Centre d’Etudes et de Recherches Internationales), who provided insightful advice during the preparation of the study and for Christophe Jaffrelot, Director of the CERI, who allowed the author, as a Chercheur Associé, to enjoy all the intellectual and logistical support of this outstanding research center in Paris. His own work on the caste system in India was also inspirational for the study. The report also benefited greatly from the comments made by, Anis Dani, Michael Woolcock and Tim Cambell and of the support of Steen Jorgensen Director of Social Development at the World Bank and Caroline Robb, Sector Manager, social Development. Sharmeen Ashan also provided very useful comments and advice on the draft version of the paper and helped in making it more readable.
Executive Summary

The last twenty years has witnessed a growing recognition of the importance of taking cultural and ethnic diversity into account in the design and implementation of development programs. The increasing cultural diversity\(^1\) of societies throughout the world and the important role culture plays in identity formation is a major challenge for national and local governments in ensuring social cohesion and integration.

Governments have been under pressure from international organizations and grassroots organizations to design policies and programs supporting some level of cultural diversity. This opening up to multicultural policies has been particularly significant at the local level in the provision of basic services, especially education, health, justice, governance and cultural services. This study reviews the experience so far with taking into account cultural diversity in the delivery of these basic services.

The study looks at culture as a framework that influences values and societal norms with the understanding that cultures are evolving, flexible and not cast in iron. Cultures constantly adapt, some time faster and some time slower. There are also phenomena of “hybridization” taking place by which cultures adopt aspects of another culture and individuals belonging to one culture assimilate some trait of another culture.

Nurturing Cultural Diversity: A Growing Priority for Policy Makers

The increased attention to cultural and ethnic diversity is due to two parallel phenomena. First, the importance of migrations, both international and national, creates many mixed communities with different origins and cultures living on the same territory and under the same local administration. Also, the ties that migrants maintain today with their countries and communities of origin are much stronger than in the past, in large part because of the rapid expansion of various means of communication. Second, today throughout the world, ethno-cultural minorities are demanding greater recognition and accommodation of their cultural practices and identities.

In the last decade international agencies and in particular the UN and the Council of

---

\(^1\) “The world nearly 200 countries include some 5,000 ethnic groups. Two-thirds of countries have more than one ethnic or religious group making up at least 10% of the population.” Human Development Report, 2004, UNDP
Europe have moved actively on recognizing cultural diversity and minority and cultural rights. The first important texts on this matter were the 1966 two international covenants on Economic, Social and Cultural Rights and on Civil and Political Rights. Then they where followed by a number of important texts and declaration, such as the 1978 UNESCO “Declaration on Race and Racial Prejudice and the 1989 ILO convention 169 “concerning Indigenous and Tribal Peoples in Independent Countries.” In 1992 the UN General Assembly adopted the first international “Declaration on Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities” and a number of other treaties have followed. In Europe, the Council of Europe and the Organization of Security and Cooperation in Europe (OSCE) have also produced a number of treaties and principles that have become benchmarks for accessing the European Union and have contributed to important legislative changes in the region. Despite all these progress in establishing an international framework for the recognition and management of cultural diversity, the recognition of these treaties by national parliament is slow and their application in countries even more.

This debate as well as the increased demand for recognition of cultural diversity in public policies has given birth to the concept of multicultural citizenship which has gained momentum in the last decade and is the approach advocated in the UNDP Human Development Report of 2004 on cultural liberty. There is, today, among some policy makers and academics a clear sense that to avoid conflicts and support social cohesion and inclusion we need to supplement the traditional human rights with minority and cultural rights. Minority rights have therefore returned to prominence. The new multiculturalist model is seen as different from the three classical models, communitarist, assimilationist and integrationist.

Will Kymlicka has developed the elements of a theory of multicultural citizenship which is winning wide acceptance today among academics and policy makers. In his book Multicultural Citizenship he writes, “I believe it is legitimate, and indeed unavoidable, to supplement traditional human rights with minority rights. A comprehensive theory of justice in a multicultural state will include both universal rights, assigned to individuals regardless of group membership, and certain group-differentiated rights or ‘special status’ for minority culture.”

Multicultural citizenship preserves a central core of common human rights valid to all citizens, but complements these rights with specific rights for minority groups; these rights will allow

---

minorities to exercise their universal rights because they will be less discriminated against.”

Today, policies focusing on cultural diversity usually deal with three main components: increasing political participation of groups with a separate cultural identity than the rest of the population; fighting discrimination through (1) addressing unequal social investments to achieve equality of opportunity, (2) recognizing claim to land and livelihoods, (3) implementing affirmative action in favor of disadvantaged groups, and (4) fighting living mode exclusion or “cultural” exclusion. Successful experiences in countries such as New Zealand show that blending these different approaches is what usually works best.

Recognizing cultural differences is important for policy makers for the following reasons: cultural minorities are often among the poorest, and to improve their well being, it is important to recognize their cultural specificity and to design anti-poverty programs. Secondly, the positive impact culture has on collective and individual agency. Lastly, understanding and promoting some of the cultural attributes of groups can reduce conflicts. There are also risks associated with taking culture into account, namely the risks of reducing the autonomy and liberty of choice of some sub-groups in a given society, such as women, youth or lower castes. It can also keep unfair and ineffective institutions alive and isolate communities from the majority culture.

Little has been written on service delivery and cultural diversity at the local level. The World Bank World Development Report of 2004 entitled “Making Service Work for the Poor” does not look directly at issue of cultural diversity; however, it recognizes the importance of cultural factor. The report clearly recognizes that the demand for basic services is an issue in many poor countries and that this demand is partly influenced by the lack of trust in governments and providers, as well as by cultural factors which are usually not taken into account in the delivery of services. Second, in many of the examples throughout the report, cultural issues are mentioned as very important in defining the relationship between the client and the provider. Finally, it underlines the difference between the heterogeneity and homogeneity of the population of a community as a major criterion for deciding the institutional framework for service delivery.

**Cultural Diversity in the Delivery of Basic Services**

Basic services delivered at the level of a community are many. In this study we focus on education, health, law, local governance (which is more an institution than a service per se) and
cultural services, mostly because they seem to be services that are strongly influenced by culture and in turn influence cultures. Multicultural education is a broad term that includes components such as education in languages other than the majority language; adaptation of curriculum to reflect the history and culture of minority groups; specific support to students from minorities when they are facing specific vulnerability due to their cultural specificities and adaptation of pedagogical methods to be more in line with cultural considerations. In multicultural education the main challenge is to create structures that support the development of one’s group identity while fostering common ground between groups that are part of the broader society and ensuring efficiency so that education also provides skills that are useful on the labor market.

During the last decade, multicultural education has progressed quickly throughout the world with notable progress in Latin America and Eastern Europe. In sub-Saharan Africa, however, where a majority of children have a mother tongue different than the official language, multicultural education is still limited.

Teaching in the mother tongue has been largely recognized as effective. The success is not only in terms of identity recognition, but also in terms of cognitive development and ability to learn other topics in the future. Learning in one’s mother tongue and teaching local languages at school is only one aspect of multicultural education. Introducing an understanding for minority cultures in the curriculum, in history, geography, literature but also other specific skills like music, artistic expression, and local trades are also central. Some argue that it needs to go hand in hand with multilingual education. Learning about one’s culture is what allows children to perceive the sense and meaning of learning a different language.

The main issue in multicultural education is to ensure quality education for minority languages and other curriculum. The issues with maintaining quality education are many and usually linked to financial means to pay additional teachers and additional textbooks; availability of teachers with qualification to teach minorities with a solid understanding of the culture; coordination between central authority and local authority for the implementation of new curriculum; outreach to parents and children of the majority population so that they understand the need and purpose of introducing new subjects to avoid backlash at the school level; establishment of impact monitoring system that facilitate assessment of the impact of new curriculum and allows for correction when mistakes are made. In this area two elements are very important: adequate financial support, and capacity building for adapting education to
particularly poor and marginalized societies that do not have the means to support directly multicultural education and ensuring strong parental participation.

Recent literature attributes part of the problems concerning poor health among indigenous populations and some minorities, to a poor awareness by the medical establishment of cultural issues and the cultural environment in which illness and recuperation is understood by the patient. For The Health Panamerican Organization, multiculturalism in health care is “the ability to move between various concepts of health and illness, various concepts of life and death, and various concepts of the biological, social and relational body.” Policies that take cultural diversity in health care into account have two main components: the first consists of measures to respect the cultural background of a patient; the second recognizes the value of the traditional curative practices of a population. As with the case of education, taking cultural diversity into consideration and the importance of culture in health care goes in line with recent trends that try to reinforce attention given to preventive approaches over curative medicine and outreach and general practices over hospital care.

Understanding the relationship of the body and mind to wellness and illness in a specific culture is essential when trying to improve prevention and access to health care as well as effectiveness of treatments. Respecting cultural particularities, which translates into the way the relationship with one’s body is valued and considered, should be integrated in public health systems. Language can be an important barrier to health prevention and care. It is essential to have health personnel and doctors speaking the language of the minority group, especially in areas where the knowledge of the national language is limited.

The World Health Organization (WHO) has adopted a traditional medicine strategy for 2002-2005. The strategy recognizes that “traditional medicine is widely used and rapidly growing.” The WHO strategy mentions four main challenges for states in their recognition of traditional medicines: weakness of national policy and regulatory frameworks; the lack of a good understanding of safety, efficacy and quality issues; and problems of access and supporting a rational use of traditional medicine. The strategy mentions that as of today, only 25 out of 191 members have developed policies on the use of traditional medicine.

The ideal would be a better coordination between both type of medicines with some form

---

of referral and some sort of understanding and respect of medical doctors and nurses for what traditional medicine can bring, and vice versa. For this, much more research non only on medicinal plants but also on other practices that accompany the prescription of plants by traditional healers is required. University and medical school curricula need to include traditional medicine as is currently practiced in China with acupuncture. In practice, traditional medicine and Western medicine are still more often ignoring each other than actually collaborating in the field. This is an area where much more effort is needed, especially in organizing primary health care and outreach.

Customary law can be defined as the normative expression of the values and norms of a society established through recognized practices that are accepted by all members: “Customary law consist of established patterns of behaviors that can be objectively verified within a particular social setting…such customs acquire the force of law when they become the undisputed rule by which certain entitlements or obligation are regulated between members of a community.”4 Some argue also that the concept of obedience is different in customary laws and in written laws promoted by a state. The law promoted by a state is overwhelmingly top down. A citizen would not see much direct relationship between his or her involvement in making laws and his obligation to obey laws. On the other hand, customary law is built more on the idea of reciprocity. Individuals obey the law because they know that they could benefit from the law as well.

The increased popularity of customary law in many developing countries, especially in Africa, is connected to the often poor performances of the overall judicial system and the difficulty to reform it in order to make it more responsive to people’s and community needs. In customary law quite a lot is left to the appreciation of the community, and in particular to the one in charge of implementing it, usually council of elders.

Experience suggests that harmonizing customary law and common law requires a good understanding of what are the aims and current practices of customary law. Also there should be, when feasible some freedom of choice between the two systems. Participation of community members is essential, national statutory recognition is necessary. An intermediary like an ombudsman to facilitate relations between the modern judicial system and traditional authorities can be very important. Training and capacity building of the judicial system but also of the

4 Wikipedia encyclopedia
communities is essential. Also, it is clear that customary law and traditional conflict resolution situations do not work well when the community is confronted by people who are powerful and connected with formal system.

Many states, especially in developing countries, formally or informally recognize traditional governance systems at the local level. Relying on traditional local governance systems has the advantage of using institutions that are embedded in local culture that people understand and that usually preserve the cohesion of the group and the community. The recognition of traditional governance systems by states is justified by the very same reasons as those for customary law, and many issues that arise with the use of customary laws are also valid for traditional local governance systems. These systems emphasize community solidarity through participation of community members in tasks benefiting the community such as: maintenance of infrastructure, management of land and water, and social functions such as taking care of elders, orphans and other excluded groups. Today new structures have been added, permitting the increased participation of women, youth and important economic actors. Sometimes they take the form of new committees or an addition of new members to the council of elders under the influence of dynamic members of the community, government or development agencies.

Local government provision of cultural services to support collective identity is an area with little research so far. Most of the assessments have looked at the effectiveness of community participation in preserving cultural heritage and at the development of community-based tourism, but the nature of the demand for cultural services at the local level and how local governments answer these needs is rarely studied. Being able to express one’s culture in collective manifestations such as festivals, dances, religious musical ceremonies, as well as through preservation of local knowledge and preservation of cultural patrimony is important for strengthening identity, while at the same time creating bonds with other members of the community and strengthening social capital. Festivals, in particular, are extremely important in creating a symbolic representation of a culture, rooted in actual events and celebration. All of these activities also give a sense of pride, and help in a collective recognition of one’s identity. However, they need to be carefully managed, in particular when tourism is involved as it can increase acculturation and reduce sustainability.
Policies for Nurturing Cultural Diversity in Delivery of Basic Services

Because impact analysis of programs and policies supporting cultural diversity are still very limited and that it is a relatively new focus of attention for governments and international organizations, it is difficult to come up with “clear cut” policy recommendations. How to nurture cultural diversity at the local level while preserving cohesion, striving for equity and avoiding conflicts is still open to many debates. The nascent theory of multiculturalism tells us that it is actually the recognition and acknowledgment of cultural diversity that will help achieve cohesion and equity and that its negation will do the reverse. However, this recognition has to be “managed” carefully by governments, political authorities and the people themselves. Culture and identity are highly volatile and have to be handled with care! Actions supporting cultural diversity need also to be integrated in overall social and economic policies to be really effective. The answer is not to develop parallel policies but to mainstream the attention to cultural diversity in government policies and programs. Cultural diversity is handled best when integrated.

When officially integrating some institutions or practice, issued from a specific culture, in service delivery, a central preliminary step should assessment of how collective and individual aspirations are going to intersect, what it does for the power structure in the community and more broadly to the functioning of existing institutions. It is also important to understand how different systems expressing the cultural diversity of a society will work together. Usually they are not all based on the same set of values.

Policy for cultural diversity should not be pushed only from the top; it requires a bottom up approach as well. It cannot be driven only by elites; locals intended to benefit from this policy, especially the poor need to understand what it will do for improving their day to day situation. Cultural diversity cannot be litigated through laws only, as deep institutional changes are required as well. Recognizing a minority culture is a process that needs to be managed over time like any institutional reform. Cultures adapt and change over time. Flexible policies are required so that corrections and adaptations can be made along the way.

When a country decides to recognize different cultures and shape its services to meet aspirations for cultural diversity, it is essential to understand thoroughly the political motivations that are at play. The design of policies supporting cultural diversity can be politically motivated on premises that go against the interest of the concerned minorities and cultural group. There are many reasons why it is in the interest of political forces to support such an agenda. Cultural
diversity is often the target of populist agendas and because it touches symbolic identities, it can create strong political division. It is important that these motivations are clear, at least in the mind of the technicians designing policies.

It is essential to see the issue of recognizing cultural diversity as multisectoral. Supporting native languages does not make much sense if the children will never use this language outside of narrow family circles. Recognizing customary law but not the language in which the law is expressed and applied is also not a wise strategy. Requesting health workers to speak a local language if this it is not taught at school does not make sense.

The impact of these actions supporting cultural diversity at the local level will always remain very limited, unless countries adopt an adapted policy framework and legal framework that would provide legitimacy for these actions and programs. Such a framework will indicate the central government commitment but also positively impact coordination with sectoral policies.

When dealing with policies and programs supporting cultural diversity, participatory processes are particularly important; however, various stakeholders must be consulted, and that possible shortcomings of traditional forms of consultation vis-à-vis participation by some sub-groups can eventually be compensated for.

The design of programs and policies nurturing cultural diversity requires a careful balancing act between protecting individual human rights and recognizing cultural collective rights. Typically every society will have a hard core of individual rights that the society at large would consider as essential for all and there should be an agreement that these cannot be challenged.

Another major issue is the cost of recognizing cultural diversity in service delivery, especially for poor countries. The cost is often non-negligible, especially when it requires training and capacity building. However, cost should be looked at together with benefits. And policies and programs dealing with cultural diversity usually require investment in the first year but then can be implemented over subsequent years with only very little additional costs to the normal sectoral budgets. Because of these investments, cost donor support can play a very important role.

Cultural identity and recognition of cultural practices should not be seen as “one shot” measures. It needs to be nurtured and adapted. New needs might emerge and corrective measures
will be needed. So what ever is done, should be done with a long-term objective and with room for adaptation and correction along the way.

Measurement and assessment of the impact of policies and programs supporting cultural diversity is still very limited. In the field of education, there is more analysis than in other sectors but they focus mostly on the impact of introducing local languages and teaching in the mother tongue. Overall the findings of these assessments are positive with the caveat that investments in training and institution building are often underestimated and the quality of teaching remain a real issue for languages for population that are very specific or marginalized.

Policies for recognition cultural diversity should accompany the transformation of the nation state under pressure to globalize. They are part of the social response to globalization and it should therefore be integrated in social policies. It will in the future probably become one of the most fundamental components of social inclusion policies.
Introduction

The last twenty years has witnessed a growing recognition of the importance of taking cultural and ethnic diversity into account in the design and implementation of development programs. The increasing cultural diversity of societies throughout the world and the important role culture plays in identity formation to balance the drive towards a global society, create a major challenge for national governments as well as local governments and providers of public services in designing social policies and in ensuring social cohesion and integration.

The increased attention to cultural and ethnic diversity is due to two parallel phenomena. First, the importance of migrations today, both international and national, creates many mixed communities with different origins and cultures, living on the same territory and under the same local administration. It is true that very significant migrations, on a much larger scale than in the last 20 years, took place in the late 19th and early 20th centuries, but the impact on culture has been very different. Most migrants in the previous centuries quickly cut ties with their countries of origin and were tried hard to assimilate into their host country cultures. The ties that migrants maintain today with their countries and community of origin are much stronger, in large part because of the rapid expansion of various means of communication.

This leads us to the second phenomenon: the fact that throughout the world today, ethno-cultural minorities are demanding greater recognition and accommodation of their cultural practices and identities. The fact that a migrant or a member of a minority group automatically adopts the dominant culture and keeps his or her cultural practices in the realm of private life is less and less accepted. Today, the idea that modernity is associated with one cultural world dominated by the West is strongly contested. This does not go without ambiguity. While the current push towards the creation of a global culture, similar throughout the world, from Los

---

5 “The world’s nearly 200 countries include some 5,000 ethnic groups. Two-thirds of countries have more than one ethnic or religious group making up at least 10% of the population.” Human Development Report, 2004, UNDP
6 According to the United Nations the number of international migrants in 2000 was estimated at 175 millions, 3% of the world population migrated during this year. If we take into account migrations inside countries the number would be much larger.
7 We understand culture as the values, norms and institutions that regulate social life, which means the interactions between members of a same society, and shape their collective vision of the world. It is also important to understand culture as dynamic and adaptive. Mary Douglas defines culture in the following way: “culture is a dynamically interactive and developing socio-psychic system. At many points in time the culture of a community is engaged in a joint production of meaning.” She also adds “In reality, the connected meanings that are the basis of any given culture are multiplex, precarious, complex, and fluid. They are continually contested and always in process of mutual accommodation. The dialogue leads to concentrations of meanings. It is the process of self-understanding, the way the community explains it-self to it-self and others” in “Traditional Culture, Let’s Hear no more About It”, in Culture and Public Action (World Bank, 2004)
Angeles to New Delhi is very strong, the demand for recognition of cultural diversity is equally strong, resulting often in violent clashes when not adequately managed. As Will Kymlicka, multiculturalism theorist writes: “Minority and majorities increasingly clash over such issues as language rights, regional autonomy, political representation, education curriculum, land claims, immigration and naturalization policy, even national symbols, such as the choice of national anthem or public holidays. Finding morally defensible and politically viable answers to these issues is the greatest challenge facing democracies today.”

It is easy to argue that managing cultural diversity is also very relevant for social and economic reasons. The collapse of communism as a legitimate societal model and the consequent end of the cold war means also that people tend to focus on other differentiation between societies than the capitalist/communist model.

A third phenomenon also needs to be mentioned: the more traditional bases of identity, such as one’s job, profession and family are undergoing major changes and are rapidly losing their traditional social, cultural and emotional appeal. This has major impact for identity formation and social organization; it also represents a major challenge for social cohesion and inclusion as individual cannot rely on family and professional networks as they did before for support and directions.

When talking about cultural diversity, it is also important to define what exactly is meant. This word is often used to mean very different things. Culture here is seen as evolving, flexible and not cast in iron. Culture constantly adapts, some times faster and some times slower, but it adapts and changes. There are also phenomena of “hybridization” taking place by which cultures adopt aspects of another culture and individuals belonging to one culture assimilate some traits

---

9 Alain Touraine, the French sociologist, in his most recent book (Touraine, Alain. (2005). « Un nouveau paradigme pour comprendre le monde d’aujourd’hui », Fayard, Paris.) develops the idea that the last two centuries where « social » in the sense that human beings were thinking of themselves as members of society and living in a paradigm of social movements: the concept of citizenship, the class struggle as a major source of conflicts and the opposition between two models of societies: capitalisn and communism. Today human beings tend to reject the idea of a self being determined by social structure and an identity defined by a social model. Today, identities are more narrative, and people define themselves through their personal story and their culture. Will Kymlicka, the Canadian political philosopher who has dedicated his career to a better understanding of the trend towards multicultural States, sees also culture as taking a much stronger role in politics. He writes: “This is an important trend that is reshaping political life around the world. These demands for more culturally inclusive policies are not just being asserted, but also, in many cases, being accepted and implemented, at least in part. We are witnessing the emergence of genuinely new models of “multicultural” states.” Kymlicka, Will. (2003). “Culturally Responsive Policies”, paper prepared for the 2004 UNDP Human Development Report
of another culture. So contacts between cultures are not “billiard ball” games by which cultures knock each other, to employ an expression used Jan Nederveen Pieterse. Cultural diversity implies that people are in contact, and that phenomena of “mixing” always take place at different degrees.

A great deal of social scientific research has been conducted on issues and policies of economic and political integration at the national level. For instance, the issue of integration of the Afro-American communities in the United States, the problem of recognition of new rights for the indigenous communities of Canada, and the integration of new migrant populations in France, Germany and England, have been the subject of many studies over the past 50 years. Recently, however, the idea that it is important to look at cultural as well as economic and political inclusion, is receiving more attention on the part of both social scientists and public-policy makers.

Many of the studies on cultural diversity have focused on the national level, and on political and institutional mechanisms to ensure that various groups can live together in a cohesive way and share resources equitably. However, evidence shows that a lot of the demand for recognition of cultural identity and cultural diversity are expressed at the local level (region, municipalities and local communities). They often focus on the delivery of services by central and local government. The study attempts to better understand how cultural diversity and cultural identity impact upon public-service in the delivery of basic services and how local governments can respond to this challenge. The literature review has shown that information in this field is scarce, especially in terms of community response. This is why we do not pretend to be exhaustive on this topic but mostly identify trends.

The study first presents the current debate on the role of governments in managing cultural diversity. It examines why it is recognized as a legitimate field for policy making, it shows the increased international recognition of the importance of minority and cultural rights, discuss what are the risks and benefits of recognizing cultural diversity as an issue for social

---

11 One very interesting project is the minorities at risk data set, created by researchers at the University of Maryland’s Center for International Development and Conflict Management. This center collects data on groups that suffer discrimination and disadvantage and that organize politically on the basis of group identity. According to this data set, around 750 million people in the world today belong to groups that face socio-economic discrimination or disadvantage because of their cultural identities. Many groups face both kinds of discrimination. For some 68 million of these people this is the result of direct government policies of discrimination.
policy and finally present the content of policies dealing with cultural diversity. This study looks then more in-depth at the areas where the demand for the recognition of cultural practices in delivery of basic services are the strongest: (1) education, mostly related to the issue of teaching of native languages; (2) health care, related to the recognition of specific practices; (3) local governance related to the recognition of customary law and local decision making mechanisms; and, (4) specific cultural services such as cultural centers, religious and national festivals, and the practice of traditional forms of cultural expression. Finally the study suggests a framework to help in the design of “culturally sensitive” policies for delivering services to the poor.

A. Nurturing Cultural Diversity: A Growing Priority for Policy Makers

1. Increasing visibility of cultural diversity

Policies of social inclusion and social cohesion increasingly address at issues of cultural diversity and minority groups. Today, identity politics has considerably increased throughout the world. It is not a new phenomena but it is increasingly taking place outside of the context of the nation state and political representation. There are about 190 independent states and these contain about 5000 ethnic groups and 600 living languages; two-thirds of the states have at least one ethnic or religious minority that makes up at least 10% of the population. Groups are mobilizing around religious, ethnic, cultural lines, demanding that their particularities be recognized by the wider society. In Latin America, for instance, it is clear that old grievances linked to an increasingly unequal society are being expressed strongly in terms of ethnicity. In the Arab world, religion has replaced Arab nationalism, secular and socialist, of the 1960s as a major force in politics. Ethnic and religious conflicts are representing an increased toll for nations in Asia. Migrants are less and less accepting the fact that they should keep their culture of origin in the private sphere and that they should adopt rapidly the culture of the dominant ethnicity in the public sphere. Minority cultures are fighting strongly not only for increased political participation but also for official recognition of their languages, religions, festivals.

Part of the issue is related to the exponential increase in people’s movement throughout the world and the constant confrontation it creates between living modes and values. Since World War II, international migration has rapidly increased. A large part is from developing to developed countries but this phenomenon is changing and migration from poor developing countries to developing middle-incomes countries, are increasing fast. The Gulf countries have
always received very large numbers of migrants from other Arab countries and from Asia. Argentina has seen flows of migrants from Bolivia, Peru and Paraguay. Venezuela has been a migration destination for Colombians and Ecuadorians. There are about a million illegal workers from Indonesia in Malaysia. There are more than 1 million Mozambicans in South Africa and the mining sector of this country has always been using migrant workers from neighboring countries now estimated at 300,000 persons. The Ivory Coast used to have, in the mid 1990’s, one quarter of its population coming from Mali, Burkina Faso, Niger and other neighboring countries from the North. With the impact of many political crisis and civil wars in Africa, many refugees also move across borders. Migration between high-income countries is also increasing and reflects a world where the labor market is becoming global and fast progress in new technologies as well as the opening up of new economic spaces like the European Union, facilitate the movement of scarce human resources.

But migration is too often associated in the mind of people to the crossing of national borders. Internal migrations are very large and increasing. The following numbers give an idea of the extent of internal migration, especially in developing countries: close to 120 million people were estimated to have migrated internally in China in 2001, compared to about 500,000 international migrants the same year. The opening up of formal restrictions on population movements following political changes in former socialist countries has contributed to important increase in both international and national migration. Since the end of restriction on population movements in South Africa, large internal migrations have also occurred.

Rural to rural migrations are still very important in developing countries. In India, rural migration accounted for roughly 62% of all movements in 1999-2000, according to national sample survey data. These migrants are mostly rural poor looking for work as laborers in the richer agricultural areas. Similar migrations take place in Senegal, for instance, around groundnut cultivation. Rural to urban migration is also rapidly gaining in importance in many countries. However, urban to rural migrations is not rare either. For instance, one-third of Chinese migrants go back to their village of origin after having been working in urban centers for some time. Urban rural migration is also current in time of economic crisis or political upheavals. Half of the 9 million Ethiopian soldiers demobilized in the early nineties went back to rural areas. In countries of the former Soviet Union, many workers went back to rural area to survive the economic collapse that followed the break-up of the country. Urban to urban
migration is the predominant form of migration in Latin America. In Mexico, for example, between 1987 and 1992, 50% of interstate movements had urban areas as their origins and destinations. Between 1995 and 2000, 70% of all municipal movements took place between urban areas. However, these are usually from a smaller centre to a larger centre. In Albania, for instance, the strategy adopted by most migrants is to move from villages, especially in the north, to Tirana in incremental steps. They move first to a small regional center, then to a bigger one, then to the capital city, and then eventually abroad.

This is also happening in a world where inequalities are increasing, among people, regions and countries. These inequalities are not only income based, they are also inequality of opportunities, translated into lack of access to basic services and access to security. They also reflect inequalities in freedom of making choice to use the Amartaya Sen concept. Actually we see the Asian continent, at least East Asia and today Eastern Europe reducing inequalities with Europe and North America but inequalities between Africa and the rest of the world increasing very fast. These inequalities are major push factors for migrations. Culture also plays a role that should not be underestimated. The larger autonomy provided to individuals in the Western economy or even in urban centers has also attractiveness, especially for youth. The pressure, to conform to collective norms and habits by communities are often cited by young African migrants as a reason to move to urban centers or abroad.

Very little quantitative comparable data are available on the impact of migration on ethnic identity and culture but many qualitative assessments reveal that this is a very important issue for the well-being of individuals. Many of these migrations involve people coming with one culture and settling in a community with a majority population from another culture. For instance, a lot of the rural to urban migrants in Guatemala, Bolivia, Peru and Ecuador are indigenous populations moving to urban centers populated originally by a majority of Hispanic population. A large part of the migration in Ivory Coast is composed of poor people coming from the North, Muslims belonging to the Sahelian cultural area, and going to the south, mostly populated by Animist and Christian populations from forest areas. In China, regional differences are strong despite the domination of the Han population, and some of the internal migrants create

---

13 Semben Oussman, the movie maker from Burkina Faso has illustrated vividly the attractiveness of urban centers as a way to distance oneself from the pressure of communities. (Xola 1974, Ceddo 1977, Moolaade 2004)
tensions and cultural clashes like the Han moving into Tibet. In France, Islam has become the second religion of the country behind Catholicism creating its own cycle of tensions. In the US the Hispanic migrants have become so large in some states like Florida or Texas that English is not used any more in large communities.

A permanent population flow, in large part informal and often illegal, is increasingly moving around the globe looking for job opportunities but also trying to escape conflicts or looking for various forms of opportunities in the economic social or even cultural realm. These people return more or less regularly to their communities of origin, communicate on the phone and increasingly through the web, get produce and services from their country of origin. It is easy today to recreate spaces where the national specificities of the territory in which people live are barely visible. Chinese towns are only one example illustrating this phenomenon. Whole neighborhoods of large cities are impregnated by foreign cultures like the neighborhood of Barbes in Paris which is by all means North African. But this does not mean that economic and social pressure are not very strong on these minorities, especially at the points of contact between minority and majority cultures in such environment such as schools, workplace, administration and the delivery of basic services.¹⁴

This has important implications for the way migrants see their integration in nation states and in host communities. The first issue is that migrants increasingly keep the sense that they should not be renouncing their cultural norms and values when coming abroad. Today, people can be in a country because it offers opportunities or security but not feel that they need to give up their culture in exchange. Trying to keep one’s cultural identity when moving across boundaries is not new but it has gained much stronger legitimacy lately. A number of authors, 

¹⁴ Sociologist and political scientist have looked at different models of integration. Usually the French and the British models and to some extent the German model have illustrated different philosophy of integration; The British model is seen as more communitarian, Britain having built its national identity by bringing in various communities with very different cultures and organized a space where these various culture could leave together (among which Scotts, Welsh, some Irish). Britain is a nation made of a variety of diverse communities. This was also reflected in British approach to colonization with the introduction of indirect rules according to which various communities kept their organization and structure of Government. By Opposition the French system is more centralized and offers a new identity of French citizen that should override all communitarian identity. The citizenship has also a universal value and the model could be applied to the whole world. With its origin in the centralization efforts started under the last kings of France, this concept was considerably reinforced during the French Revolution. Citizenship comes with a number of rights and obligations, the adoption of the French Language as the unique and only language of communication, and the separation of church and State as an absolute rule, this means keeping religion entirely in the private realm. Germany has yet another model with ethnicity constituting the core of the idea of Nation.
anthropologists and sociologists\textsuperscript{15}, argue that there is today, as part of the globalization process, a weakening of the link between territory and culture, in other ways that people continue to live their culture and look for keeping their specific way of life, values and beliefs, even when living somewhere else with no attempt to really integrate. The massive unilateral flows of migration of the 18\textsuperscript{th} and 19\textsuperscript{th} century like the Irish going to the United States after the potato crisis or the French to North America and the Basques, Galician and Italian to Argentina was lived as a major economic, social and cultural split with the community of origin. This is not the case any more today. Migration is often temporary, or when longer term, accompanied by many back and forth movements to and from the regions of origin. Technological progress and reduction in costs of transportation and communications over the last 50 years has kept migrants connected with their communities of origin. Temporary migration has increased as well.

An important factor in migrants being more reluctant to give up their cultural ties is the failure of the system of cultural integration by which the adoption of the main culture would in turn bring economic and social benefits. It was clear that becoming culturally French or British was not at all guaranteeing economic equity. The United States of America is still one of the few countries where it is perceived to some extent that becoming an American and being part of the main culture is bringing economic benefits and it seems that to some extent there is. (This is generally true of countries made of migrants such as Australia, Canada and the US).

Demand for recognition of cultural specificity and diverse cultural identity does not come only from migrant populations, actually it can be argued that it comes much more from minority groups that have been for many generations, if not forever, part of a country. But the fact that, even the most remote communities are in contact with other cultures through radio, television, phone, new goods and services or simply stories of its members that have migrated, is increasing the sense that the group could become alienated by the majority culture or the global culture. Finally when we talk about identity, we usually think of ethnic or religious belonging, but increasingly certain groups inside society are attempting to create sub-cultures. (The case of youth sub-cultures is a point in case with specific artistic expression and rules regulating relations between people.) These tend to be very local, related to some specific territory (ghetto)

\textsuperscript{15} John Tomlinson in his recent book Globalization and Culture discusses the issue of Deterrioralization: “Several theorists have used the term 3deterrioralization” in relation to the globalization process (e.g. Appadurai 1990; Garcia Canclini 1995; Mlinar 1992; Lull 1995; Featherstone 1995; Mattelart 1994; Morley and Robins, 1995; Latouche 1996) while others have preferred related terms such as ‘delocalization’ (Thompson, 1995) or ‘displacement’ (Giddens, 1990) to grasp aspects of the process.”
but also very global, connecting through music (the rap is a good example or the Rai for North
African youth for instance). These sub-cultures often create connections between various ethnic
groups. The French film “La Haine” by Mathieu Kassovitz telling the story of three young
people searching for meaning in their lives after violent uprisings in a poor suburban
neighborhoods of Paris illustrates well how this sub-cultures are created across ethnic boundaries
(in this case Jews, Arab and sub-Saharan Africans all share in their differences with mainstream
French people). Finally, mostly in rich industrialized countries but also in urban centers of
developing countries, sub-cultures built around sexual preferences are forming. Members of
these communities are asking to be accepted not only for their behaviors, but for a certain sub-
culture they have created. (The “gay pride” parades are a good example of this phenomenon.)


In the last decade, international agencies and in particular the UN and the Council of
Europe have moved actively on recognizing cultural diversity and minority and cultural rights.

Although a special Sub-commission on the Prevention of Discrimination and Protection
of Minorities was established by the United Nations Human Rights Commission (UNHRC)
following the approval by the United Nations General Assembly of the Universal Declaration of
Human Rights in 1948, it was not until the mid-1960s that the international human rights agenda
began to systematically include issues relating to the recognition of cultural rights of ethnic
minorities, indigenous peoples and other historically excluded and discriminated against cultural
groups. The key event in this change of perspective was the adoption by the United Nations in
1966 of the two international covenants on Economic, Social and Cultural Rights and on Civil
and Political Rights. It opened up a new era in terms of the international recognition of the rights
of the persons belonging to ethnic, religious, linguistic and other minorities and eventually led to
series of new declarations and conventions meant not only to recognize but also to legally protect
the cultural and other rights of these peoples.\textsuperscript{16} For instance, Article 27 of the International
Covenant on Civil and Political Rights reads: ‘In those states in which ethnic, religious or
linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in
community with the other members of their group, to enjoy their own culture, to profess and

\textsuperscript{16} Capotorti, Francesco. 1991. Study on the Rights of Persons Belonging to Ethnic, Religious and Linguistic
practice their own religion, or to use their own language.”

Throughout the decades of the 1970s and 1980s, several important declarations and conventions were approved by the United Nations and a number of its specialized agencies to promote the more favorable treatment of ethnic minorities and, for the first time, racial groups. The approval by UNESCO in 1978 of a special “Declaration on Race and Racial Prejudice”, a follow-up to the 1965 International Convention on the Elimination of all forms of Racial Discrimination, represented a milestone. In 1989, the International Labor Organization (ILO) approved its Convention 169 “Concerning Indigenous and Tribal Peoples in Independent Countries.”

Three years later, in 1992, The UN General Assembly adopted Resolution 47:135 that became the first international “Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities.” Article 1 of this declaration calls upon states to “protect the existence of national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and encourage conditions for the promotion of that identity.” It also calls upon states to “adopt appropriate legislative and other measures to achieve those ends.” According to Article 4 of the Declaration, states shall take measures:

1) To ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law; and,
2) Create favorable conditions to enable persons belonging to minorities to express their characteristics and to develop their culture, language, religion, traditions and customs, except where specific practices are in violation of national law and contrary to international standards.

In 1988, UNESCO launched the World Decade for Cultural Development one of the results of which was a greater international awareness of the critical role that the recognition of the living cultural heritage of these people and more positive cultural policies could play in the development process. Two years before the end of the World Decade, UNESCO’s World Commission on Culture and Development, headed by former UN Secretary General Javier Perez de Cuellar, published a report titled “Our Creative Diversity.” In this report, culture was no
longer seen as an obstacle to national development, but rather as one of a country’s most fundamental and creative aspects.

In November 2001, at the 31st session of the UNESCO General Conference, the representatives of participating governments unanimously approved a Universal Declaration on Cultural Diversity that contains 12 articles and highlights the world’s large degree of cultural diversity as a “Common Heritage of Humanity.” The UNESCO Declaration highlights the important role that recognition of cultural diversity can and should play in the formulation of government social inclusion, civil society participation and development policies. Article 4 through 6 of the UNESCO Declaration carry this perspective a step further by highlighting the relationship between human rights and cultural diversity, especially in terms of the “rights of persons belonging to minorities and those of indigenous peoples;” and, by focusing upon the role of “cultural rights as an enabling environment for cultural diversity.”

In 2004 the UNDP Human Development Report focuses on cultural liberty, providing a review of policies dealing with cultural diversity and setting up recommendations on how countries could establish a more open space for minority cultures.

At the same time Europe was also trying to improve the system of approaching cultural diversity and minority rights issues through the Council of Europe and the Organization of Security and Cooperation in Europe (OSCE). At the European Level, the political binding instruments of CSCE (now OSCE) contained the earliest set of specific principles in European Space. The broadest spectrum of minority right in the OSCE canon is provided by the Document of the Copenhagen meeting of the Human Dimension 1990. This was followed by the creation of the office of the High Commissioner on National Minorities in 1992 by OSCE. The Council of Europe has produced two treaties which deal with issues of minorities and cultural recognition: The Charter on Regional or Minority Languages of 1992, and the Framework Convention for the Protection of National Minorities in 1995. The first one does not establish individual or collective rights for the speakers, it is set to protect and promote languages. It is claimed by the Council of Europe to be the first multicultural treaty of its kind, dealing with specific rights for

---

17 « Culture takes diverse forms across time and space. This diversity is embodied in the uniqueness and plurality of the identities of the groups and societies making up humankind. As a source of exchange, innovation and creativity, cultural diversity is as necessary for humankind as biodiversity is for nature. In this sense, it is the common heritage of humanity and should be recognized and affirmed for the benefit of present and future generations.” Article 1 of the UNESCO Universal Declaration on Cultural Diversity, Paris, France, November 2, 2001;
18 The above discussion of cultural diversity and the UN is extracted from Shelton Davis’s contribution to this study and presented in Annex 1 of this study.
minorities.\footnote{For a detailed discussion of these issues see Thomberry, Patrick. 2001. « An Unfinished Agenda » in Biro, Anna-Maria and Kovacks, Petra. « Diversity in Action, Local Public Management of Multi-Ethnic Communities in Central and Eastern Europe. Open Society Institute, Budapest}

Despite all this progress in establishing an international framework for the recognition and management of cultural diversity, the recognition of these treaties by national parliaments has been slow and their application in countries even more so. Under the pressure of international civil society, international organizations are moving more rapidly than governments and public opinion in acknowledging the importance of these issues. This being said some countries have also moved fast in this area. New Zealand, for instance, has made substantial and impressive progress on inclusion of its Maori population while at the same time recognizing their individuality. Canada has progressed also in finding ways to accommodate its various cultures in a multicultural nation, successfully overcoming some of the crisis of the 70s. Countries like Malaysia, Columbia, Ecuador, Hungary, in very different contexts, have set the issue at the forefront of their legislative and constitutional reform agenda. Overall, a lot remains to be done on this agenda and major discrepancies still exist between national legislations and the international framework established by international organizations.

3. The Concept of Multicultural Citizenship: a New Paradigm

This debate as well as the increased demand for recognition of cultural diversity in public policies has given birth to the concept of multicultural citizenship which has gained momentum in the last decade and is in fact the approach advocated in the UNDP Human Development Report of 2004 on cultural liberty.

The question of how should a government “manage” cultural diversity is not new. Very few countries are ethnically homogeneous (actually only Iceland and Korea are considered ethnically homogenous). States dealt with clashes over languages, political participation, land claims, local autonomy and accessing services by various ethnic or cultural groups throughout the ages. However, with the building of nation states in the 19\textsuperscript{th} and 20\textsuperscript{th} century the dominant approach was to try and build a unique citizenship that would become the prime identity of inhabitants of the country and various other ethnic and cultural identities with their specificity, history, language, customs and beliefs would slowly disappear or be confined to the private
realm. Modernity was also seen as an integrating force that would help in this process, making many practices and beliefs obsolete as they were not effective for the improvement of living standards and for evolving into a technocratic society. The French Revolution, with its centralized approach and violent imposition of a revolutionary citizenship during the first years through terror, was followed in the 20th century by a number of totalitarian models. All had a vision of a unique form of integration. The “comrade citizen” of the Soviet Union is only one example.

After World War II and the extremity at which the concept of ethnic purity of the nation was pushed, this model of a unique culture integrating all others or excluding all others started to be contested and democracies realized that cultural diversity needed to be recognized, but many liberals thought that the route of defining universal human rights was going to deal with this issue while protecting human integrity. Rather than protecting vulnerable groups directly, through special rights for the members of designated groups, cultural minorities would be protected indirectly, by guaranteeing basic civil and political rights to all individuals regardless of group membership.”

Guided by this philosophy, the United Nations deleted all references to the rights of ethnic and national minorities in its Universal Declaration of Human Rights. However, even in this effort of creating a national identity and a uniform set of rights for all citizens many countries had in practical terms to deal with cultural diversity. In Europe, Spain, Belgium and Switzerland are the most obvious examples of countries that represent various models of political arrangements that recognize clearly the cultural diversity of their countries.

However, today, there is among policy makers and academics a clear sense that to avoid conflicts and support social cohesion and inclusion we need to supplement the traditional human rights with minority and cultural rights. Minority rights have therefore returned to prominence. The French political scientist Michel Wieviorka mentions four main models of social inclusion for cultural diverse Democracies: The communitarian approach, the assimilationist approach, the integrationist approach and the multiculturalist approach.

**The communitarian approach:** The approach focuses on the importance of considering the culture of various social groups. This model does not require for the different groups to adapt a national culture but establishes a legal and institutional framework that allows these various components to coexist and be respected within the national context. This model has been used in countries like Belgium, where the Flemish and French communities have their own governing bodies, yet are represented within the national government.

20 Will Kymlicka, Multicultural citizenship Oxford University Press, 1995.P2
communities to live in a same state and keep their values, institutions, habits and living modes. A communitarian system would for instance use a different legal and judicial system for different groups (as is the case in Israel, where the Arab Israeli and Jewish Israeli have two different legal and court systems) or different forms of local governments (as is the case with some Indian communities in Colombia) and/or separated education systems. This approach is often criticized for keeping communities inward looking and not creating a dynamic of common development.

**The assimilationist approach:** The idea here is that there should be only one culture in the public sphere. It can be a new culture created in order to integrate all other cultural group like the Republican and secular concept of citizenship. It will also promote only one official language of national communication and interaction in the state. Proactive policies will be put in place for all members of society to progressively adopt the dominant culture and drop their other identities. This is the model of integration that prevailed in France in the 19th and beginning of the 20th century. According to this approach, the adoption of this unique culture by all members of society will be a guarantee of real equity, recognizing other cultures will create bias between people and undermined social cohesion.

**The integrationist approach:** The idea here is that a sort of “contract of citizenship” is passed between members of society to progressively bring different cultural groups to find ways to live together under a unique public system. This system respects the various cultural and social groups in society, as long as they strive to integrate in one society with one broad culture and keep their other identities in the private realm. In other words, one culture and one national identity would prevail, but others would be tolerated as long as they do not undermine social cohesion. This is the model that prevails, for instance, in the United States with a very strong emphasis on patriotism and recognition by all of the original values of American society, but where other identities and culture are tolerated in the private realm.

**The multicultural approach:** It recognizes that keeping and practicing one’s culture is important for one’s identity and agency, that people tend to contest a unique model of integration and that people might want to belong to two or more cultures and be free to live multiple cultures. However the model does not mean a return to communitarianism. It still supports a system that is built around a concept of citizenship based on a number of universal rights shared by all member of society. It also maintains some commonly shared core values and some sense of connectivity between all people and ensures that views of minority groups can be
accommodated. It, however, recognizes specific minority and cultural rights. This is in practice the model that many democracies are starting to move towards, even if the political discourse is still in many cases integrationist.

Will Kymlicka has developed the elements of a theory of multicultural citizenship that is winning very wide acceptance today among academics and policy makers. In his book Multicultural Citizenship he writes, “I believe it is legitimate, and indeed unavoidable, to supplement traditional human rights with minority rights. A comprehensive theory of justice in a multicultural state will include both universal rights, assigned to individuals regardless of group membership, and certain group-differentiated rights or ‘special status’ for minority culture.” Multicultural citizenship preserves a central core of common human rights valid to all citizens but complements these rights with specific rights for minority groups; these rights will allow minorities to exercise their universal rights because they will be less discriminated against. “A liberal view requires freedom within the minority group, and equality between the minority and majority groups” is what a cultural citizenship tries to achieve. Martin Hopenhayn summarizes this argument in the following way: “citizen equality should be complemented with mechanisms to correct origin-based inequalities to have a real – and not merely formal – effect on the political and social citizenship of discriminated groups, overcoming trajectory inequalities. The combination of both would allow women, ethnic groups and other discriminated/excluded minorities to exert their different status, without perpetuating their history of being unequal.”

4. The Content of Policies Dealing With Cultural Diversity

Despite the fact that many countries had to deal with managing diversity since centuries, Spain trying to find a balance between various regions or Switzerland having to manage three linguistic groups, or the US struggling to integrate its Afro-American minority, thinking globally of managing cultural diversity and recognizing that this is a legitimate area for public policies is relatively new. For a long time it has been strongly resisted by states that were seeing the legitimating of cultural diversity as a direct attack against the integrity of the nation state and the

---

23 ibid. p152
concept of citizenship. With a few notable exceptions, it is really in the last 20 years that these ideas have been developed.

Cultural diversity, minority rights and cultural rights.

Greater demand for cultural recognition of one’s specific cultural identity is usually justified on two different grounds: the first and the most commonly cited follow the perception of inequity between socio-cultural groups in accessing resources, services and political participation. A group feels that, because of its cultural attributes and its identity, it is not on equal footing to other cultural groups in society and that this situation does not allow its members to access the universal rights that all members of society are supposed to enjoy equally. Usually this inequality comes from discrimination or unfair share in resources and assets due to a variety of historical, regional or other reasons. When the Malay population in Malaysia says that the Chinese minority wealth, social network and historical power position in society reduce their access to services, assets and political participation, they are not talking about cultural rights but about access to universal rights. When Evo Morales talks about the rights of the indigenous population of Bolivia, it is mostly about getting a fair share of the economic advantages that are derived from Bolivian natural resources, especially gas and agricultural products that he evokes.

The other ground for expressing a demand for cultural recognition is the need to have one’s cultural identity actually taken into account. A group may want the attributes of their cultural identity be publicly recognized and may want to adopt a life style in relation with their identity. When the Kurds in Turkey want to study in Kurdish language, it is mostly because they feel that their language is important to them and that there are no reasons why they should not use their own language in their interactions with local governments. When the Muslims in France are asking the government to let girls wear a headscarf in school, it is not an economic or social demand but rather a specifically cultural demand linked to the right of living a life style which is different than the majority population. When Mayan communities want to be able to practice some of their customary rituals in front of churches or in public spaces, it is not for accessing assets or services. These are examples of demand for specific cultural rights.

Sometimes, however, cultural right and social and economic rights overlap. It is now demonstrated, for instance, that learning in one’s mother tongue in preschool and primary education is beneficial for the children and facilitates learning when older in secondary
education. It will allow the child to be more effective in learning other languages and accessing the rest of the curricula. This means that teaching a local language in primary school will both help the child preserve its group cultural identity and acquire a sense of what he or she is culturally, and also allow children to acquire skills that would help in improving their standards of living and accessing the universal rights of education for all.

When discussing policies dealing with cultural diversity, both articulation of the problems need to be taken into consideration; but it is important to differentiate between a demand that is related to improving access to universal rights, or a demand related to recognition of specific cultural rights and cultural practices, because the implications for the laws and institutions of a country are different.

The UNDP Human Development Report on Cultural Liberty directly links management of cultural diversity with the recognition of cultural rights: “Cultural liberty is a vital part of human development because being able to choose one’s identity, who one is, without losing the respect of others or being excluded from other choices is important in leading a full life. People want the freedom to practice their religion openly, to speak their language, to celebrate their ethnic or religious heritage without fear of ridicule or punishment or diminished opportunity. People want the freedom to participate in society without having to slip off their chosen cultural mooring.” Cultural exclusion, while often overlapping with economic and political exclusion, requires its own analysis and remedies, mostly because it often responds to a different logic than other forms of exclusion. Supporters of multicultural citizenship argue that recognition of cultural rights as part of the package of citizen rights is essential today, not as a recognition of separate communitarian identities, but to allow citizens to be in a position to equally enjoy the political, economic and social rights which are common to all members of a nation.

It is also important for the clarity of the discussion that will follow to define as much as possible what are minority rights and cultural rights and how they differ. No universal definition

---

27 « National-building policies have become such a pervasive feature of modern life that most people scarcely even notice them. It is these nation building policies that are the main cause of the cultural exclusion of minorities in the modern world, and that undermine the capacity of ethno cultural exclusion of minorities in the modern world, and that undermine the capacity of ethno cultural groups to sustain an evolving cultural context for their members. Indeed, minorities are typically the first target of these policies, since they are the greatest obstacle to the goal of a unified nation-state, and hence most in need of “nationalization.” Will Kymlicka, “Culturally Responsive Policies” 2004
of a minority exists in the UN system. However, there are a number of international treaties that deals with the promotion and protection of the rights of persons belonging to minorities that enter under the category of minority rights. They usually start with the prohibition of discrimination. According to the International Bill of Human Rights discrimination "imply any distinction, exclusion, restriction or preference which is based on any ground such as race, color, ..., language, religion, ..., national or social origin, ..., birth or other status, and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on an equal footing, of all rights and freedoms."  

But, minority rights also include special rights. The most widely-accepted legally-binding provision on minorities is Article 27 of the International Covenant on Civil and Political Rights which states "In those states in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language." In practice it grants a large variety of rights. Some are cultural; for example, “the right to enjoy their own culture, to profess and practice their own religion and to use their own language in private and public space.” Others are political: “the right to participate in decisions which affects them on national and regional levels.” Other rights are economic: states are required to “allow their participation in economic progress and development.” Minority rights and cultural rights overlap but are not exactly the same concept. Minority rights include some cultural rights but are broader.

The idea of minority rights assumes that the majority culture is fully recognized in national laws and institutions; it supposes that a majority culture is understood as homogeneous. This is rarely the case. The minority needs to have specific rights that would allow its members to exercise voice and access services and assets. The issue of indigenous peoples in countries which have been colonized is a little bit different (America, Russia, Australia, New Zealand), as

---

28: "Non-discrimination provisions are contained in the United Nations Charter of 1945 (arts. 1 and 55), the Universal Declaration of Human Rights of 1948 (art. 2) and the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights of 1966 (art. 2). Such provisions also appear in a number of specialized international instruments, including: ILO Convention concerning Discrimination in Respect of Employment and Occupation No. 111 of 1958 (art. 1); International Convention on the Elimination of All Forms of Racial Discrimination of 1965 (art. 1); UNESCO Convention against Discrimination in Education of 1960 (art. 1); UNESCO Declaration on Race and Racial Prejudice of 1978 (arts. 1, 2 and 3); Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief of 1981 (art. 2); and the Convention on the Rights of the Child of 1989 (art. 2).
the issue of the respect of the initial treaties with colonial powers and original territorial rights of these populations is at the center of the debate. Also, it is considered that for many of the indigenous population their livelihood and physical survival is actually connected to some cultural practices. Therefore, the issue of indigenous peoples has been dealt with in a different way than the issue of other minorities.

**Political participation**

The first set of policies supporting cultural diversity aims at ensuring political participation of different groups. A large literature exists on this topic. Yash Ghai 29 classifies these policies into two main categories: Spatial Devolution and Corporate Decentralization. Spatial devolution is usually used when cultural differences correspond to a territory and decentralization and some form of cultural autonomy is used to provide a framework for political participation of a minority group. This territorial decentralization can take the form of federalism, inclusion of autonomous regions inside a central state or special status given to territorial communities inside regions. In developing countries the experience of creation of federal states had it’s origin at the time of decolonization and it was seen by the colonial power as a way to ensure some form of cohesion in multiethnic states. “On the whole colonially devised or inspired federations were not distinguished by their longevity (Indonesia, Burma, Eritrea-Ethiopia, East and West Pakistan, Ghana, Kenya, Uganda). They were introduced at the terminal stages of decolonization, superimposed on centralized and bureaucratic systems, and it proved easy to claw back, de jure or de facto, regional powers.” 30 However, there have been some more successful cases such as India, Malaysia, Nigeria and Papua New Guinea. These various arrangements have given rise to a large variety of systems to ensure political representation at the nation and state levels.

Decentralization to smaller units of government without establishing autonomous regions is often seen as the best way to ensure participation of various groups. The decentralization approach is in line with a general trend which encourages devolution of responsibilities to lower levels of governments independently of the issue of cultural diversity. This is usually done to increase the involvement of citizens in their own decisions in order to improve the quality of service by bringing the provider closer to the client. This trend is supported by international

---


organizations that have encouraged states to provide more voices to various minorities in the management of their territories. In Latin America, many countries have recently modified their constitution to provide some degree of territorial autonomy to their indigenous population. The constitutional reform of Columbia in 1991, Ecuador in 1998, the Venezuelan reform of 2000 and the Bolivian reform of 1995 all clearly provide rights to indigenous population in managing the territories they are living on.

Corporate devolution consists of providing special representation to some groups independently from their territorial affiliation. These policies consist usually in reserving special seats in parliaments for some groups that tend to be excluded through the normal political process. In this way the recognized tribes and castes in India, for instance, have seats reserved for them in Parliament. Some groups also are provided some elements of management of their communities, especially a responsibility in judicial affairs. (Israel has a separated judicial system for Jews and for Arab Israelis. In Egypt, Christians have different personal laws.) Consultation mechanisms on policies also involve representative of minorities or religious institutions.

Accessing rights as all other citizens (Fighting discrimination)

A large part of the policies dealing with cultural diversity ensure some form of equity between groups and try to fight open or hidden discrimination. These policies have as an objective to ensure social inclusion and to some extent social cohesion as well. They do this in different ways. The 2004 Human Development Report distinguishes three different sub policies: (1) addressing unequal social investments to achieve equality of opportunity, (2) recognizing claim to land and livelihoods, and (3) implementing affirmative actions in favor of disadvantaged groups.

Addressing unequal social investment is usually not very different than poverty targeting as this is an issue mostly in regions where minorities are overly represented among the poor and this might be seen as something to do independently of any recognition of a specific culture. However, in some cases, ensuring equal benefit of social investments will also require recognizing some specific cultural rights. It has been shown, for example, that starting education in one’s mother tongue can help children in their education and therefore introducing teaching in local language in primary education might be necessary to ensure equal benefits in education.

See on this topic the following work: books by.....
investments. Some sanitation regulations might go against certain religious beliefs, therefore depriving minorities from the benefit of this infrastructure. For instance the preparation of food that is kosher for Jews might require some adaptation to the legislation for slaughterhouses.

Minorities have also often been excluded for historical reasons from land ownership. Policies addressing this problem have two components. One is linked to land reform, by which unequal distribution of land is addressed through reform of land ownership and the other where collective land claims, mostly to indigenous communities, are recognized and land is returned to them under their collective management. This does not go without conflict when these lands contain important national resources such as oil, for instance. Returning land to collective ownership will, in many cases, also require some specific legislation.

Affirmative action attempts to counteract discrimination based on negative stereotypes. This is a complex issue because stereotypes in a society with little interaction between socio-cultural groups can easily become self-confirming. Glenn Loury has attempted to deconstruct, using simple economic reasoning, the process by which Afro-Americans are discriminated against in the US. He clarifies the difference between stereotypes, stigma and actual discrimination. Stereotyping is the way people judge others to identify potential behaviors based on what a person has heard, read or experienced. People do “a statistical generalization” to use Glen Loury’s own words, and this generalization can have negative, neutral or positive impact. Everyone uses stereotypes in everyday life in a world of limited information. Stigma is when a stereotype is used negatively and is systematized so that people will not be able to escape this negative assessment by others. Stigma can also exist for pure cultural reasons without specific stereotypes attached. If you are from a lower caste in India you are directly stigmatized. Finally discrimination is turning this stigma into action, depriving the concerned person or group of equal opportunities from the rest of the population.32

Stereotypes are built over time and are passed on from generation to generation, they are very difficult to modify as they are often embedded in the culture and attitudes. They are very powerful, as many stereotypes tend to be ‘self confirming’ in the sense that the group concerned will anticipate these stereotypes and act accordingly bringing actual confirmation.33

---
33 According to Glenn Loury, self confirming stereotypes are formed according to the following sequence of events: “(1) Rational statistical inference in the presence of limited information, (2) feedback effects on the behavior of individuals due to their anticipation that such interferences will be made about them, (3) A resulting convention
Discrimination based on stigma attached to some groups is very difficult to deal with and usually require affirmative action policies to ensure that people can exercise their rights and that stigma progressively disappears.

Affirmative action allocates access to services, to assets and to housing, as well as to political participation, on the basis of membership in a disadvantaged group. The history of affirmative action is a contested one. Affirmative action has reduced inter-group inequalities in places where it has been effectively implemented, but a number of studies have shown that it has not reduced inequalities between individuals. This being said in country where there are very strong stigma associated with some groups it might actually be the only way to start changing the stereotypes attached to some group and reduce informal discrimination. India, for instance, has been implementing very actively antidiscrimination policies since its creation under the influence of Gandhi’s vision of a more tolerant and open society. This has had a tremendous impact on changing the nature of middle class and the political process in India. Even if, in every day life, discrimination still exist against lower castes and tribes their participation in the administration and in politics has changed Indian society.34

Fighting living mode exclusion or “cultural” exclusion

This is the area of policies which is the most directly linked with cultural rights. A person’s behavior and way of life is influenced by culture. In a multicultural democracy, living this culture is a right as long as this does not infringe on the others’ individual rights or members of the concerned group.

Living mode exclusion can deprive people from the satisfaction of assuming an identity and this in itself is an issue, but living mode exclusion can also deprive people from access to services or employment or justice. For instance, if a Bolivian Quechua Indian, wearing a traditional outfit is not allowed to enter a municipal building, it will deprive this person of basic access to services. If a nomad is required to have a fixed home and a mailing address to be able to exercise his voting right, he or she will be excluded from political participation. This can be extended to areas such as respecting customary laws or freedom of religious affiliation.

“equilibrium” in which mutually confirming beliefs and behaviors emerge out of this interaction. Glenn Loury uses the example of taxi drivers not stopping for blacks because they are stereotyped as delinquent and therefore blacks after a certain time will not try to stop a taxi. The only one stopping a taxi will be the delinquent and therefore the stereotype will be self confirming.

Example of policies fighting living mode exclusion are: allowing nomadic populations to have an address in a municipality (an NGO) without residing in this municipality. Allowing certain groups to use customary law to resolve small offences. Allowing people to practice certain forms of livelihood, that might be forbidden to the community at large (hunting in reservations), because it is closely associated to their livelihood.

The issue here is to also ensure that an individual’s choices are respected and that no one can be forced in a cultural practice they do not want to follow. In other words, it appeals to individual freedom and autonomy of the individual autonomy. The groups should have, for instance, the freedom to chose and leave their religion, to practice or not practice festivals and various rituals, to teach and be taught languages, and so on. In some cases it is tricky: such as if in a community that does not send children to school because the community wants them to follow their own education system linked to their traditional cultural practices. It is clear that children might not want to go to school, but it will definitively exclude them when they are grown up. It also requires that some subjective standards be followed and applied, and it is not easy to do so and often not clear cut.

**Blending the various approaches seems key to success**

Experience shows that it is actually a blend of these various policies that seem to have the most success, there is a general agreement that these policies taken alone are rarely effective.

New Zealand is an interesting example of a government that has been able to improve quite considerably the living standards of its indigenous population through a combination of policies of positive cultural recognition, and encouragement for active political participation combined with more traditional policies aimed at increasing access to social services and employment. In the area of political representation, in 1996, New Zealand reformed the electoral system to introduce a “mixed-member” proportional system. As a result the Maori enjoyed 19 representatives in Parliament and were better represented in terms of the ratio of MPs per population than the majority population.

Active efforts in the field of education have had quite impressive results. By 2003, 88 percent of Maori students entering primary school had attended some form of early childhood education or child care. In 1986 an estimated 47 percent of Maori 16-years-olds were in school; this increased to 63 percent by 2003 – influenced also by an increase of the age at which students left school from 15 to 16 in the early 1990s. In 2003, the share of Maori leaving school without
qualifications fell to 30 percent, from 38 percent in 1990. Tertiary education participation of Maori has expanded exponentially from 7 percent in 1998 to 20 percent in 2003, exceeding the national participation rate of 3%.

The active labor market policies also proved fruitful, as Maori employment has rebounded from the recession of the early 1990s. More Maori are participating in the labor force and unemployment has reached a record low of 8%. This was closely correlated with a revitalization of Maori culture. This has included increased support for Maori language and increased support to local government for cultural development: today, 42 percent of Maori adults have some level of competency in the Reo, the Maori language. Participation in Maori immersion schools and bilingual programs has increased. There was a renewal of local traditions across the board.

It is very difficult to show how each of these policies have contributed to the improvement of the living standards of the Maori population but what is very clear is that while the combinations of these three policies where implemented, between 1997/98 and 2003/04, the share of Maori with no, or low, incomes declined while the share of Maori with incomes above a peak level of $550 per week increased.35

5. Why is Recognition of Cultural Differences Important for Development and Poverty Reduction?

The literature on culture and cultural diversity identifies a number of reasons why recognizing cultural identity is important. We will examine here three main arguments: it is important for poverty targeting, it is important for agency and it is important to reduce the risk of conflict. Cultural minorities are often among the poorest, to improve their well being, it is therefore important to recognize their cultural specificity to design adapted antipoverty programs. In many cases minorities are among lower income groups. However, this is certainly not a rule and there are well-known cases where minorities are actually better off. The Chinese in Malaysia are better off than the Malay and this is the main reason for the existence of large-scale policies of positive discrimination in this country intended to improve access to opportunities by

Malay majority population. The Hungarian minority in Romania is often seen as better off than the majority Romanian population despite policies in the past that have not always provided the Hungarian-populated region with their fair share of infrastructure. The Bamileke minority group has often been considered better off in Cameroon because, in part of the very effective social capital which connects these traders among themselves. Of course, the white population in South Africa is better off than the majority African population because of colonial rule followed by a strong apartheid system. But, on the other side many ethnic minorities are much worse off. Many examples can be cited, notably with the Roma in Central Europe who number about 6 million and are significantly represented among the poorest. A recent survey found that nearly 80 percent of Roma in Romania and Bulgaria were living on less than $4.30 per day. Even in Hungary, one of the most prosperous accession countries, 40 percent of Roma live below the poverty line.\(^{36}\)

In Latin America about 30% of the population is of African origin or indigenous to the continent. However, these groups are disproportionately represented among the poor and they represent the large majority of the people living in extreme poverty. In the middle of the 90s, the poverty rate in Guatemala was about 64%, but 87% for the indigenous population. In Peru the general poverty rate was about 50% but close to 80% for the indigenous population. In Mexico, it was around 18%, and rose to 81% for indigenous groups.\(^{37}\) The recent World Bank Report on Indigenous Peoples in Latin America shows that inequities have increased, and that the indigenous are still disproportionately affected by this trend.\(^{38}\)

In Asia, ethnic minorities are many, and though statistical data is very scarce, many of the ethnic minorities are actually worse off than the majority population and at times in open conflict with central government, for example in Myanmar. In Vietnam, where a number of poverty analyses have been conducted by donor agencies and the government over the last 10 years, 14% of the population is comprised of members of ethnic minorities, divided into about 53 officially recognized ethnic groups and that represent 29% of the poor. The poverty rate has been falling from 86% of poverty to 75% in 1998, but at a slower rate than for the Hinh majority.


\(^{37}\) Qesada, Charo, 2005, Bid Amerique, Banque Inter-Americaine de Developpement, Washington DC.

population.\textsuperscript{39}

Part of the reason why minorities tend to be poorer than the majority population is historical and related to the geographical location of the population. Many of these minorities have been colonized or conquered in the past. A determined policy of oppression and attempts to destroy their culture and economic livelihood have been imposed on these populations. In some cases, their geographic location is also related to this oppression as they escaped to the most inaccessible part of the country. If historical and geographical factors were the only reasons for poverty, then a well-targeted policy supporting the poorest should be sufficient to fight poverty among these populations. Poverty reduction targeted strategies important to reduce inequality and have an impact when well designed and implemented, but very often they are insufficient.

The reason is in large part due to historical factors that have contributed to the marginalization of the minorities, which are still present in contemporary society in the form of official or unofficial discrimination and voluntary and involuntary discrimination. This discrimination can be related to the marginal status of the population, cultural prejudice or just to a very simple situation by which a majority group tries to keep control over national assets and resources. Whatever is the reason for this discrimination, it is often based on stereotypes linked to morphology, in particular skin color, or on cultural habits and practices, or just the ethnicity or religion.

Another reason for which a minority would be overrepresented among the poor is the added difficulties related to having different cultural practices than the majority. For instance, if the mother tongue of the minority is different than the majority, children at school will not be at the same level than other children when learning to write and read. They might also not feel that programs of history and geography are relevant to their own situation. They might not be able to get any support from their parents who have been going to a different school system or to no school at all. These are, in some ways, involuntary discrimination on the part of society at large. Any policies of poverty reduction that have to deal with these issues will require not only a formal recognition but also a solid understanding of these cultural factors to be effective.

The second reason for taking into account culture is the positive impact it can have on collective and individual agency. This is an area that has been discussed by many scholars.

but where it is very difficult to find systematic studies of the impact of active cultural recognition on the well being of population. Information is scarce, mostly because measurement instruments are very difficult to use for such very subjective matters. Charles Taylor\(^{40}\) provides a clear articulation of the idea that cultural recognition has a strong impact on agency. "The thesis is that our identity is partly shaped by recognition or its absence, often by misrecognition of others and so a person or a group of people can suffer damage, real distortion, if the people or society around them mirror back to them a confirming or demeaning or contemptible picture of themselves. Nonrecognition or misrecognition can inflict harm, can be a form of oppression, imprisoning someone in a false, distorted, and reduced mode of being. Within this perspective misrecognition shows not just a lack of due respect. It can inflict a grievous wound saddening its victims...Due recognition is not just a courtesy we owe people. It is a vital human need."

This view is very much in line with recent social and anthropological studies that show the importance of recognition by society of one’s identity to allow for positive interactions with others\(^{41}\). As recognition is, actually, what every human being seeks above all, some groups will actually adopt a socially negative identity if it is what will provide them recognition. For example, youth gangs will feel recognized through the negative image projected unto them in society and therefore cultivate their negative identity. According to Erik Erikson\(^{42}\) the importance of recognition starts very early in the formation of one’s identity, so what happens at the very early age in the relationship between mother and child can have strong repercussions on future behavior. Though it is very difficult to measure the relation between recognition, social inclusion and positive agency, a number of cases are interesting to mention. In New Zealand which is probably the country that has had the most successful policies of integration of its indigenous population, the recent improvement in the living standard of the population is closely correlated with an important renewal in the interest for the Maori culture. It should be noted that


\[^{41}\text{See Annex two on the definition of cultural identity.}\]

\[^{42}\text{Erikson, Erik. 1968. “Identity Youth and Crisis.” W.W. Norton and Company, Inc. The first mutual recognition, which will be central for the psychological equilibrium of the individual, is the recognition of the mother and of the child in the first weeks after birth. This recognition, which is entirely emotional, and not cognitive, will determine in large part the existential feelings of the individual, allowing her or him to feel that life is worth living. It is only through a positive look of the mother and later of other members of the family that the child can develop an appreciation of the value of one self, essential for individual agency. Then socialisation and the setting up of a social identity will also be strongly influenced by recognition of society at large. This thesis is further developed by the child psychologist Winnicott. Winnicott D.W. (1992). The Family and Individual Development. London. Routledge.}\]
this interest is not limited to the Maori, but largely shared by the majority population.

But culture is also important for agency due to the influence it has on social capital. Interactions between people are strongly influenced by one’s culture. The French sociologist Pierre Bourdieu uses the notion of “habitus” originally defined by Norbert Elias to describe the cultural environment in which one is born and raised and that will strongly define, among other things, the network of relationships in which someone lives and interacts during her or his lifetime. The study of social capital shows how much it is embedded in a culture. The Bamileke success in Cameroon as traders is often explained through the strong social capital that this group has established and the solidarity mechanisms between members of the group. A lot of the mechanisms that help people to deal with security at the informal level are very often part of a local culture. The African “Tontine” (rotating saving schemes) is another example of a process that usually works among people of the same cultural group.

Culture can also in some cases reduce agency if, to use social capital terminology, it gives preference to bridging relationships and does not form relationships with other groups or with formal institutions. This type of social capital can isolate the group and reduce choice and opportunity.

Agency is not only the ability to be entrepreneurial and the ability of acting to change one’s material situation; it is not a purely utilitarian notion. It is broader and it also encompasses the satisfaction of being what one wishes to be, a sense of achievement that definitively increases the well-being of the group or the individual, even if it might not have an immediate impact on one’s ability to act and increase one’s revenue. Amartya Sen argues, for instance, of freedom and choice having a value by themselves, independent of the effect it can have on one’s human material condition.44

The third reason for taking into account culture in public policy is that understanding and promoting some of the cultural attributes of groups can reduce conflict. Conflict between different socio-cultural groups constituting society should be seen as something normal as long as it does not result in violence, discrimination and exclusion. Group identity is defined in large part by the identification of similarities and differences with others. This process allows socio-cultural groups to come together reinforcing their internal cohesion. This means

that at times groups of people will play out their differences to reinforce their internal cohesion. This is not necessarily negative. The role of the state and civil society is to help in managing these conflicts to ensure that they do not erupt in major open way. Reinforcing the commonalities between various groups, encouraging some respect and tolerance for differences in society, and emphasizing the positive aspects of multiculturality are very important. This cannot be done by negating the differences between groups. On the other hand, it should be done through an understanding of these differences and providing a positive outlook on what they can bring to society as a whole. Creating an interest for the minority culture, encouraging the expression of what is most appealing in the minority culture to the rest of society – be it music, sport or history -- and insisting on their contribution to the development of society. Politicians and the media have a major responsibility in this area.

Identity conflicts are often triggered for economic or political reasons. They are very rarely exploding by themselves. They are dangerous because by playing on the cultural identity of a group, politicians and the media find “natural enemies” clearly identifiable in a socio-economic group.45

6. What are the Risks of Taking Culture into Account in Public Policies?

There has often been strong resistance on the part of policy makers and even academics to acknowledging the importance of taking culture into account in public policy. Some of this resistance comes from ideological principles. According to some views, the idea that every citizen should be seen equal in front of the state and law is not compatible with taking cultural diversity into account. But some more practical risks also exist, and it seems important to mention them here.

Reduce the autonomy and liberty of choice of some sub-groups in a given society. This argument is often made in regard to gender issues. It is argued, and rightly so, that some cultural practices favor the subordination of women. The cases of polygamy, excision, the practice of not sending girls to school or of not consulting women on important decisions is often cited as a negative aspect of some cultures. These practices maintain women in a situation of subordination inside a group and go against the principles of equity and freedom. Some cultures also support a strong hierarchy based on age groups, and keep youth out of decision making.

reducing the factor considerably their capability. This is the case, for example, of community-based decision making processes through councils of elders. In some cases, also, very hierarchical class structures are embodied in local cultures and in turn encourage social exclusion. The caste system in India and in some African societies is often mentioned. Some will argue that autonomy of the individual and giving supremacy to individual rights over collective rights is a recent Western idea, developed in Europe and North America over the last 200 years, that is imposed unto all other cultures and civilization today. It is also argued that many cultures have ways to provide a role and a voice to its different members, but not in the same individual and autonomous way as the West envisages. We will not enter in this complex debate here but just to say that increased autonomy and freedom of choice of the individual seems to have been endorsed by international bodies like the UN and that, therefore, is a legitimate goal for any country in defining its social policies. Also, culture evolves, adapts and changes and can accommodate much more adjustment than one usually thinks.

Keeping unfair and ineffective institutions: Working through local institutions which are part of the cultural tradition of a community can contribute to sustain ineffective and unfair structures. It is argued that some institutions, because they do not always represent all members of a community or because they promote economic and social behaviors that are not conducive to economic or social development, are actually not effective. For example, it is argued that in sub-Saharan Africa, entrepreneurs cannot save because the pressure to share and redistribute inside ones community is extremely strong and local institutions tend to reinforce this pressure. This reduces the capacity to save and reinvest in a business and create employment. In Latin America, the experience of using traditional forms of indigenous government among indigenous communities has, in some cases, been criticized for supporting nepotism and excluding young people and women.

Isolating communities from the majority culture: Another common criticism for focusing on culture in the design of policies is that the recognition of cultural practices and institutions will tend to isolate specific groups from the majority society and therefore reduce the

46 Contrary to what is often said of African societies some are very hierarchical and have a strong class structures. The Mauritanian society for instance is strictly divided between warriors, religious leaders, artisans and slaves. These differences still determine opportunities and choices of individuals. This is also true of a number of Sahelian cultures (Touareg, Peuhl, and Goran for instance or some societies of South Africa). On the influence of the caste system in political participation see in particular: Jaffrelot, Christophe. 2005. « La Démocratie par la Caste. Histoire d’une Mutation Socio-Politique 1885-2005. ” Paris, Fayard
opportunity its members will have to interact with the majority population. It will also favor bonding social capital embedded in one’s culture and not support bridging social capital, which is essential to reduce the risk of conflict and increase economic opportunities.\textsuperscript{47} It is also argued that recognizing differences of culture in the public sphere will weaken the concept of citizenship, which is the main integrating factor in nation states. The concept of citizenship is actually quite recent; it developed in the 19\textsuperscript{th} century, despite the fact that it was born in the antique Greek societies and was then further elaborated under the Roman Empire.\textsuperscript{48} We have seen that countries like France have made it a central part of the French identity.

\textbf{The counterarguments to these risks.} Defenders of a public policy that take cultural diversity into account will argue that these are real risks and that there are ways to reduce them and that in any case, benefits are much higher than risks. Their arguments are two fold:

First, it is wrong to think that a culture and a tradition are set once and for all and cannot adapt or change. Culture and tradition, even in most closed societies, evolve and change due to the experience of the individuals constituting the society or through contact with other societies. Claude Levy Strauss, who has studied the very isolated indigenous population of the Brazilian Matto Grosso and Amazon provinces, wrote: “Cultures influence each other, they borrow from each other, they always did it. Cultures evolve, disappear and find each other again. There is also diversification from inside, and the more the culture involves a large population, the more it will diversify.”\textsuperscript{49} So culture can change, societies can adapt and some cultures can progressively give more voice to youth and women. Cultures also differ. For example, in Mauritanian society, which has a very rigid class structure, women have quite a lot of autonomy and it is much easier for a woman to obtain divorce than in many European societies.

The second argument is that not recognizing culture will just mean that the negative system will continue to operate informally in parallel systems, which could be even more detrimental for its members, isolating them even more from the mainstream society. This seems to be clearly illustrated by the fact that polygamy in sub-Saharan Africa survives and is even spreading in many countries, despite the fact that these countries do not recognize it officially. In this case the first marriage is official but the following marriages are not civilly recognized, depriving the second and third wife and the children that are born from these types of marriages.

\textsuperscript{47} on bridging social capital and bonding social capital see in particular
\textsuperscript{48} See Annex 3 on citizenship and identity.
\textsuperscript{49} Lévy Strauss, Claude. 1952. « Race et Histoire ». Paris, UNESCO.
from any formal legal protection.

7. Service Delivery and Cultural Diversity a Knowledge Gap?

Little has been written on service delivery and cultural diversity at the local level. The literature on service delivery, efficiency and its contribution to poverty reduction does not usually refer to cultural diversity, despite the fact that in many cases, these services actually serve different communities on the same territory.

In 2004, the World Development Report of the World Bank “Making Services Work for Poor People”\(^50\) covered improving the delivery of basic services to the poor, an important component of the Millennium Development Goals. The report begins with the observation that too often services fail poor people, and neither access, quality and quantity is adequate to reduce poverty in a systematic way. At the same time, it is very clear that education, access to water and some other basic services are central for poverty reduction. The report’s central theme is that the solution of many problems in service delivery can be found in increasing empowerment of the poor. Service can be improved “by putting poor people at the center of service provision: by enabling them to monitor and discipline service providers, by amplifying their voice in policymaking, and by strengthening the incentives for providers to serve the poor.” \(^51\) The report sees four main issues with delivering services to the poor: (1) services are usually badly targeted and most of the money goes to support services that benefit the richer segments of society, (2) even when money shifts to services important for the poor, it often does not arrive at the front line of service delivery and instead gets absorbed in inefficient service delivery, (3) even when it reaches front line providers, incentives for good service delivery are usually weak, (4) finally, the demand for services by the poor is also often weak because of the often high indirect cost of accessing the services (time, other urgent survival activities, distance), lack of trust in the providers or finally cultural factors.

The report distinguishes between two types of relationships between clients (poor people), policymakers and providers: the long accountability route and the short accountability route. The more traditional long accountability route consists of poor who influence policymakers, mostly through elections. In turn the policy makers ensure that the providers


\(^{51}\) WDR 2004, p1
effectively deliver services to the poor. In many countries this long accountability route is not functional, usually because the democratic system does not work well, but also because well-functioning democracy does not always guarantee that poor people will benefit from services. When this long route of accountability does not work, the report suggests that quite a lot can be achieved by supporting a more direct accountability route from the provider directly to the poor.

The report suggests a number of actions to improve accountability through strengthening the long route and short route. The lesson on relations between poor people and policymakers seems to be that the citizen-policymaker link is working either when citizens can hold policymakers accountable for public services that benefit the poor, or when the policymaker cares about the health and education of poor people; in other words, when these politics are “pro-poor.” When they are not “pro-poor” specific institutional arrangements can be set up, as in the case of the now famous participatory budgeting experience in Porto Allegre, Brazil, which provides another means for the poor to express their voices, apart from elections. However, the most powerful means of increasing the voice of the poor is better information. In this area the role of the media in disseminating information is vital. But the report recognizes that all these actions are important, but not sufficient, if the legal and political means are not there to support such initiatives.

On relations between policymakers and providers, the report clearly says that just going with the private sector is not sufficient and that services delivered by the private sector rarely reach the very poor. According to the report, solving the problem requires separating the policymaker from the provider and thinking of the relationship between the two as a compact. “The providers agree to deliver a service, in return for being rewarded or penalized depending on performance.” This separation and contracting, however, requires that performances can be monitored and that some standards and norms are set for delivery can be agreed upon. Also there needs to be a willingness to monitor the side of the policy makers. In many cases the best results can be achieved in strengthening the relationship between clients and providers (the short route of accountability). Clients (the poor) can play two roles in strengthening the relationship. First, for many services, clients can help tailor the services to their needs. Second clients can be effective monitors of providers, since they are at the point of service delivery.

For this to work, some other important lessons should be drawn upon from experience. Providing choice to clients is probably the main way of ensuring that providers pay more
attention to the client (clients vote with their feet). Many mechanisms can help to provide this, such as vouchers in certain circumstances since the experience is mixed. Small user fees on services that directly benefit individuals or households with little externalities (water and other parts of infrastructure). Encouraging some competition between providers to better serve the poor is often beneficial. Working with organizations that have a humanitarian objective can also ensure better attention to the poor.

Finally the report looks at some guidelines on how to decide what institutional arrangements would work better, and identifies eight broad possibilities: (1) central government financing with contracting, (2) central government provision, (3) local government financing with contracting, (4) local government provision, (5) client empowerment, experiment with contract, (6) client power, experiment with self monitoring providers, (7) client powers, experiment with community control vouchers, (8) client market, initiate market.

These choices depend on three main factors. First, is the government and local government are pro-poor or not? This depends on many things, but in particular on how much acceptance the general population has for poverty and inequality, and how much rent seeking there is in the government. The second factor is, is the population homogenous or heterogeneous? Here the report clearly states that the more the people differ in their desires, the greater they will benefit from decentralizing decisions. The third factor is if the services are easy or hard to monitor.

The report does not deal with cultural diversity and delivery of services, but it is not difficult to see how this issue would figure in overall reasoning. The report clearly recognizes that demand for basic services is an issue in many poor countries and that this demand is influenced partly by the lack of trust in governments and providers, as well as by cultural factors which are usually not taken into account in the delivery of services. Also, as in many of the examples throughout the report, cultural issues are mentioned as very important in defining the relationship between the client and the provider (the Indian doctors who does not care for patients from lower castes, the Muslim girl who is not sent to school because the teacher is male, the bad treatment given by health center staff to members of indigenous populations). However, one of the most relevant aspects of the report for cultural diversity is the difference between the heterogeneity and homogeneity of the population as a major criterion for deciding the institutional mechanisms for delivery of services. It also strongly supports a decentralized
approach to service delivery, if the population is heterogeneous. Our analysis will indeed support many cases of a decentralized approach towards cultural diversity, however with some notable exceptions. Based on the findings of this report we limit our analysis to the short route of accountability and direct client-provider relations in a heterogeneous situation, with various populations having different preferences and habits.

B. Cultural Diversity in the Delivery of Basic Services

Many services are delivered at the community level. In this study we focus on education, health, law, local governance (which is more an institution than a service per se) and cultural services, mostly because they are strongly influenced by culture and in turn influence cultures. This does not mean that other services should not be considered in policies supporting cultural diversity. The use of water, slaughterhouses, and roads to cite only a few can be affected by values, habits and customs. However, we feel that the type of services reviewed under this study provide sufficient evidence to draw some general conclusions on the design of policies and programs taking into account cultural diversity in delivery of basic services.

1. Education

Education is probably the most “culturally” embedded service provided to the population. Only very recently has education been seen as an institution preparing children primarily for integration in the labor market. Public education was initially set up to teach certain conceptions of the world that were supposed to influence human values and behaviors. Education was, in most cases, in the hands of religious authorities. When public education became a mass phenomenon in the 19th century, its main objective remained creation of a national identity, a model for their role as citizens and supporting the nation-state. At the same time, it was supposed to provide the skills necessary to feed the industrial revolution. Today, school is still the place where children’s social identity is shaped; it is much more than a preparation to confront the labor market, it is where future citizens are formed. Therefore, it is not surprising that claims for recognizing cultural diversity are the strongest in the field of education. These claims are also strongly focused on the language of instruction.

Promoting multicultural education

Multicultural education is a broad term that includes components such as education in
languages other than the majority language, adaptation of curriculum to reflect the history and culture of minority groups, specific support to minority students when they are facing specific vulnerability due to their cultural specificities and adaptation of pedagogical methods to be more in line with cultural considerations. In multicultural education the main challenge is to create structures that support the development of one’s group identity while fostering common ground between groups that are part of the broader society and ensuring efficiency so that education also provides skills that are useful on the labor market.

The last decade multicultural education has progressed fast throughout the world with notable progress in Latin America and Eastern Europe. In sub-Saharan Africa, however, where a majority of children have a mother tongue other than the official language, multicultural education is still limited. African languages are usually used as the medium of instruction in lower primary schools. Extension of an African language to medium- and upper-primary levels of education is reported in only a few countries. Asia has also given consideration to multicultural education, with probably the most complex case of implementation being educational reform in Papua New Guinea, the world’s most linguistically and culturally diverse nation. In 1993, the Department of Education implemented educational reforms that introduced mother tongue instruction for the first year of school. By 2001, 369 indigenous languages were introduced, and a third of elementary school children began education in their mother tongue. Although the success of the program is largely anecdotal at this point, the program has increased educational access and a lower drop out rate was registered, particularly of girls. In this country, lower secondary enrolments have doubled since 1992 and upper secondary numbers have quadrupled.

It is important to understand the nature of the demand for multicultural education and where it is coming from. Multicultural education usually has a strong ideological appeal and is often pushed for by elites for political reasons. This may not be considered negative, as elites have always been at the forefront of social changes; however, such reforms need to be understood and accepted by the intended beneficiaries at the local level. Kogila A. Moodley, who wrote on multicultural education in Canada, believes that multicultural education can be

52 Botswana, Lesotho, Uganda, Tanzania, Somalia, Ethiopia, Eritrea, Madagascar, Nigeria.
important but often “overlooks the prime goals of equality of opportunity and equality of condition;” she argues that multicultural education need not challenge the hegemony education. She emphasize that “competence” not culture is the main concern of minority-group parents. They often prefer a curriculum of basic skills and success in subjects needed to survive in the nation rather than “condescending teaching of fragmented diluted versions of their culture, taught secondhand by an inauthentic group member.” She supports multicultural education but warns on the way it is implemented.54

Teaching in the mother tongue

It is difficult to talk about education without examining a country’s language policies and the way nation building and citizenship is conceived in the concerned countries. Language is probably the most important vehicle of a culture. As Will Kymlicka and François Grin write: “So, when a language group fights to preserve its language, it is never just preserving a tool for communication: it is also preserving certain political claims, autonomous institutions, cultural products and practices, and national identities. Conversely, of course, when the state attempts to impose a dominant language on minorities, it is never just imposing a language: it is also imposing a set of political and cultural claims about the primacy of the state, the need for common rules and centralized institutions, the need to learn new history and literature and the construction of new nations-state loyalties and identities. Language disputes are never just disputes over language.”55 It is clear that in a democratic society, there is a need to recognize that people have a wide range of interest related to language and that it is important to accommodate these interests. At the same time, having all members of a nation communicate easily with each other and having the state in a position to interact with citizens in an effective manner is a legitimate consideration.

Another consideration that is also important for many governments56 is security, in particular with countries with still weak national integration as in Africa, or with contested

Webster, Yehudi O. (1997) Against the Multicultural Agenda: A Critical Thinking Alternative. Prager Publisher Westport
56 China, Romania, Turkey, Bolivia, are just some examples;
borders and a history of strong central control as in Eastern Europe and China. In these countries, government and the majority population often feel – not always rightly so – that granting language rights will reinforce cultural identity and might encourage minorities to break apart or request autonomy that would deprive the majority population from access to natural resources and territorial advantage. Language and education policies are the result of a difficult balancing act between these various considerations.

Teaching in mother tongue has largely been recognized as effective. The success is not only in terms of identity recognition but also in terms of cognitive development and ability to learn other topics in the future. A World Bank study conducted in 1977 stated that “The most important conclusion of the research and experiences reviewed in this paper is that, when learning is the goal, including that of learning a second language, the child’s first language (i.e. his or her mother tongue) should be used as the medium of instruction in the early years of schooling. The first language is essential for the initial teaching or reading and for comprehension of subject matter. It is the necessary foundation for the cognitive development upon which acquisition of the second language is based.”

Another report from UNICEF also supports these findings in the context of poverty reduction: “In a situation where the parents are illiterate, if the medium of instruction in school is language that is not spoken at home, the problems of learning in an environment characterized by poverty are compounded, and the chances of drop-out increase correspondingly. In this context the experience of high achievers has been unequivocal. The mother tongue was used as the medium of instruction at the primary level at all cases.”

International research suggests also that bilingual education, particularly at the early childhood level supports cognitive development that would help in learning in general – not only learning languages – at an older age.

There is other evidence that learning in a mother tongue does increase interest for school participation and encourages school enrolment and attendance. This is illustrated notably by the case of New Zealand. The introduction of Maori Immersion Education (Education in Maori language) in 1982 was a success in many ways; not only has the size of the sector has grown in an impressive manner such that it is now possible for students in New Zealand to attend Maori

language education from preschool through primary and secondary schools, but it has also created an incentive for other schools to start teaching Maori. Today it is estimated that 80% of Maori children learn their mother tongue at various degrees and in various forms in the primary and secondary level of education. According to various evaluations carried out in New Zealand the extension of Maori language teaching seems to have had a strong impact on ability of students to perform in class even if no in-depth assessment have been carried out yet.

When assessing the impact of bilingual education, the children’s interest in learning a second language needs also to be considered. This interest depends on issues of identity and perception of relevance of the second language. If the second language is seen as the language of the invader, like it was the case for Russian in Baltic states under the Soviet Union, then it is obvious that not much energy will go into learning the majority language, especially if someone can get by in life without mastering it. This will also be the case if the second language is not seen as bringing any solid prospects in terms of future livelihood. In Romania, the Hungarian minority community often sees its future in migrating to Hungary or another European Union country where they see more perspective for their future than in Romania. This does not encourage families to invest in their children’s education in Romanian.

Adapting the curriculum to reflect various cultures

Learning in one’s mother tongue and teaching local languages at school is only one aspect of multicultural education. Introducing an understanding for minority cultures in the curriculum, in history, geography, literature but also other specific skills like music, artistic expression, and local trades are also central, and some argue that this needs to go hand in hand with multilingual education. Learning about one’s culture is what allows children to perceive the sense and meaning of learning a different language. There is a large debate about how curriculum must be adapted to reflect the various cultures of a country, especially in cases with a history of conflict between various cultures composing a nation. Many argue that having added curriculum on the culture of one group in the format of separate books and classes increases the sense that this culture is different and does not belong to the majority culture, which therefore undermines social cohesion. Having books that actually integrate the geography, history, arts of various groups of a same nation is preferable.

The topic of the adaptation of curriculum is also linked with a debate on pedagogical

59 Ringold, Dena (2005)
methods with some specialists arguing that different cultures have different ways and abilities to learn. A UNESCO publication on indigenous education describes the issue in the following way: “Pedagogical concepts are embedded in culture and guided by the specific educational priorities and goals of a given society. They are reflected in models of generating and transmitting knowledge and skills, in teaching methods and learning styles.”60 Dena Ringold61 mentions that during her field visits in New Zealand, people commented that Maori students are more active and visual learners, and hence need to be treated differently in the classroom. This argument is also often made in the case of Roma children in Eastern Europe. But some international evidence suggests that pedagogical approaches to teaching that assume that students are predisposed to visual, tactile or other types of learning have the potential to do more harm than good. Learning style approaches can make inaccurate assumptions about students’ learning processes based on inappropriate stereotypes.

**Taking into account cultural differences in the classroom**

How should teaching be organized when different socio-cultural groups are in the same community? Should minorities be taught in separate schools at the primary level to facilitate the teaching of the specific culture of the sub-group and avoid in-class discrimination, or should all students be in the same school with some classes taught separately; or, should all students learn the same things. The debate is raging among specialists of multicultural education. Hungary, the most advanced country in Eastern Europe for multicultural education, is supporting three types of schools: a) schools where the teaching is entirely provided in the minority language, b) bilingual schools where both the national official language and the minority language are being taught, and c) schools where the mother tongue is taught as a “foreign” language. The Hungarian system of education is quite decentralized and many schools have room for adapting the non-core curriculum. Because the development of multicultural education is still relatively new, it is difficult at this stage to assess the merits of these different approaches.

There is in particular a serious debate about the issue of the value of separate schools for minorities. In some countries minorities went to separate schools from the majority population or were forced into special schools because they could not follow lessons in majority schools, in

61 Ringlod Dena (2005)
large part because of language issues. This is most notably the case with Roma population in Eastern and Central Europe. In many cases these schools were actually schools for disabled children, therefore reinforcing the strong stereotype that Roma where intellectually inferior. These schools were by all standards second-rate schools where Roma could actually not learn properly. This was the case also with a number of indigenous populations in Australia, New Zealand or Latin America. Because of the disastrous effects of these policies, today the idea of special schools for minorities is very often seen with strong skepticism. Some believe that these schools, because of a lack of financial means, their isolation from mainstream education, and the low quality of its teachers, will end up second rate schools. Also, when these schools target particularly excluded minorities, such as the Roma who live in urban ghettos, it can be vulnerable to urban violence and the influence of deviant behaviors.

There are, however, also schools, especially primary schools, designed to support education of minorities and trying to cater for the specific cultural requirements of a minority. This is the case, for instance, of Maori language immersion schools in New Zealand the “Kohanga Reo.” The kohanga reo movement started with the goals of preserving the Maori language, teaching cultural traditions, transferring knowledge across generations, and providing education within a Maori cultural context. As we have seen earlier, this experience has been met with some success even if a real evaluation can only be made in the very long term. There are also interesting experiences with Roma special schools, usually run by NGOs but receiving state support. Some have actually had success in attracting students to education that would have probably remained out of the school system without the opportunities opened by these special schools.

Keeping children in the same school but with facilitators, teaching assistants and special classes on culturally sensitive curriculum is often the preferred approach. A way to both recognize that minority students face special problems of integration in the school and ensuring that the minority is not educated in a separate way than the mainstream population. Finally, after-hours classes in which both specific curriculum related to the minority culture is taught and support to allow the minority children to follow in the standards class is provided can be very helpful.

**Bringing cultural diversity in pre-school**

Preschool is also an area where multicultural issues are very important. Preschool is seen
as central for sociability and preparing the child for primary education. Preschool, if conceived as a transition period and not only a way to send children to school earlier, can be important in the process of creating a peaceful and not frightening bridge between a minority culture and the mainstream culture. A program initiated by UNICEF with a local NGO in Macedonia, Kosovo and Albania, and scaled up with financing from the World Bank helped organize in community centers for mothers and their children of pre-school age. The beneficiaries are mostly Roma and Albanians living relatively isolated in their communities and often confined to their homes because of violence and blood feuds, especially in northern Albania. According to a recent evaluation, the program has been extremely positive in getting mothers to accept the idea of schooling, as well as getting children to socialize with non-peers while keeping the security of their mother’s presence.

**Maintaining Quality in Multicultural Education**

The main issue in multicultural education is to ensure quality education for minority languages and other curriculum. The issues with maintaining quality education are many and usually linked to availability of financial means to pay additional teachers and additional textbooks, availability of teachers with qualifications to teach minorities with a solid understanding of the culture, coordination between central authority and local authority for the implementation of new curriculum, outreach to parents and children of the majority population so that they understand the need and purpose of introducing new subjects to avoid backlash at the school level, establishment of a monitoring system to facilitate assessment of the impact of new curriculum and allows for correction when mistakes are made.

Here the situation varies considerably according to each specific case. Very often, the more isolated and marginalized the community, the more difficult it will be to introduce new curriculum. In the case of the Roma, for instance, there is still a need to work on standardizing the Romani language, which has many different dialects. More Romani teachers need to be trained, to convince families that these teachings are worthwhile, and to explain to the majority population how they could benefit from having Romani children learning their own language and culture. As a follow-up to its national strategy to improve the Roma situation formulated in 2001, the Romanian government adopted a set of programs focusing exactly on these shortcomings; it included: a) affirmative action to support Roma entry to university, b) measures to increase the number of Roma-qualified teachers, c) outreach programs to stimulate interest in Romani
studies, d) the design of curricula, textbooks and didactic materials for the study of Romani language and Roma history and traditions, e) recruitment of Roma school inspectors to monitor quality of Romani education and assess the implementation of the program.  

Circumstances such as if the minority is concentrated in some areas or dispersed throughout a country will affect both costs and quality. Countries usually require a minimum concentration of children to start bilingual education in a community. In Bulgaria, for example, a minimum of 13 students is necessary for a teacher to be appointed for language class. If a minority is well organized with many NGOs and support from a neighboring nation like the Hungarians in Romania, for instance, then of course all the above mentioned obstacles become less serious. The experience shows that motivated NGOs can actually help in this area. The language immersion program of Maori in New Zealand started with an NGO that then spread its successful experience with the help of government funding.

It is a paradox that the groups that probably need multicultural education most – groups that are marginal and poor with high level of illiteracy – are also the ones for whom it is the most expensive and difficult to implement multicultural education. It is obvious that German, Hungarian, to some extent Turkish minorities in Eastern and Central Europe are accessing bilingual education now in most areas where they are spread. Mayan, Quecua, Amhara, Gayrani, in Latin America; as well as Roma in Europe; Buchmen, and Pygmies in Africa; have more difficulties accessing bilingual education, therefore isolating them even more from opportunities to access education and services in general. Because of these differences, and at the same time evidence that multicultural education has indeed positive outcomes, donor financing can make an important difference.

Participation of parents is usually key to the success of multicultural education. Education does not end when kids come out of school, it continues at home, in large part through the interest and support of the parents. Ensuring quality education by parent monitoring of what happens in the classroom is important. This is why mechanisms that allow parent participation such as school boards, monitoring committees, parent-teacher associations are all key to quality education. An evaluation of the bilingual education program in Bolivia states, “It is perhaps this organized participation which has given meaning to and mobilized action in bilingual education in Bolivia. The Educational Councils of Indigenous Peoples (CEPOs), defined by the educational

---

62 Republic of Romania/ Government Decision No 430/2001
reform law of 1994, are still new but demonstrate great potential.” It is the same case in New Zealand where strong community ownership for the Maori immersion program is often seen as one of the most important ingredients in the success of multicultural education.

This participation is particularly important for multicultural education because persuading municipal governments and parents from the majority population that multicultural education can actually benefit the whole community is usually not easy. Often the beneficiaries themselves might be dubious about the benefits of multicultural education and not see the practical benefits for their children. Without important efforts to involve parents and outreach to other stakeholders, multicultural education can end up being a failure. Assuming that a whole community will immediately understand the benefit of teaching their children in their mother tongue and their culture in school is a clear mistake.

Participation of other stakeholders in the process of developing multicultural education is also very important. Local governments and teachers can feel frightened by education reform, especially when it can change the power structure in a community. In Latin America, large teachers unions have often opposed multicultural education; they saw the recruitment of indigenous and local minority teachers as a threat to their existence and their control. Having strong parent and community support for reforms usually helps in counter-balancing the power of often very conservative teachers unions.

2. Health Care

Recent literature attributes part of the problems with poor health of indigenous population and some minorities, to a poor awareness by the medical establishment of cultural issues and the cultural environment in which illness and cure is understood by the patient. In a recent publication, researchers at the London School of Hygiene and Tropical Medicine contend that addressing the indigenous health crisis requires a more holistic vision of health research and interventions. Health services should be more integrated with an indigenous view of health and well-being. They also advocate continued research on the health situation of indigenous peoples with a specific emphasis on including indigenous perspectives on health and incorporating their views into health policies. For The Health Panamerican Organization, multiculturalism in health care is “the ability to move between various concepts of health and illness, various

concepts of life and death, and various concept of biological, social and relational body.\textsuperscript{64}

Taking into account cultural issues in health care is not limited to minorities and indigenous populations. In the US, the concept of cultural competence was developed to deal with the lack of attention given to culture in treatment. The concept of “cultural competence” in health care was first advanced by mental health researchers in the United States in late 1980’s. They defined it as “a set of congruent behaviors, attitudes, and policies that come together in a system, agency or amongst professionals and enables that system agency or those professionals to work effectively in cross cultural situations.” Since then, the basic concept has been adopted throughout the medical community and promoted by the US Department of Health and Human Services. Cindy Brach and Irene Fraser rector stress that cultural competency goes beyond cultural awareness or sensitivity. It represents institutionalization of efforts to provide appropriate programs or policies for diverse populations. They identify nine techniques of cultural competence that could potentially be used to decrease racial and ethnic disparities in health: interpreter services, recruitment and retention policies, training, coordinating the use of community health workers with traditional healers, culturally competent health promotion, including family/community members, immersion into another culture, and administrative and organizational accommodation.

Policies taking cultural diversity in health care into account have two main components: the first one consists of measures to respect the cultural background of a patient, the second one consists of recognizing the value of the traditional curative practices of a population. These can be combined, but usually it is the first component that is the focus of health care programs designed to reach minority groups with strong cultural specificities. Again, as in the case of education, taking into consideration cultural diversity and the importance of culture in health care goes in line with the recent trend to reinforce attention given to preventive approaches over curative medicine and outreach, and general practices over hospital care.

**Recognizing cultural environment of patients**

Recognizing that health and culture are interconnected, in other words, that the way people see their body and their health is influenced by values and societal norms, is essential not only for effective outreach and acceptance of medical care but also to make prevention and cure
more effective. Many surveys show that lack of trust in the Western health care system is an important issue in developing world, together with the high cost of treatment. Experience shows that some action can help in bridging this gap.

First, understanding the relationship to the body and the mind to wellness and illness in a specific culture is essential when trying to improve prevention and access to health care as well as effectiveness of treatments. Many cultures do not see logic in the separation of the body, the mind and society as Western medicine does. These different values and norms have to be understood. Hiring health workers that come from the concerned culture usually helps but it also requires effort on the part of other public health specialists and health personnel to actually understand what cure and wellness means in specific cultural contexts. Second, language can be an important barrier to health prevention and care. It is essential to have health personnel and doctors speaking the language of the minority group, especially in areas where the knowledge of the national language is limited.

Third, the respect of a number of cultural particularities which translate into the way the relationship with one’s body is valued and considered should be integrated in the public health system. Taking culture into consideration requires careful assessment of the gender dimension of health care. In some societies, for instance, it will not be socially acceptable for a woman to see a male doctor and vice versa. But other barriers such as being separated from the family, eating food that is prepared outside the family, not being able to do its prayers can act as major deterrents in accessing health care. Some of these demands can go against hygiene standards and in this case some trade off will need to be made, but only after the psychological benefits of respecting one’s culture has been taken into account. In any case, cultural specificity, even if negative, requires respect and consideration, if only to explain to the patient what might not be beneficial to one’s health.

Australia has made important efforts in introducing cultural awareness in the training of doctors and nurses working in aboriginal health with some obvious success. The New Zealand Ministry of Health launched in 2001 its Maori Health Strategy: He Korowai Oranga. The strategy recognizes that health outcomes are determined by a range of factors beyond simply health services, including socio-economic conditions, environment, social and community influences, diet, risk factors, gender, and culture.

One of the main innovations of the strategy is the introduction of Maori Health providers. The Maori Health providers are contracted to deliver services to the Maori population, in the framework of Maori governance and management structure and taking into account Maori values and culture.\(^{66}\)

In Romania, in order to increase access to health care for Roma residents, the government agreed to take several measures. These include activities that should facilitate the inclusion of Roma in health insurance participation and promotion of intercultural education among all categories of medical personnel. In order to break down barriers between Roma communities and health providers, the government adopted affirmative action measures and increased opportunities for Roma to become health care providers (e.g. increasing the number of Roma nurses, district nurses, doctors, and social workers through scholarship and training). However, introducing Roma health mediators in Roma communities seems to have been one of the most successful efforts. This effort was started, in 1997, by the NGO Roma Center for Social Intervention and Studies (CRISS). It was then officially adopted by the government in 2001. The health mediators work in Roma communities to help ease communication and understanding between Roma patients and medical staff. They are also informing Roma communities about their rights regarding access to health care. In 2005, health mediators were active in 150 communities and facilitate access to health care for 38,000 Roma.\(^{67}\)

**Recognizing the importance of traditional medicine**

It is only relatively recently that Western medical institutions have started to pay attention to the importance some traditional form of medicines had in a large part of the world. It is now recognized that some practices, like acupuncture, use of medicinal plants, and manual therapies can actually be very effective on some type of illnesses. The rift between traditional medicine and Western medicine is any way not as strong as it seems: 25% of plants used in modern drugs are used in traditional medicines, and actually come from knowledge acquired from these medicines. Even some psycho-symbolic curative systems like shamanism in Asia, traditional healers in Africa and exorcism in Europe can be effective in the treatment of psychological disorders. A recent report from the World Health Organization stresses that traditional healings are still a vital part of the healing strategies of indigenous communities. As

---

\(^{66}\) Ringold, Dena (2005)

\(^{67}\) Andreescu, Viviana , (2005), Case study of Romania
such, they should either be recognized as a parallel system, equal but separate, as in India; or be integrated into the medical education and practice of mainstream medicine as in Bhutan, China and Vietnam. Currently, most countries with indigenous populations outside of Asia do not have parallel or integrated health systems. Many studies have documented how associating some traditional healers to Western medicine practices has helped in the healing process of patients, because of the effectiveness of some treatments but also because it provides a psychological and symbolic supports that Western medicine is usually ignoring completely.

The World Health Organization (WHO) has adopted a traditional medicine strategy for 2002-2005. The strategy recognizes that “traditional medicine is widely used and rapidly growing.” The report estimates that, in Africa, 80% of the population uses traditional medicine and that in China it represents 40% of delivered health care. In Malaysia, an estimated US$500 million is spent annually on traditional health care compared to about US$300 million on allopathic medicine. In Ghana, Mali, Nigeria and Zambia, the first line of treatment for 60% of children with malaria is the use of herbal medicines at home. The report sees two reasons for the strong popularity of traditional medicines: its accessibility and its affordability in comparison with Western medicine, as well as the fact that it is embedded within wider belief systems.

The recognition of the importance of traditional medicines and traditional healers has also been linked in Africa to the emergency created by the AIDS epidemic. The very limited outreach of the Western medical system in rural areas of many developing countries and the lack of trust of the population for cures, often seen as foreign to the local culture, are recognized as major issues in conducting effective outreach campaigns. The traditional healers are often seen as ideal promotional agents in the countryside to encourage practices that could decrease the AIDS epidemics. This, of course, requires strong collaboration between traditional healers and Western medicine practitioners, which is far from evident and easy. An African Regional Strategy on Traditional Medicine was adopted in 2000 to respond to this challenge. Ministers of Health confirmed the role that traditional medicine can play in health systems and services in terms of health promotion, diagnosis, treatment and prevention of diseases. In 2001, they declared the

69 Yoder, P.S. 1982. Biomedical and ethnomedical practice in rural Zaire: Contrasts and complements Social Science and Medicine 16,21, Basian J.W (1982) Exchange Between Andean and Western Medicine, Social Science and Medicine 16 7

62
period 2001-2010 as the Decade of African Traditional Medicine. The regional strategy clearly mentions the potential role of traditional healers in fighting AIDS: “Traditional health practitioners have a strong advisory role in Africa, and could contribute significantly to HIV prevention efforts on the continent. Because of their position in the community, they have a strong influence on community behavior.”

**Developing national policies for traditional medicine**

The WHO strategy mentions four main challenges for states in their recognition of traditional medicines: the weakness of national policy and regulatory frameworks; the lack of a good understanding of safety, efficacy and quality issues; problems of access; and problems supporting a rational use of traditional medicine. The strategy mentions that today only 25 out of 191 members have developed policies on the use of traditional medicine.

In developing these policies, attention should also be paid to intellectual property issues. U.S. and European pharmaceutical laboratories are actively involved in the study of traditional medicinal plants in Latin America and in Asia, often in collaboration with national research institutions. Many collaborative agreements have been signed on this type of research with governments, but with little attention given to the property rights of communities that have the knowledge of these plants. In response a number of associations have been created to organize the preservation of the knowledge of traditional medicine. The “Organizacin de medicos indgenas del estado de Chiapas” and the “Consejo de Organizaciones de Medicos y Parteras Indgenas de Chiapas” in Mexico have been, for example, active promoters for the recognition of rights of traditional medicine. Throughout the world in the last decade, many such associations that look at facilitating the relations between traditional healers, the state and the private sector have developed.

The interest for medicinal plants is also often a challenge for biodiversity conservation. Many of these plants are rare and grown in very specific environments. Overharvesting of this flora can quickly result in an extinction of plant varieties. For this reason, many research institutions are conducting a detailed inventory of medicinal plants, and creating informal policies of protection, as well as environmental safeguards.

**Supporting collaboration between traditional medicine and Western medicine**

There are many issues with encouraging collaboration between traditional and Western
medicine, primarily different understandings of what the human being is. Traditional medicines usually favor holistic treatments based on an understanding of the human being as strongly dependent on a symbolic and cultural environment. “Traditional medicine therapies have developed differently (than allopathic medicine) having been very much influenced by the culture and historical conditions within which they first evolved. Their common basis is a holistic approach to life, equilibrium between the mind, the body and its environment, and an emphasis on health rather than on disease. Generally, the practitioner focuses on the overall condition of the patient, rather than on particular ailments or diseases from which he or she is suffering.”

The Western medical establishment is increasingly recognizing that the lack of a holistic approach is a shortcoming of allopathic therapies, but it has still a lot of difficulties in recognizing the value of such approaches; it is still outside of most medical student curriculums. Probably, also, more proof of the value of traditional medicine is needed despite already many good studies showing how effective it can be. The WHO strategy supports an increasing effort on researching traditional medicines through serious medical trial.

The assessment of the seriousness and legitimacy of traditional healers is also a major issue, especially in environments such as urban centers where acculturation is strong. Traditional healers are usually known from the community and are under some sort of collective control. People know from whom they received their knowledge, how effective they have been in curing members of the community, and how legitimate they are according to local tradition and institutions. Today, many people are appointing themselves healers for economic or power consideration without any control from communities. This is particularly the case in urban centers where community control is often much reduced and community check and balances eroded.

In the field of psychiatry, traditional medicine can be effective because of the highly symbolic and cultural context of some psychological illness. However some approaches to healing, especially when witchcraft is involved, can be very negative for the society, in particular

---

73 The World Health Organization strategy on traditional medicine mentions on p23 a study undertaken by Peru’s National Program in Complementary Medicine and the Pan American Health Organization which compared traditional medicine and allopathic medicine practices through systematic follow-up of 339 patients for a year. Treatments of the following pathologies were analyzed: Moderate osteoarthritis; back pain; anxiety based neuroses, asthma, peptic acid disease, tension migraine headache, exogenous obesity, and peripheral facial analysis. The overall cost-effectiveness of the traditional medicine treatment was 53-63% higher than that of conventional treatments for selected pathologies. P23
those which ostracize some individuals because they are named as culprits in the community. Again these tend to be much worse in environments where acculturation is stronger, such as large urban centers. Recent accusations of witchcraft among street children in Congo is one such example.

The lack of communication between Western types of medicine and traditional healers in many countries means that referral systems are weak. In serious cases, unless there is an effective system of referral, people might be dissuaded from using Western medicine, even when it is available. On the reverse, when Western medicine is of very low quality or unreliable, some traditional medicine can be effective but again referral is usually lacking. The ideal would be a better coordination between both type of medicines, with some form of referral and an understanding and respect on the part of medical doctors and nurses for what traditional medicine can bring, and vice versa. For this, much more research is required on medicinal plants but also on other practices that accompany the prescription of plants by traditional healers. University and medical school curricula need to include traditional medicine, as is done now in China with acupuncture. In practice, traditional medicine and Western medicine are still more often ignoring each other than actually collaborating in the field. This is an area where much more effort is needed, especially in organizing primary health care and outreach.

3. Customary law

Laws are the expression of societal rules based on values that define a society. Customary law can be defined as the normative expression of the values and norms of a society established through recognized practices that are accepted by all members: “Customary law consists of established patterns of behaviors that can be objectively verified within a particular social setting…such customs acquire the force of law when they become the undisputed rule by which certain entitlements or obligation are regulated between members of a community.” Some argue also that the concept of obedience is different in customary laws and in written laws promoted by a state. The law promoted by a state is overwhelmingly top down. A citizen would not see much direct relationship between his or her involvement in making laws and his obligation to obey laws. On the other hand, customary low is built more on the idea of reciprocity. Individuals obey the law because they know that they could benefit from the law as well.

74 Wikipedia encyclopedia
In a multicultural society, the principle that everybody is equal in front of the law can be questioned. If a group, inside a society, has different values than the majority, its members will probably not be equal in front of the law of the dominant group that has different values. Multiculturalism recognizes the legitimate existence of different value system and social organizations inside a nation. If people belong to a group that is culturally different than another one, why should their relationship inside their community be dictated by norms and values that are foreign to their own group? We can see immediately the logic and value of such an argument, as well as the potential danger for social cohesion at the national level. Some countries like India, Egypt or Israel use different legal systems, determining by according to the religious affiliation of their citizens; others have different legal systems for their ethnic minorities (Australia, New Zealand, Canada), but some other countries strongly contest such an approach and see the law as one of the institutions that should unite all citizens under the same principles, with no exception.

The following excerpt from a discussion paper of the South African law Commission clearly exposes the challenge of trying to recognize customary law based on collective interest inside a legal system that promotes the rights and the autonomy of the individual. South Africa’s 1996 Constitution recognizes customary laws, but the South African Law Commission is struggling to implement this dual system. “The question of succession in customary law has been a burning issue for some time, reaching its climax in June with the decision of the Supreme Court of Appeal in the case of Mthembu v. Letsela. The contested position involves, on the one side, the need to honor the Bill of Rights by removing laws that discriminate against women in matters of inheritances and, on the other, the recognition of customary law in the same Constitution, as part of the law of the land. The difficult task of trying to reconcile these provisions is complicated in any case by the need to be alive to practical realities and to intervene in ways which do not worsen the situation of people in their daily lives.”

Increased recognition of customary law

The increased popularity of customary law in many developing countries, especially in Africa, is connected to the often poor performances of the overall judicial system and the difficulty to reform it in order to make it more responsive to individual and community needs.

75 South African law Commission, Discussion paper 93, 2000
Many efforts at reforming judiciary systems have too often consisted in top down technocratic packages of reforms, usually not adapted to the local cultural context and implemented without a good assessment of institutional issues. Judicial systems in many developing countries have been a direct import from European or North American legal systems with little efforts of adaptation to the country’s reality. Usually, the result has been the imposition of laws and judicial institutions that have very little legitimacy among the population and which are rapidly captured by strong political and private interest. These systems are often too corrupt, too expensive and too foreign to be effective with the poor and rural population and with small businesses. Some of the reforms have also been made with the idea that changes in legal systems would automatically modify the culture and that it was sufficient to have laws banning some socially negative practices to have society changing these practices. “The movement rested on a belief that law could be used to change society.” But reformers found rapidly that local cultures were highly resistant to change and that even when laws where changed, they often had little impact on practice.”

The lack of responsiveness of the formal legal system has contributed to encourage the recourse to customary law to deal with local conflicts, often in an informal way. This has also been the case when states have collapsed during civil wars or when governments have not been able to reach out to part of the country. A very interesting case is the return of the use of customary law in northern Albanian provinces after the collapse of the communist regime. Local communities facing a massive collapse of the state structures had started to use the Kanun, a body of customary law that had been partly collected and written up in the 14th century and which was aimed at regulating relations between members of communities. The Kanun is implemented by a counsel of elders called the Fis comprised of the most respected and experienced man in a community. The use of the Kanun has been effective in restoring order and some economic activity, but has major gender bias and is actually encouraging some blood feuds between families, because it is recognizing the right of revenge. Now that the state has restored its authority and some of its legitimacy, the use of the Kanun has been reduced but has not completely disappeared.

---

76 See on this issue the World Bank research program: “Enhancing the Compatibility of Customary and State Legal Systems: Implications for Justice Sector Reform and Legal Modernization Initiative” managed by Ximena Del Carpio, Caroline Sage and Michael Woolcock.

More recently important efforts have been made to try and find accommodations and connections between customary law and formal legal systems. The most interesting attempts have probably been in Australia and in New Zealand and with Pacific Islanders in many of the Pacific islands. However, sub-Saharan African states have given much more attention to this issue with countries like South Africa formally recognizing customary law in its 1996 Constitution, but with a long practice of using customary law in rural areas under apartheid. Latin America has also been recognizing customary law practiced among indigenous communities. In Guatemala, for instance, the 1996 peace accords acknowledge the need for genuine reforms with commitments to acknowledge traditional Maya law and authority. As a consequence the government and the opposition have agreed to: recognize the management of internal issues of the indigenous communities according to their own judicial norms; include cultural considerations in the practice of law, develop a permanent program for judges and members of the Public Ministry on the culture and identity of indigenous people; ensure free judicial advisory services for people with limited resources; offer free services for interpretation of judicial proceedings into indigenous languages.\textsuperscript{78}

If customary law is effective at maintaining law and order in rural areas and in remote regions of many countries, the values that shape customary law and the body of common laws issued from the 19\textsuperscript{th} century European Enlightenment do not match. Many customary laws see the preservation of the group’s collective interest and its structure and organization as central, while most formal common and statutory laws see the preservation of the autonomy of the individual and the preservation of his rights as essential. The most common examples of clashes are on issues such as polygamy, female circumcision, inheritance rights, cruel punishments, autonomy of the woman inside the family, land and asset ownership, but they also happen on access many less visible issues like obedience to community leaders, relationship to elders, and to religious secrets.

**Understanding what is specific about customary law**

In order to identify best practices in using customary law it is important to first understand its specificity:

In customary law a significant portion is left to the appreciation of the community and in

---

\textsuperscript{78} Human Development report 2004
particular, to the one in charge of implementing it, usually a council of elders. Actually, some argue that many customary laws have been Westernized and corrupted from their original intention, loosing a lot of the check and balances integrated in prior to colonization. In Uganda as in many African countries, customary law has indeed become less supportive of women’s rights to land “…the bases for customary ownership have been eroded since the time of colonialism, making women’s access to land significantly more precarious as the protection traditionally ensured by the clan system has been peeled away. In recent years, with increased commercialization of land and problems of land scarcity, local leaders have felt mounting pressures to protect the clan system and in so doing have placed even greater constraints on women’s access to land. In particular, men and groups of men, organized through their lineage, have sought to renegotiate and redefine the formal and informal relationships that in the past supported women’s access to land.”

Customary law is therefore much more “negotiable” than written law and it also adapts according to the power structure in the community and what arrangements are perceived as necessary for the survival of the community.

Customary law can cover a diverse field and be more or less elaborate, according to the perceived risk that some behavior represents to the community and potential emergence of conflicts. It can vary according to the economic, social, geographic, cultural environment of a given group. It ranges from a dispute resolution system, to access to economic infrastructure, to respect of religion, to ordering society. Areas which have a direct and strong impact on poverty reduction in developing countries are land rights, inheritance rights, relations with the environment, and social support. It is estimated that customary tenure covers 75% of land in most African countries, affecting 90% of land transactions in countries like Mozambique and Ghana.

Customary law is in most cases focused on the interest of the community as a whole, it looks at the interest of the group; modern, Western law focus on individual rights and the autonomy of the individuals. Customary law also tends to emphasize status, duties and collective values whereas Western laws emphasize human rights, freedom and equality. This is very important as it represents a different understanding of what is important for people. These systems can complement each other but also very often contradict each other. It represents a

particular challenge when customary law applies only to a section of the population of a country. For some people it is very difficult to accept that some members of a society will be considered as autonomous persons and others as members of communities and groups inside the same nation, unless the mode of development and mode of life are completely different and takes place on well-defined territories. This is the case notably of the Indian American communities in the US or Canada, located on reservations.

Recognizing customary law

The question then is what are the benefits of recognizing customary law? The first argument for recognition is that customary law is usually applied, irregardless of a recognition of its existence by the formal legal system. When it is applied informally, it is much more difficult to control and many abuses can happen. One situation in which official recognition can actually help in protecting individual rights is polygamy. In many countries that do not officially recognize polygamy such as Côte d'Ivoire, it is still a very common practice. When polygamy is practiced informally and not recognized by the legal system, the second, third or fourth wife has no rights and cannot defend herself in front of the law because her marriage is not recognized. In an acultured setting, such as an urban area, she can actually not even benefit from proper application of customary law because the husband or other family members will not be under the tight control of the community. It is therefore sometimes argued that in countries that recognize polygamy under customary law, women can better defend themselves. The same argument is valid with inheritance and land ownership.

The second benefit is that it can actually protect some positive practices that keep the group together, encourage solidarity and responsibility towards the community, and regulate complex relations between different communities. In Burkina Faso, the relationship between farmers and nomads is very complex and has been traditionally been managed through customary law. In 1984, with the revolution, the agrarian reform laws “Reorganisation Agraire and Fonciere” (RAF) declared that land was property of the state. This was an attempted clean break with customary rights, and opened up a period of relative chaos in the use of land during which people interpreted the law to mean that land was free to use by any one who wanted to work it. Conflict increased severely between herders and farmers. Starting in 1991, the government realized that it was essential to return to some local practices. The RAF 91 tried to provide more flexibility but both “the RAF 84 and the RAF 91 reflected the state’s
overestimation of its capacity to change society through legislation.” Today the RAF takes the notion of local customary rights into account and has decentralized conflict resolution to special local level tribunals, the Tribunaux Departementaux de Conciliation (TDCs) that involve members of the community and recognize customs especially in the regulation of nomadic herders and farmers.\textsuperscript{80} There are many other practices such as the free contribution of time to help a community, mandatory support to the elders and the poor where the use of customary law can be very beneficial.

Finally in areas where the formal justice system is not credible and not accessible, customary law can actually be more accessible, affordable and more equitable than the formal justice system; for example, in certain areas of Ethiopia where access to formal services is very limited due to a lack of infrastructure, in particular roads. Customary law is recognized and a large part of Ethiopian villages are ruled under their traditional system.

**Finding a compromise between common law and customary law**

So finding compromises between one system and the other is not simply choosing between two systems, it is obviously influencing a culture in certain direction. If local customs are accepted but polygamy is rejected and becomes illegal, gender equilibrium is changed in a society, and probably for the better with all the caveats mentioned in the previous example. How far justice should go in determining what part of a customary law should be applied is left in most cases to society to appreciate; that means, law makers, courts, judges, and communities. A number of best practices start to emerge on using customary law as part of a modern judicial system that still aims overall for human rights protection.

Customary law, much more than formal written law, is fortified by established usage. The legitimacy in view of all members of a community is what counts. Finding an old custom that nobody understands and attempting to apply it will probably not work because this is not a legitimate method. The customary law has to be reflected in the practice of the people. Second, it is important to understand its aims and if it is directly trying to support a power structure that negatively impacts some members of a community such as women, youth, or members of a lower caste, it should not be applied. In other words, the implementation of customary law requires a new interpretation to take into account the multicultural context in which a society

tends to operate, and constant judgment on how to bring both the perspective of individual rights and the community preservation perspective.

It is important to involve the community in the application of law and to ensure that all members find laws acceptable. Some members may wish to opt out and prefer to be judged under formal law; when feasible, they should have the choice. Chief Justice Martin of the Supreme Court of the Northern Territory is the first judge in Australia who incorporated a traditional customary punishment as part of the sentencing options available to a court. Wilson Jagamara Walker was an Aboriginal man from central Australia who was convicted of manslaughter and sentenced initially to three years in jail. Chief Justice Martin released Walker on bond, the basis of which was a spearing in both of his thighs by the younger brother of the man he had killed. If this did not occur within the allocated time, Walker would have to return the court and have the sentenced reviewed. The judge therefore incorporated the traditional aboriginal punishment as part of Walker’s sentence.\textsuperscript{81} In this case the judge actually gave a choice to the culprit in choosing the type of punishment he would prefer, according to civil law or customary law. Generally there should be some system of recourse when the customary law is seen as infringing on basic human rights of an individual. This would be the case for women or youth who can be seen as marginalized under the system of customary law.

Participation and at least consultation of community members is essential for successful use of customary law. Because customary law is based on the actual practice of the community, it has to be recognized as legitimate and practical for the specific circumstances it is applied for; this can only be done together with the concerned community. Whether community representatives are implementing the law themselves through legitimate representatives or sit on various committees in charge of implementing the law or are consulted by the court, customary law makes sense only if it has a clear legitimacy among the community. The challenge is that some members of the community can be marginalized in the process because their status does not allow them to participate in the decision making process. This, however, does not mean that they will also not find the process legitimate, but this needs to be checked.

If customary law is not made a source of law by constituent law, it will not be part of formal law unless parliament codifies it and gives it specific statutory recognition. Some

\textsuperscript{81} From Garkawe, Sam (1995) The Impact of the doctrine of cultural relativism on the Australian Legal System Murdoch University Electronic Journal of law.
countries have clarified the recognition provisions by assigning custom a rank in the hierarchy of laws. Ranking in relation to the statute law or the common law is also relevant so that the law from this source may render unlawful a particular custom. This varies a lot: in Nauru and Solomon Islands customary law is ranked above the common law in Kiribati; and Tuvalu customary law is ranked above the common law but only on certain matters. In the Marshall Islands, Samoa and Vanuatu, the relationship is unclear.  

An intermediary like an ombudsman can facilitate the relationship between the modern judicial system and traditional authorities. Intermediaries that are very tuned in to both legal systems and have a good understanding of local issues can help in facilitating conflict between different systems. When the majority and minority cultures are very different and customary laws apply to the minority culture and the overall legal system is made in large part of representatives from the majority, is the case for most countries with indigenous populations. It is essential to have intermediaries who are accessible to the concerned community to facilitate the relationship between the two systems.

Training and capacity building of the judicial system as well as of the communities is essential. Explaining to the public what are the philosophy supporting various customary laws in a given country, training judges and officials on how to work with communities and assess the impact on the community of specific decisions and prosecution methods can facilitate a good understanding of how the customary law works by all stakeholders. Also, explaining to the community the limitation of customary law and how it should be applied is very important and often missing from legal reform projects.

Customary law and traditional conflict resolution situations do not work well when the community is confronted to people that are powerful and connected with the formal system. A case study of village justice in Indonesia show that when cases involved powerful authorities local institution are not effective “Despite their preference for the informal, village communities were generally unable to overcome corruption using existing village institutions. In all but one case where village communities were able to reach informal agreements, the perpetrators of corruption repaid funds only when they were threatened by legal sanction. Village institutions

82 The example of the South Pacific Islands is extremely rich in experience of using customary law. Many of the views developed in this section come from the paper by Jennifer Corrin Care, Conflict Between Customary law and Human Rights in the South Pacific. Presented at the 12th commonwealth law Conference at Kuala Lumpur in September 1999.
were especially inadequate in cases where the perpetrators of corruption were government officials or had close ties to them. In all cases where such power imbalances existed, informal negotiation failed⁸³. Therefore it should be expected that the poor can have better access to justice through customary law who defend themselves against powerful people or groups that function partly outside of the local system.

4. Traditional Local Governance Systems

Many states, especially in developing countries, recognize formally or informally traditional local governance system at the local level. Relying on traditional local governance systems has the advantage of making use of institutions that are embedded in local culture, which people understand and which usually preserve the cohesion of the group and the community. The recognition of traditional local governance systems by states is justified by the very same reasons than for customary law and many issues rose with the use of customary laws are also valid for traditional local governance systems. But even more than with customary law, local governance systems are flexible and adapts over time under the influence of the evolution of power structures within communities. Similar to customary law, however, they tend often to be patriarchal and marginalize women, youth as well as lower castes or social groups in decision making. Many examples exist throughout the world of such systems used for administering small rural communities, for distributing humanitarian assistance, for ensuring security, for managing some basic services.

Understanding the advantages of working thru traditional governance systems

One of the most common forms of local governance system is the council of elders that manage community life and essential services. After the collapse of the communist state in Albania, the Fis, council of elders administering villages and in some cases urban communities took an increasing importance to compensate for the collapse of formal institutions such as collective farms and municipal governments and took over the responsibility for local management in many areas of the country. In Madagascar, for instance, the Fokonolona-a village council composed of elders and other local notables, was given constitutional recognition in 1975. In Indonesia in 1999, the provincial government of West Sumatra issued a regulation that reinstated nafgari as the basic governing unit. Before being disbanded by Soeharto the nagari system has worked as the basic governance unit for Minangkabau society of West Sumatra. The structure and functions of the system are quite democratic and clearly delineated. The nagari regulates and implements both formal and traditional systems of governance through its general assembly of traditional authorities. In the course of the 1990, many Latin American countries have recognized local governance mechanisms for Indian municipalities. These local communities are managed according to the “habits and customs” inherited from the colonial
area. The system is based on the system of duties of office (sistema de cargo), most important decision are taken in village assemblies and the responsibilities for various religious and civil functions are nominated by the assembly after deliberation, but not elected through secret ballots.

These systems are usually recognized as efficient in ensuring that community essential services are provided and that conflicts are avoided. These systems emphasize community solidarity through participation of community members in tasks benefiting the community such as maintenance of infrastructure, management of land and water and social functions such as taking care of elders, orphan and other left out groups.

These councils are usually not elected but members are nominated after community discussions that are more or less open to the participation of all members of the community. Their nomination can be linked to their importance in a clan or sub-group of the community or more simply because of the recognition of the important contribution they have made or can make to a community. In many places, councils member are also connected to the religious life of the community. In rural Africa many elders are part of secret religious societies, in Muslim countries the local mullah will usually play a very important role and in Latin America, the shaman and the main officials representing local religions play an important role.

Today new structures have often been added, permitting an increased participation of women, youth and important economic actors. Some time they take the form of new committees or an addition of new members to the council of elders under the influence of dynamic members of the community, government or development agencies. Sometime the traditional structure adapts and become hybrids. David Recondo, in his analysis of electoral systems in Mexican communities, has shown how adaptative governance systems based on custom can be: “The constant exchange between traditional voting-in which consecration takes precedence over selection-and universal suffrage, secret and individual, proves to what extent election modes are neither instrumental techniques devoid of inherent values, nor the product of an ontological otherness that would make it impossible to embed them in differing cultural contexts.” 84. The shape of village councils has certainly change over time, even if, some more rigid structures, more imbedded in the culture, like in pacific island are not evolving fast. New forms of religion such as Pentecostals in Latin America or the more Islamist groups in Muslim countries have also

often strong influence on local governance structure and in some case have high-jacked them. This is also the case of political parties like the PRI in Mexico that has, through its clientelist network managed to control the nominations at many public functions in self-governing villages. Local governance systems have also been in some cases misused by dictatorial regimes to bypass national democratic institutions. Because of the large diversity of these mechanisms of local governance, it is very difficult to draw more precise generalization on their role and structure.

**Recognizing traditional governance systems**

In many cases the state does not have much choice, as it cannot afford to develop a new bureaucracy in remote region. In many cases using the local governance mechanisms to manage the needs of small communities is just the safest and most effective system when the government can not afford to develop a whole new local government apparatus. In many countries with a large section of the population with limited access to basic services, using local institutions that have at least some trust and some proven functionality is the most cost effective way of governing. Many states like Ethiopia do not have the capability for outreach to the whole country and therefore have to use local systems. In other cases the traditional structure offer some continuity and at least some form of local check and balance that could be more effective than create new structures, even if the government would have the financial means to do so. Many English speaking countries in the developing world, for instance, have continued the indirect rule tradition left by the British of letting local matters to be managed by local institution. Ghana, for instance, has maintained the chieftain structure and recognized it in its constitution while also strengthening local government structures.

Using local governance structure requires an understanding of the philosophy that supports this management structure. Local governance systems are the organizational expression of societal values and it embodies a certain vision of power sharing with specific roles assigned to different members of society. It usually emphasizes the individual duties towards the community and this can be very different that the philosophy supporting the nation-state system that focus on the links between the individual and the society at large. Lourdes Morales in her study on management practices in Totontepec, a small town of Mexico populated by Mixes, is describing an event which is very illustrative of how local governance principles can clash with the concept of national citizenship. In 1982, a member of the community of Totontepec, Pascacio

---

85 Morales, Lourdes (2005) Practicas Electorales en Totontepec Villa de Morelos (not published)
was nominated by an assembly of citizens to be in charge of the village water committee, but he refused to take on his responsibilities. According to the customary rules of local governance the responsibilities are not remunerated, members of the community are supposed to donate their time, but they are also obligatory. In a general assembly the community decided that Pascacio was not assuming his duties and as a result they banned him from the community. He was not allowed to access his house and land. Pascacio protested to the Governor for violation of his individual constitutional rights that protects individual property. When the head of the community was summoned by the regional governor and asked to let Pascacio reintegrate his house, the head of the community refused and said that the law was allowing his community to be self ruled and that Pascacio was in violation of the custom, and if he was mandated by community members to manage the village he will not go against a decision of the village assembly. The issue was resolved much later on when Pascacio went to live in another community. There was a direct clash between membership in a community and the duties it entails and being a citizen of a country and the individual rights it guarantees.

This illustrates how important, when using traditional local governance structure, to understand on what principles they can be effective and what will define a “community based citizenship” and how this community citizenship can coexist with the principle of national citizenship.

The idea that local management structures, once in place, ensure the full participation of citizens and shield them from politics and other external interest is often wrong. There are many cases of manipulation by outside forces and in particular the state, political parties, religious groups and many other institutions not part of the community and its history. In an environment where local culture is changing rapidly the community is often not strong enough to counteract these forces. For this to be avoided the state need to pro actively limit interference of external forces like political parties if it can, the legislation around the use of traditional local governance, need also to provide some safeguards and recourse for members of the community.

Local Governance represents the local power structure and therefore tends to marginalize some groups and exclude them. In many cases but not always, women youth and lower castes, as is the case with customary law, can be marginalized in decision making. However many of these structure, adapt, change to new realities. In many communities you see new structures taking shape while the more traditional counsel of elders remain a moral authority but intervene less in
day to day management. However, such evolutions are best managed from inside the community and not imposed by outside forces.

5. Cultural Services

Local government provision of cultural services to support collective identity is an area with little research so far. Most of the assessments have looked at the effectiveness of community participation in preserving cultural heritage and at the development of community based tourism, but the nature of the demand for cultural services at the local level and how local governments answer these needs is rarely studied. The literature review carried out for this study has shown that, with the exception of some NGO that try to document this demand, very little has been done.\(^86\) Being able to express ones culture in collective manifestations like festivals, dances, music religious ceremonies, but also through preservation of local knowledge and preservation of cultural patrimony is important for strengthening identity at the same time than to create bonds with other members of the community and strengthen social capital. Festivals, in particular, are extremely important in creating a symbolic representation of a culture, rooted in actual events and celebration. All of these activities also give a sense of pride, and help in a collective recognition of ones identity.

**Recognizing the value of local cultural services for strengthening identities**

The type of activities usually supported are: (i) Festivals, celebrations with music, dances, processions, traditional sports religious activities, concerts, (2) exhibitions and shows, (3) classes of ballet, music, art, traditional sports, local industries, (4) preservation of local heritage through museums, preservation of monuments, collection of objects and local knowledge (such as tales and oral traditions), culinary traditions, local medical traditions (medicinal plants); Small traditional trade, crafts, cooking, outfits, etc…All these are often promoted by associations, small development projects, NGOs but the best of course is when they just remain an active living activity in the community, (5) local radio and TVs aiming at preserving a culture and a specific identity. Many others can also be added but these five

---

\(^{86}\) « Traditions for Tomorrow » is one of these NGOs. It is a Swiss organization, with French and US subsidiaries, that finances projects aim at strengthening cultural identity of local communities mostly in Latin America. It has been created in 1986 and finances small projects throughout the continent, responding to the demand of local groups and local communities. Traditions For Tomorrow, according to its statutes, works for “improving dignity, self esteem and confidence to communities that will as a consequence be in a better position to take in hand their own development.”
categories probably cover the bulk of the demand for cultural services.

There is of course an important economic aspect to these activities and cultural industries can be very lucrative, especially for more isolated communities that do not have many development options. The very fast development of tourism in the world and in particular of ecological and cultural tourism has created very strong interest in cultural industries coming from more remote regions and a fascination for “exotic” products in the developed world. Paradoxically, globalization has made traditional craft trade among the fastest growing industries, providing earnings of millions of dollars to developing countries. The Kenyan and Burkina Be baskets can be found all over Europe. Morocco’s growth is fuelled by sharp increase in demand for crafts and outfits produced in this country, making cities such as Fez, Marrakech and Taroudant booming cities. Indian crafts are being sold everywhere in the world creating huge opportunities for poorer communities which are producing these crafts. But with this increase comes also problems of property rights. Navajo baskets are produced in Pakistan and then sold to Tourists in Santa Fe close to the Navajo reservation, half the price of production cost for a Navajo artisan. Traditional Mayan pots are produced in a factory in Mexico City and traditional music of Taiwan indigenous population was part of an anthem for the Atlanta Olympic Games without the musicians being aware of it. Sustainability of livelihood is also a major issue. Tourists are invading Masai villages in Kenya and Masai stop looking after cows and fields because posing for photographs provide them many times more money than what they earn on their traditional trade. All this is not dramatic in it self, but because of interest for a culture it will certainly weaken the same culture very fast.

There are many examples of the new attention given by governments to the role that local culture can play and the proactive role of local governments. A number of countries have engaged in a pro-active development of local level cultural services. In Guatemala, following the election of President Alfonso Portillo Cabera in 2000 a national congress on cultural policies was organized with the participation of all major NGOs, associations and local and central government. The congress set the basis of a cultural policy seen as being rooted in cultural values, cosmologies, modes of behaviors, beliefs and actions of the various people of Guatemala. The conference produced guidelines for cultural policies of the country. The guidelines presented a variety of recommendation on how to increase the participation of the local population in
cultural programs and policies.\textsuperscript{87}

In Australia the Ministry for the Arts and the Ministry for local government produced cultural Planning guidelines, to support local governments in recognizing the significance of culture in the community. The cultural planning tool stress the value dimension of culture:” relationships, shared memories, experience and identity, diverse cultural, religious and historic backgrounds, values and aspirations and what we consider valuable to pass on to future generation”\textsuperscript{88}. In Albania one of the strongest demand from Roma associations expressed during the poverty assessments consultations was the creation of Roma Cultural Centers where Roma could come together and organize various activities around education, folk dance and music, festivals, counseling services etc, The government discussed these demand at the first large consultation in the country on Roma issues held in 2002\textsuperscript{89}

\textbf{Supporting community initiatives}

Cultural Services is an area where the main contributions of local governments would probably not be financing, even if in many cases it makes an important difference. Local government has a very strong role to play as facilitator and supporters of community initiatives but also as manager of potential conflicts that can arise when these manifestation are seen too intrusive by other cultures. Cash financing is actually often what is the least needed in this area. Providing space, helping with logistics and organizations, and providing a supportive legal and administrative environment is often what is the most important. This is an area where by its nature community participation can be very strong, both financially and in kind and in terms of commitment and support.

However, commercialization of a living culture represents important risk and requires careful management. Here again central but also local governments have a strong role to play. The first issue is with protecting cultural property rights or act at least to ensure that there is an active policy to ensure that communities get a substantial share of the benefits of commercialization of traditions coming from their communities. Private sector involvement is actually positive because it brings know how and a network of connection and markets but it can also exclude local population from the economic benefits if this process is not adequately

\textsuperscript{88} Ministry for the Arts, Cultural Planning Guidelines for local government, Australia
\textsuperscript{89} Ibid Roma and Egyptians in Albania.
managed. More and more we have seen community groups associations and local NGOs taking the issue up with government authorities and the private sector. People can loose many of the economic benefits they can derived from their culture if cultural property is not actively protected.  

However, an even greater danger for a community is to face much quicker and rapid acculturation under the pressure of tourism and be attracted by the consumerist needs of the growing tourist industries. Tourists are often interested in the culture of people in the region they visit. However the usually lack awareness of the damage they can actually do. The very strong commercial pressure to adapt to the demands of a different culture and the need to sell cheaply can erode craftsmanship very rapidly. It can also contribute to abuse and lack of respect for sacred space and sacred customs and contribute to antiforeigner feelings. Local government has a very important role to play in knowing what to show, what to preserve. The Hopi Indian mesas for the Native American Hopi tribe in Arizona are very protected. Large part of the village is off site to tourist. Tourist can only visit with a guide, and tourists are not authorized to assist to the most important ceremonies and rituals. Tourists are not allowed in communities after a certain time either. So, local governments have a strong role to play in ensuring that the community benefit collectively from cultural expression and cultural assets, but that the negative effect of commercialization is minimized.

C. Policies for Nurturing Cultural Diversity in Delivery of Basic Services

Because impact analysis of programs and policies supporting cultural diversity are still very limited and that it is a relatively new focus of attention for governments and international organizations, it is difficult to come up with “clear cut” policy recommendations. How to nurture cultural diversity at the local level while preserving cohesion, striving for equity and avoiding conflicts is still open to many debates. The nascent theory of multiculturalism tells us that it is actually the recognition and acknowledgment of cultural diversity that will help achieve cohesion and equity and that its negation will do the reverse. However, this recognition has to be “managed” carefully by governments, political authorities and the people themselves. Culture and identity are highly volatile and have to be handled with care! Actions supporting cultural

---

diversity need also to be integrated in overall social and economic policies to be really effective. The answer is not to develop parallel policies but to mainstream the attention to cultural diversity in government policies and programs. Cultural diversity is handled best when integrated.

At the moment, under the pressure of international organizations and guided by some successful experience in countries which are leading in this area, such as Canada, Spain or New Zealand, countries are increasingly approving international treaties aimed at the recognition of cultural diversity and are introducing the concept in their constitution, or some overarching legal framework. However, the transformation of these broad legislative frameworks in effective policies and programs for delivery of basic services is often much more problematic. International recognition of the importance of doing something to nurture cultural diversity at the national level is progressing much faster than the design and implementation of effective programs mainstreamed in countries social and economic policies. The following section looks at what has been learned in adapting basic services to take into account cultural diversity with the objective of increasing social cohesion and inclusion.

1. Establishing a conceptual framework to guide assessments for the recognition of cultural institutions.

When designing policies nurturing cultural diversity it is important to ensure a common understanding of what culture is. As was discussed in the first chapter, pure culture does not exist, culture is always in a process of change and hybridization at the contact of other cultures, but these changes can be slower or faster. With Globalization we certainly witness an acceleration in cultural changes and all cultures tend to be affected. Cultures also influence each other, today it is not possible to isolate one culture completely from another and people tend to be increasingly cultural “hybrids.” It is therefore essential not to see someone under the influence of one sole value system. But it should also be clear that people do not just adopt the culture they like, as some multiculturalists tend to think. A culture is in large part given to people, through family and the world in which they live.

A particularly important aspect of a culture is how it defines the relation between the person, the individual dimension of a human being, and others, the collective dimension of a human being. Sociology, in particular, tells us that a human being has both the aspiration to stand alone, to be her or his own master of his or her destiny and the aspiration to be part of a larger group, to be in tune with others, to recognize others and be recognized by others. These two
apparently conflicting aspirations shape the inherent tensions inside a society: ‘Man’ wants to be unique and ‘Man’ wants to be part of “others.” All cultures provide ways to manage this tension, all cultures provide institution that help to balance these aspirations. Some, however, tend to focus more on the collective and group dimension, privileging the integrating factors, others provide more of a focus on the individual aspirations, the freedom to choose and be the actor of ones own life. Over time a specific culture can move back and forth between these two poles but cultures tend to differ on the way they relate individual aspirations with collective aspirations.

Over time the relation between the person and the collective has changed. The community, as the space where most of the interactions between the group and the person are taking place, has given place to large societies, as the expression of the collective. This phenomenon has increased with the industrial revolution. In a community there is a direct relation with all members of the group, people can actually literally run in all the persons that constitute a community and communicate one on one. The individual aspirations of the members of the group are in very large part defined by these relations. With the creation of societies enlarged to the level of a country or a nation, interactions with others inside the same society are different than inside the community. The collective dimension is internalized in the imaginary of people because in practice the members of a society can never meet all together and power relation are expressed in broad institutions and not personified. This type of societal organization has unleashed the individual aspiration of its members. Roles and positions are not set by others but are reached through competition and in a much less personalized way than in a community. The European philosophy of “enlightment” has certainly been a very important landmark in this movement from community to society. The philosopher of the “enlightment” have been going quite far in thinking through the legal and institutional framework establishing a new relation between individual aspirations and the group. The group is not the community any more, it is a society and the traditional symbolic events bringing members of communities together are replaced by symbolic events creating a collective imaginary that provides a “reality” to the Nation-state.

This is not proposing a purely formal intellectual framework. The ‘enlightment” has formalized very important notions such as human rights, democratic representation and the concept of the nation state with its symbolic and practical outcomes. These concepts define today the type of governments and policies that are in place in most countries. But this evolution has
not stopped with the American and French revolution and the British institutional reforms.

Today, the nation state is less and less considered as the only societal reference for people. It is actually contested from all parts, from inside and outside, and so is its individual reference: the citizen. People experience their symbolic references increasingly outside of this structure, even if the nation state is still, without any doubt, the defining framework for many policies, at least legally. In this evolution we can see an historical trend described by what some psychologist and sociologists have called *individuation*. The individual rights (human rights), the freedom to shape one own destiny in a life time, the ability to decide what part of a group you to be, or not to be at all part of a group, is taking an increasing importance. It is this influence that shapes the movements to support equality between man and woman, increased recognition of youth and recognition of minority rights. It is interesting that the return to culture as an important component of identity today seems to be a need, not so much to reverse ones relations to the collective and become integrated in a community again, but on the opposite to find a new rooting as individuals when globalization and the contestation of the nation state is creating new uncertainties in the balance between individual and collective aspirations.

Also cultures often see people with different functions and different potentials to achieve the benefit of the whole group. Improvement in the living conditions and satisfaction of the group means that each one should play his or her role and assume his or her function inside a certain power structure. Many sociologist and anthropologist, influenced by Marxism, have seen in culture a system organized around power and domination. This might seem abstract but it has strong relevance for policy making. When officially integrating some institutions or practice, issued from a specific culture, in service delivery, a central preliminary step should be to assess how collective and individual aspirations are going to meet, as this will matter a lot to the individual members of the concerned community or society. Also, what it does for the power structure in the community and more broadly to the functioning of existing institutions.

The second step is to understand how different systems expressing the cultural diversity of a society will work together. Usually they are not all based on the same set of values. The review of cases done for this study shows that contradictions arise often because some practices are not based on nationally shared values and vision of society.

---

91 See in particular work by Bourdieu and Foucauld
Social assessments should be able to provide some understanding of these issues but for this they should go far beyond asking the opinion of people, they should bring an understanding of the internal dynamic of a group through observations.

2. Recognizing that solutions have to be local and that there are no universal solutions to cultural diversity and service delivery.

“Only the most incurably visionary analyst would claim that foolproof, universally applicable formulas for accommodation of ethnic diversity exist. Policy experiences resemble balance sheets, rather than triumphant lists of accomplishments; in all spheres we investigate, there are liabilities as well as assets. The cultural circumstances of given polities vary widely; the many small, localized ethnic identities of Papua New Guinea, for instance, bear little resemblance to the intensely mobilized ethno-national collectivities in former Yugoslavia"92 Crawford Young expresses a view that has been confirmed by the review of experiences used for this study. The situations across the world are too different to establish a detailed framework for how to take cultural diversity into account in the delivery of services. It depends on historical factors that impact the relation between various groups and culture in the country, the nature of these cultures, the economic situation, the strength of formal and informal institutions, the political dynamics, the relation of a given nation with its neighbors, with international organizations and many others. However, some basic rules still seem to apply quasi universally: Policy for cultural diversity should not be pushed from the top only; it requires a bottom up approach as well. It cannot be driven only by elites, local intended beneficiaries, especially the poor need to understand what it will do to improve their day to day situation. Cultural diversity cannot be litigated through laws only but requires deep institutional changes as well. Recognizing a minority culture is a process that needs to be managed over time like any institutional reform. Cultures adapt and change over time; flexible policies are required so that corrections and adaptations can be made along the way.

3. Understanding political motivations

When a country decides to recognize different cultures and start to shape its services to meet aspirations for cultural diversity, it is essential to understand well the political motivations that are at play. The design of policies supporting cultural diversity can be politically motivated.

---

on premises that go against the interest of the concerned minorities and cultural group. There are many reasons why it is in the interest of political forces to support such an agenda. Cultural diversity is often the target of populist agendas and because it touches symbolic identities it can create strong political division. It is important that these motivations are clear, at least in the mind of the technicians designing policies. Of course, it is not because it is politically motivated that it cannot have positive impact.

Hungary is probably one of the countries in Europe that has done the most for recognizing the specific cultural identities of its minorities in terms of delivery of services and political representation. Hungary did it, not really because of the problems it encountered with its minorities, who are not numerous and overall well integrated. Hungary moved quite drastically on the minority issue because it wanted to protect and support Hungarian minorities in neighboring countries, which are important in terms of size and economic weight. But, above all, they represent an important political issue for Hungarians for historical reasons. The country could not advocate the case of Hungarian minorities abroad without showing the example in its own country. Turkey has resisted strongly recognition of its minorities, not only Kurds but Greek, Jews, Christian Orthodox, Alievist because in large part it still lives with the trauma of the collapse of the Ottoman Empire. The Empire collapsed mostly through uprisings of its many minorities supported with more or less effectively by European nations and this is a very sensitive issue still now in Turkey. This makes the issue of cultural diversity and recognition of cultural rights a very difficult political issue. Each country has its own dynamic usually strongly embedded in the history of national identity constructed in the 19th century.

It is also important to see the problem of cultural diversity in its entire political significance. For instance, underneath the issue of recognition of cultural differences and the issues of cultural diversity in Guatemala lies the very tricky issue of the very inequitable repartition of land in the country, what many Indian communities see as a direct spoliation. Trying to resolve the very serious tensions between indigenous populations and white and mestizos only through recognition of cultural diversity will not be sufficient. Policies supporting more equal distributions of assets and in particular land will be essential.

To understand political factors requires understanding where the demand for adapting services to local culture comes from. In the cases, we have reviewed there are often some disconnects between urban elites representing a culture and the main population who usually
have much more pragmatic demands. For instance, elites tend to be, in general, very favorable to teaching minority languages as an important component of identity. However surveys in the field reveals often that parents want mostly children to learn what can be useful on the labor market and have often more doubt about the value of teaching mother tongue at school. It is often a matter of explanation, outreach and dialogue but policy makers should not imagine that a cultural group is homogenous and that the urban elites are always in tune with all members of the group.

There is, for instance, a raging debate going on desegregation of schools serving Roma children in Eastern Europe. Many of the Roma elites are strongly against segregation in what ever form. This is very understandable, in the past segregation of Roma in specific schools has constantly meant very poor quality education provided in Roma schools, and Roma being pushed into schools for mentally handicapped children. However today, some NGOs are running Roma schools with good quality education and schools that are well integrated in the local community. Sometime, segregation when there is a real effort on keeping quality can have the advantage of avoiding in-school discrimination and having school closer to Roma settlements and therefore lower the cost of access. It is also easier to adapt the school to specific habits and customs important for the community as the case of Maori schools have shown in New Zealand. Overall there is a very strong argument to stop segregation of schools but practically desegregation is complex. At the local level some parents prefer segregated school than no school at all and their children being discriminated against in the classroom.

Another issue is the political opportunities that recognition of cultural diversity can open for the elites of a minority. This is not always negative, but in political systems that tend to encourage nepotism and corruption it can have negative impact for the members of a cultural minority. We have discussed earlier how the PRI in Mexico used the local governance system in Indian communities that supported designation of local authority through consensus inside a community to create allegiance from local political elite among Indigenous population. This has allowed some local politician to enrich themselves and access networks of support and favors, with often very little benefits in terms of development of the local population. Here a solid analysis of the politics of cultural diversity at the local level is important before engaging in implementation or cultural diversity programs; this is particularly true with customary law and local governance systems.
4. Multi-sectoral approaches are essential

It is essential to see the issue of recognizing cultural diversity as multisectoral. Supporting languages in mother tongue does not make sense if the children will never use this language outside of the narrow family circles. Recognizing customary law but not the language in which the law is expressed and applied is also not a wise strategy. Requesting health workers to speak a local language if this it is not taught at school does not make sense. So recognizing cultural diversity usually requires working on a package of services.

The complexity comes from the fact that, to be effective, each sector needs also to integrate its cultural diversity programs in overall sectoral policies. Teaching language and history, geography and arts of a specific cultural group should be part of the education reforms, recognizing elements of customary law should be part of the broader legal reform and recognizing local governance system should be part of decentralization policies. Somehow all these policies and programs need to be coordinated so that they work together and for the benefit of the local population. This is not easy, as some sectors, for a variety of reasons, might be ready to move faster than others or some might find much more resistance than others. Often, policies and programs aiming at the recognition of cultural diversity and cultural identity are designed in a piecemeal fashion. When policies have been effective they have usually been multicultural and coordinated at the highest level of government. Policies for Maori integration in New Zealand, for instance, has been based on multi-sectoral approaches dealing with education, health, labor market, justice, local governance, provision of basic services and culture was an integral part of the whole process. The peace accords in Guatemala have for the first time, allowed a discussion of the question of Guatemalan indigenous population as a whole, integrating practically all sectors of concern even if some have been much more contentious than others.93

5. Importance of a clear national framework

Engaging actions at the local level even if a clear policy framework is not in place at the national level might be important to start demonstrative pilots and provide examples of effective actions at the local level. This provides a basis to start a dialogue on the issues of cultural diversity. However, the impact of these actions will always remain very limited, unless countries adopt an adapted policy framework and legal framework that would provide legitimacy for these actions and programs. Such a framework will indicate the central government commitment but

---

93 Rivera, Oscar A. López, Grisales, Ricardo ibid
also provide a framework for coordination with sectoral policies. NGOs and private institutions often support programs for cultural identities and cultural diversity, schools for minorities outside of the main system where children learn their own language, provision of cultural services etc... But experience shows that their effectiveness is limited and their sustainability is questionable unless there is some national framework and national recognition of the value of this process.

This is the reason why many international organizations and in particular the United Nations, the Council of Europe and more recently the OAS (Organization of American States) have pushed treaties and international legislation in this area. As we saw earlier, these create an incentive for countries to adopt a national framework for multicultural policies. Very often introducing recognition of cultural diversity in the framework of basic services would require some quite fundamental changes in the law. Many countries have changed or adapted their constitutions to make room for recognizing cultural diversity. Recognizing customary law, introducing teaching of local languages in public education, recognizing local governance systems often requires important modification in legal frameworks which in some case change the nature of the state itself, moving from a cultural unitary state to the recognition that a state is composed of a variety of different cultures. This can create serious debate as some see some level of cultural homogeneity as the essence of the nation state principles. France, for instance, sees recognition of cultural diversity in the public sphere a threat to the Republican principle of equality.

Romania, under the pressure of the European Union and the Council of Europe, has launched, since 1989, a process for establishing a national framework to recognize cultural diversity in the country. In various official documents the following directions for government action have been stressed: (1) contribute to the development of ethnic, cultural, religious and linguistic identity (2) fight discrimination and promote tolerance, (3) stress cultural diversity values, (4) stimulate interethnic dialogue, (5) eliminate any form of extremism, chauvinism, and anti-Semitism, (6) improve the situation of Roma population and continue the implementation of policies aimed at reducing social exclusion. The governments have been working on an overall legal framework to effectively support national minority institutions, a law to ensure that Romania is in line with the European Chart on regional and minority languages. It is also working on creating a legal framework regarding the use of local language in decentralized state
The legal framework is one thing but national institution will also in most cases need change. Some countries have created Ministries to oversee issues with their minorities or state secretariat. Hungary has a state Secretary for Minority Issues; New Zealand has a Ministry for Maori Development. These Ministries have a coordinating function, when they try to implement policies which are under the mandate of another sectoral Ministry, it often results in failure. Sectoral issues related to recognition of cultural diversity seem to be best managed under the responsibilities of the relevant sectoral Ministries. On the other hand they can be effective at developing multisectoral programs that feel the void left by different sectoral policies. They are also often better placed to set-up participatory frameworks and interact with civil society and associations involved with minority issues than sectoral Ministries. Some countries have set-up permanent commissions to provide an overall vision to the design of multicultural policies, like the peace and reconciliation commission in Guatemala. These multicultural structures work best when they also have a capacity to monitor and assess the impact of policies on beneficiaries and can report rapidly problems to the central government.

6. Clarity in decentralization framework supports better policies of cultural diversity.

It is generally admitted that policies for cultural diversity are better implemented in countries with some degree of decentralization. This is because it is easier to adapt service delivery and institutions to the various communities making one nation under a decentralized framework. It does not mean that a central government has no role to play. On the opposite, the experience shows also that it is often at the local level that stereotypes, stigma and discrimination can be the stronger and without a strong push from central government decentralization alone might be insufficient to support cultural diversity. The fight against discrimination of lower castes and scheduled tribes in India was initiated and pushed through with a major involvement from the central government, especially through civil service employment and rules on political representation in national assemblies. This was necessary before region could effectively follow-up with actual local projects dealing with access to services.

Many of the classical problems with decentralization, such as the lack of clear separation of responsibilities between various levels of governments, the tendency to push problems down to the local government without providing the financial and institutional means to resolve them,
or the lack of local capacity in municipal management are also important issues for making services more responsive to cultural diversity. Frequently the lack of clear understanding of what is needed, the absence of institutional support in the form of advice, training, guidelines and financial support creates major bottleneck in the implementation of multicultural policies and programs at the local level. Central governments tend to push responsibilities for the detailed implementation of multicultural programs on to local governments. This is usually done with inadequate financial means and capacity building and very little communication. In this process the institutional development needs of local level organizations are in most cases largely underestimated. The Guatemala World Bank Public Expenditure Review mentions that decentralization has allowed gain in adapting services to variations in local needs, tastes and cultural traditions however it also lead in increased inequality in the quality of public services because poorer jurisdictions, lack the institutional capacity and financial resources to effectively manage new responsibilities.95

Another problem can often be the lack of clear political will to implement national multicultural policies at the local level, in particular when these aim at changing the balance of power inside communities. When various communities leave on the same territory and under the responsibilities of the same municipal or regional authority some groups might strongly resist recognizing cultural specificity of other minority groups in the same public space. Many policies for Roma integration are actually blocked at the local level.

7. Involving concerned socio-cultural groups in framing the approach and outreach

Participatory processes are essential to the introduction of programs and policies supporting cultural diversity. This is best practice for the design of any programs and policies, but in the case of multicultural policies it is even more important because it touches directly societal norms, values, local power structures and influences the relations between the individual and the group. It is essential to ensure that there is commitment and support for changes, that groups that might be negatively affected can also be compensated, that issues with implementation can be foreseen and that adequate technical support and institution building are introduced in the program.

Participation is usually required at various levels of governments and with different groups. At national level, a dialogue needs to be established with political representatives of

various groups, national NGOs and associations representing the interest of minorities and with representatives of minorities themselves. In countries that have actually institutionalized national representation of minority groups this is easier because forum to discuss policies already exist. At the local level participatory processes needs to be introduced with actual communities, NGOs and local governments. Countries that have developed a framework for multicultural policies usually also have set-up mechanisms for participation and consultation at the national level. The Romanian constitution, for example, recognizes the right of political representation of ethnic minorities in parliament. In New Zealand a quota of seat is reserved for Maori representation. Many countries, however, do not have these provisions and consultations at the political level need to take place with associations, NGOs and other civil society organization representing the interest of cultural groups.

Many cultures give a very strong importance to community consultation and to reaching consensus among the community on any issues concerning collective interests. The idea that a majority opinion will prevail on a minority is foreign to governance structure of many communities. Consensus is often seen as the only way to ensure that people will actually continue to live together on good terms. The issue with using traditional participatory mechanisms is that all members of the communities do not have the same weight in the process of reaching a consensus. Often, but not always, older men tend to be the one speaking or the one that publicly express an opinion that matters. Women and youth tend to be excluded. Of course there are many exceptions and some mechanisms actually provide voices to these groups. Many traditional consultative mechanisms can be used for discussing programs or policies to support multiculturalism but it is also important to ensure that women, youth and other sub-groups marginalized in public life are not excluded from giving their opinion and this might require whether to use institution where they have a voice such as womens’ societies or youth societies or ensure that the community council open up to opinion of women and other excluded groups. In many cases some new focus group will have to be set up to assess the views of the more marginalized groups.

8. Balancing citizen’s rights and cultural rights

The design of programs and policies nurturing cultural diversity requires a careful balancing act between protecting individual human rights and recognizing cultural collective rights. Typically every society will have a hard core of individual rights that the society at large
would consider as essential for all and there should be an agreement that these cannot be challenged. Acts involving physical violence or creating strong barriers to access to services such as health care, education, and access to clean water cannot be accepted in “liberal” societies without jeopardizing the essence of what this society is. A number of approaches can be followed to achieve this aim. First the participatory process and social assessments mentioned above should identify the areas where recognition of cultural rights could be a major barrier to access of individual rights for some members of the communities. Participatory processes should also be engaged to assess how much people are willing to accept these trade-offs when they exist. For instance, if customary law recognizes corporal punishment their might be ways to change it to other forms of punishment without compromising some of the positive impact of the law and respecting some fundamental human rights.

Some mechanisms by which people choose between these various rights are useful when the pressure for community requirements is too strong or too heavy on individuals. Allowing individuals to choose under what system they want to be judged is in practice very difficult to achieve as the case of the collective duties in local communities in Mexico reveals. In principle in a liberal society some hierarchy should prevail in the rights and obligations by which no one should be forced to adopt or follow a certain culture if not willing to. Cultural rights make sense as rights not as obligations, but at the same time community oriented rights call on duties and obligations going together with protection and support. It is not possible to enjoy one without accessing the other. This inherent contradiction between some cultural rights (not all) and human rights require that members accept what they have to give up in individual freedom to be able to benefit from the comfort of group cohesion. The process should take place with clear information on the choices available and what are the consequences of these choices. This is easier said than done and the free circulation of information to all individuals might not be acceptable in some culture.

Choice might also not be always possible. With language it is quite easy: Parents of children from some group might not want their children to be taught in the language of their community and opt for learning in the majority language, this should be relatively simple to manage. However, in a system of customary ownership of land it is difficult for people to opt out individually and claim for individual ownership of land when the rest of the community has collective ownership. When someone lives in a community managed through traditional
governance based on voluntary duties, the person will have to move somewhere else if she or he
does not accept these duties.

Recognizing cultural rights for some groups requires a careful balancing act and involves
negotiations and understanding. It is not sufficient to recognize traditional practices and have
them apply in parallel with the laws and institutions of a liberal state. Bridges need to be built.
Fine tuning to avoid conflict and marginalization of some groups in society will often be needed
and experience shows that it is feasible and that many culture actually integrate such flexibility.
The situation is becoming difficult when people see legal and institutional systems as provided to
mankind by some force situated above human intendment and therefore banning human beings
from modifying or adapting these. These fundamentalist views of culture are often at the source
of violent conflicts or complete marginalization of some group. The marginalization is not
always an issue and the example of the Amish in the United States shows that a group can live in
relative isolation of mainstreamed society without creating conflicts.

9. Understanding cost and efficiency trade offs

Another major issue is the cost of recognizing cultural diversity in service delivery
especially for poor countries. The cost is often non-negligible especially when it requires training
and capacity building. However what should be assessed first is the cost effectiveness.

The effectiveness of introducing policies and programs to support cultural diversity is
very difficult to assess. The impact on agency and cohesion, among the main benefits can only
be assessed in the long term, measuring collective agency and cohesion is very difficult because
it can be very subjective many are at play intervenes such as the health of the economy, the level
of political support for the measures, the pressure of external actors, all can change the impact
and the effectiveness of policies and programs supporting cultural diversity. So it is very difficult
to assess.

Introducing policies and programs supporting cultural diversities often requires changes
in institutions that require long term investments in outreach, communication, capacity building
and monitoring all which are expensive and often underestimated by government or development
organizations. Communication strategies are usually essential, not only with the intended
beneficiaries, but also with other members of society so that they understand why special
measures are taken for some sections of the population. When value change is involved,
communication has an extremely important role to play. Outreach is also important to ensure full
participation of the concerned individuals. Capacity building and training is very often required for the implementers of the new programs. Introducing a new curriculum in a classroom for instance will require training of teachers, training of facilitators and training of the school management so that it understands how to present the new curriculum, how to avoid stigmatization and how to avoid segregation inside the school. In Bulgaria, as early as 1992 the right to be taught in its mother tongue was recognized. In 1999 an other law, more specific, required that local language be taught at primary and secondary level if requested by sufficient number of students, but in practice local governments had no additional financing to do this and also had no control on the design of curriculum that were the prerogative of the central level96.

Because of these institutional change requirements investments costs can be high but many of these costs are actually upfront cost and decrease after a few years. On the other side multiculturalism can save many costs. The Human development report of 2004 cites a study of human rights watch on bilingual education in Guatemala. The study estimates that there would be US$ 5 million cost savings from introducing bilingual education, thanks to reduction of repetition, savings equal to the cost of providing primary education to 100,000 students a year. When a justice system works the cost of security usually very high will be reduced.

But the introduction of some policies might not represent such high cost, especially when governments recognize practices that exist already or provide a space for community funded and organized initiative like in the case of cultural services. So, good analysis of cost should come also with a good analysis of cost savings and an assessment of the material and non material benefits that the population will get from these programs.

10. Policies to support cultural diversity require long-term investments and a long-term strategy.

“We may assert that “ethnic problems” are not solved in some permanent way. Rather, over time, policy choices will face the necessity of periodic re-adaptation97.” Cultural identity and recognition of cultural practices should not be seen as “one shot” measures. It needs to be nurtured and adapted. New needs might emerge and corrective measures will be needed. So whatever is done should be done with a long-term objective and with room for adaptation and correction along the way. Introducing local languages in the curriculum and adapting the

97 Young, Crawford, Ibid
curriculum to learn a minority culture seems pretty straightforward but all examples reviewed showed that it requires massive fine tuning along the way, capacity building, institutional development, communication. Paradoxically it also requires support to cultural changes as the concerned minority culture should “adapt” to becoming official and becoming recognized and the majority culture should “adapt” to having another culture being recognize officially. In most cases, mechanisms to manage conflicts and ensure adaptation of the programs and policies need to be set-up.

Supporting cultural diversity requires also investments with long-term goals. Having doctors from a minority group who can practice in the local language and understand the local medical practices require sustained long term investments. Having enough teachers from a minority group to teach in the local language require important investments in teachers training and incentives to have minority students move in these social sectors. Getting judges adequately trained to understand how to handle customary law and to assess cases that deal with customs like witchcraft in Africa will require not only introducing this topic at university but also having a good understanding of the philosophy, religion and history of the culture of the groups that have shaped the law in a certain way.

Policy makers need to be ready to adapt to the fact that the demand for recognizing cultural practices can vary over time. Demand for studying in a minority language can suddenly increase due to external events. In the same way, it can decrease, and it is very difficult to forecast the intensity of the demand for cultural practices. An analysis of banana plantations in the British Cameroon before independence established a correlation between the price of bananas on the international market and the prevalence of a local belief related to witchcraft. According to this belief, workers on plantations were kidnapped by spirits, under a spell, to work as slaves on the Mount Cameroon. This belief tended to appear when the labor market on the plantation was strained by the low prices of bananas on international markets and disappear when the needs for local labor was strong. This does not mean that the relation between people and their culture is erratic but that external situation can influence the demand for culture and in time of crisis and hardship culture is often a way to find some anchoring and comfort.

---

98 Marc, Alexandre, (19820) Economic Policies in the Camerouns, 1914-1960. The information came from the report from the British government to the United Nations under the trusteeship agreement
11. Collecting information, measuring and providing feedback

Measurement and assessment of the impact of policies and programs supporting cultural diversity is still very limited. In the field of education, there is more analysis than in other sectors but they focus mostly on the impact of introducing local languages and teaching in mother tongue. Overall the findings of these assessments are positive with the caveat that investments in training and institution building are often underestimated and the quality of teaching remain a real issue for languages that are very specific or marginalized. In health care, WHO has conduct some solid case studies on impact of traditional medicine and on making health services adapted to the cultural context but they still remain limited to a few region. In the field of customary law and local governance as well as cultural services assessments are extremely limited and consist mostly of descriptive case studies. Many assessments are not comparable and based on individual small communities.

Therefore, assessing the impact of policies and programs on overall sectoral outcomes, social cohesion and social inclusion is essential. Collecting best practices and understanding better political economy and institutional issues in this area would be very important in order to move forward. This, however, poses a number of important challenges. Looking at outcomes is easier for education and health care, much less for customary law, local governance, and cultural services. Moving to cost effectiveness analysis is even more difficult. Cost can vary a lot depending on whether the concerned population is poor or not, on its level of integration in mainstream society, on the capacity and institutional development of the local civil society etc…Teaching mother tongue to Hungarian minorities in Romania does not have the same cost implication than teaching in Roma. There are many teachers of Hungarian descent, Hungary already has textbooks and methodologies available free of charge to the local Hungarian communities in other countries. Teaching Roma language require to train teachers, to publish textbooks, to define pedagogical methods, to carry out communication campaign to parents so that they understand the benefits for their children, to devise strategies to avoid discrimination of children who study Roma language in the school etc…

Having doctors of Mayan origin working in Mayan areas in Mexico is comparatively much more difficult and costly than having Maori doctors in Maori areas in New Zealand. New Zealand has now many Maori doctors and living conditions in Maori areas are sufficiently good to attract many of them. Mexico has very few Mayan doctors. Training them has a long term cost
and creating the basic infrastructure to make it attractive in Mayan areas is also an issue. So it is very difficult to carry out any inter country comparison of cost effectiveness because the initial conditions can be so different.

Also the politics have a very important impact on cost efficiency. An initial opposition to recognizing some cultural practices among the majority population for example can change totally the cost for introducing some programs or policies. This is not very different than for any project, but in the case of cultural issues it can get much more politicized because it is directly linked to issues of identities. The first item in the agenda should be to carry analysis in countries that have tried to implement multicultural policies and programs for a relatively long period of time such as Mexico, Guatemala, and Bolivia in Latin America; Romania, Hungary or Bulgaria in Eastern Europe; South Africa, Uganda and Ghana in Africa; Malaysia, Philippines and Thailand or Vietnam in Asia. New Zealand, Australia, Papua New Guinea and many of the smaller pacific islands in Oceania and assess on a sample of communities the impacts of policies and programs. Such an analysis should combine political and institutional analysis with outcomes measurement where ever it is possible and using control groups in communities where such policies have not been introduced. Such a more comprehensive analysis would allow a much better understanding of the practical issues with implementation of multicultural policies. Sectoral analysis should also be increased in the field of education, health care, customary law and customary dispute resolution problems.
Conclusion

Policies and programs aiming at supporting cultural diversity have acquired a new visibility in the international arena over the last 15 years. With the end of the Cold War and the perceived threat of a new global society that could homogenize the world, culture is increasingly important for identity formation throughout the world. Also, there is increasing evidence that recognizing some level of cultural diversity in countries can reduce conflicts and increase collective agency. Recognizing cultural diversity and fighting poverty are complementary activities: Inequality in the world is still strongly correlated with ethnic and cultural differences, and it is now quite clear that reducing world inequalities also requires recognition of cultural differences and the dynamics of interactions between different socio-cultural groups within societies.

The growing demand for recognition of cultural diversity raises a number of important issues for the nation state. In many cases, it requires the need to revisit the principle of social integration through homogenous citizenship with similar rights and obligations for all. This equalitarian principle has been one of the pillars, with some variation, of the European nation state, since the French and American Revolutions at the end of the 18\textsuperscript{th} century. International recognition of the importance of policies dealing with cultural diversity is moving faster than the actual implementation of such policies in numerous countries. It is driven by the United Nations System, the Counsel of Europe, the Organization of American States, human rights organizations and other multilateral institutions.

A very important component of multicultural policies is the adaptation of basic services to the various cultural practices and values of different social groups. Cultural diversity in policies and programs needs to be anchored into local realities, and for many people these local realities are the school, the health center, the local government and its administrative organization, the police station, the public hall and the festivals. All these services are actually important for identity building and for collective agency. But adapting services to the cultural reality of various groups has to be done with the overall objective of improving social cohesion and integration.

Experiments in the design of policies supporting cultural diversity have been going on in many countries and some early evidence indicates that these policies can have very positive impacts. Other experiments, because of lack of means or lack of attention to the impacts on some
part of the community, have been less positive or have contributed to the exclusion of some social groups, such as women in the case, for example, of some customary law on land ownership regimes. However, given that today there is a strong demand and support for the recognition of cultural rights, some countries do not have much choice than to adapt to these trends. This is the case in particular for the candidates to European Union accession.

Nevertheless, there is a lack of in-depth analysis of the overall experiences with such cultural diversity policies and their long-term social impacts because many experiences are relatively new. Quantitative assessments are usually limited to the field of bilingual education and language learning in the mother tongue. In other areas, most of the assessments are still qualitative or quantitative but on relatively small and limited samples. So probably the most important response of the international community would be to conduct systematic assessments and analyses of policies and programs supporting cultural diversity in the delivery of services.

In terms of understanding the impacts of such policies, education is ahead of other services. Broad evidence demonstrates that integrating curriculum in local languages and incorporating various cultures in curriculum materials on history, geography and art works reduces tensions, helps with social integration, with improving the cognitive performance of children and overall educational outcomes. However, this is only the case when all accompanying measures of teacher training, capacity building and communication are in place. Some evidence also indicates that recognizing cultural practices in health care has also had positive impacts on the health status of ethnically diverse populations. The experience with local governance systems and recognition of customary law is also important to reduce conflict, but raises many issues about protecting some individual rights and supporting broad-based participation. Much more analysis is needed, as well as the collection and description of best practices.

Although it looks like the outcomes of efforts to recognize cultural diversity in the delivery of some services are positive, some real challenges are also becoming obvious: A major one is how to balance the aspirations for a collective identity with related duties and responsibilities toward the community which are often embedded in the culture and the aspirations for freedom, individual achievement and choice. Another challenge is for governments to avoid a piecemeal approach to the promotion of cultural diversity and to be able to meet the additional requirements of capacity-building and institutional development.
Measuring and assessing the impacts of taking into account cultural factors on outcomes is also complex, especially in comparing impacts across various countries and situations.

It appears quite clearly that what is important is not to dictate, in a top-down fashion, how a service should be organized to integrate specific cultural practices, but to open a space where the hybridization between local cultures and a more universal national culture can happen without violent conflict. In this process, respecting the diversity and often the contradictions in human aspirations is essential. Recognizing local cultures in public policies and service delivery is also a continuing process and not a specific action at a single point in time.

It is important to accept the position that the idea of a citizen strongly integrated into a nation state and adopting a homogeneous central culture is rapidly losing its legitimacy under the pressure of globalization. Refusing to admit these changes can only delay the process of integration and reduce social cohesion. Admitting cultural differences as long as some core central values can be respected would help people to find a meaningful identity in a period where change is becoming more a source of anxiety than opportunity in many parts of the world. Policies for recognition of cultural diversity should accompany the transformation of the nation state under pressure to globalize. They are part of the social response to globalization and it should therefore be integrated into new social policies. This requires seriously and urgently looking at the many challenges it poses.
References


Andreeescu, Viviana, 2005, Cultural Diversity and service delivery, (Case study for Romania) Unpublished


Cardona, Ricardo Grisales 2005 Diversidad Cultural Y Gobernabilidad, (Case Study for Guatemala) unpublished


Deshingar, Priya and Grimm, Sven, 2005 International Organization of Migration, Research Series N0 19, Geneva


Foucault, Michél, «Les Mots et Les Choses»

Garkawe, Sam. 1995. The Impact of the doctrine of cultural relativism on the Australian Legal System Murdoch University Electronic Journal of law


Guwardena, D and Van de Walle, D. Viet Nam Poverty Analysis, 2002, Center for International Economics, Canberra,


Hall, Gillette and Patrinos Harry. 2005 “Indigenous Peoples, Poverty and Human Development


Hirschman, Albert O. 1970, “Exit, Voice and Loyalty, Responses to decline in Firms, Organizations and States”


King, Linda and Schielmann  2004 The challenge of indigenous education: Practice and Perspectives, UNESCO, Paris


Ministerio de Salud Publica y Assistencia Social (2004) Programs Nacionale Medicina Popular,

Ministry for the Arts, Cultural Planning Guidelines for local government, Australia


Morales, Lourdes. 2005. Practicas Electorales en Totontepec Villa de Morelos (not published)


Prades, Jose A. “Durkheim” Paris, Que Sais Je,

Recondo, David. 2004. From Acclamation to Secret Ballot: The Hybridization of Voting Procedures in Mexican-Indian Communities


Roy, Olivier. «Islam Mondialisé »


Thual, Francois. 1995 Les Conflits identitaires, Editions Elipses, Paris


Touraine, Alain 2005. « Un nouveau Paradigme pour comprendre le monde d’aujourd’hui », Fayard, Paris


Webster, Yehudi O. 1997 Against the multicultural Agenda: A critical Thinking Alternative. Prager Publisher Westport


Annex 1
What is Cultural Identity?

This is a complex concept, meaning quite different things to different people. The concept of identity belongs mainly to the fields of psychology and sociology, and describes a sense of being and belonging among human beings that is essential to manage interactions with others. The concept of culture, usually used by anthropologist, is more often applied to communities or societies; in other words to the “collective” dimension of human beings. Cultural identity is at the intersection between a psychological and a social construct.

The sociological and psychological literature tells us that identity is a central constitutive element of the psychology of a human being. It is identity that provides the feeling that one is an agent of his/her own development and is both an individual human being with a very unique existence and an integral part of a collective or societal body. The concept has therefore a strong “existential” meaning and is central to agency, the ability to act in society and especially to be the actor of one’s own life. Without an identity or with a weak identity people cannot operate normally in society. George Mead, one of the fathers of social psychology, describes identity as the integration of social norms expressed in the “self” and the spontaneous and personal expressed in the term “I.” Identity therefore varies according to various societies and cultures depending on the room left for individual autonomy. Modernity is sometimes described as the evolution of people’s identity from collective and group based to more individual and autonomous (Edgar Morin).

There are different constitutive elements of identity. The first is linked to a sense of being in existence, which in turns provides the feeling that life is worth living. The famous psychiatrist Eric Erikson describes in his book *Identity, Youth and Crisis* (Erikson, 1968) “something that takes possession of you as a feeling of recognition would.” This is the primordial identity, the type of existential experience also described by philosophers such as Jean Paul Sartre and Albert Camus.

But identity is also linked to a sense of sameness and differentiation. This is the important collective dimension of identity. Human beings reinforce their sense of being through identification to some and differentiation to others. The individual human being in society needs to look for similarities and differences with the “other. This means that identity can not exist without a consciousness of the other and the vision that the other has of one self (Levinas). The
sense of being can be understood by the “me” and the “you”, meaning by ones recognition of the “other” and ones recognition by the “other” (Ricoeur, Goffman). Therefore, recognition is an essential ingredient in the feeling of being a personal and social being. And people need to adopt the characteristics that would allow them to be accepted by others and to have a sense of sameness as well as a sense of difference.

The way identity is being built varies according to different societies. In some societies, where the individual has very little autonomy, the group identity is actually what is important to preserve. The collective (expressed through many rituals and rigid sets of rules) tends to dictate to the individual his or her identity and therefore the similarities and differences with other members of the same group. In societies that value more autonomy for the person, like Western societies, the individual has more choices in establishing his or her identity independently from the norms established by the group. However, the other side of the coin is an increased anxiety and strong existential fear of being the one deciding one’s identity which is often considered one of the fragility of the human being in modern societies.

There is a strong age group aspect to identity formation (Erikson, Lipiansky, L’Ecuyer). Human beings relate to their identities in different ways, depending upon their age group. At the very early stage, the child experiences essentially a sense of being that is not differentiated from the surrounding world, which we can qualify as existential. This sense of being is strongly embedded in the child’s physical and emotional relation with his or her mother; and. this is central to the development of the psychology of the child. Then, a feeling of differentiation with the surrounding starts to appear at a very early age (between 1 and 3 years old). The child starts to establish relations with his or her father and other members of his or her family and the group. It is the stage of separation between the world and the “I” and a state of consciousness of existing as a different being from the rest of the world during this stage the child starts to assume various identities in particular of a sexual nature.

Between 3 and 7 years old, the child starts to be able to recognize multiple identities and to become conscious of various social roles and integrate a sense of belonging to various groups. This is the stage when culture becomes directly influential. Adolescence is the stage of very strong collective identification, where the young person is leaving a system of reference still very much linked to his close ones, family and others, to assume a social autonomy independently from his family. This is, today, lived in many cases as a crisis. Adolescence is recognized in all
cultures as a central life stage where the individual acquires his or her autonomy. In many traditions this period is highly ritualized through the “rite de passage.” Identity changes also during adult life but is in a less dramatic fashion than during youth and adolescence.

Identity formation is situated at the junction of the reality and the imaginary. Each individual and each group are part of a tangible reality, physical, institutional and cultural. But this reality is structured and plays as an identity through a mental construct built as a synthesis between individual and collective imagery (Levy-Strauss). For instance, a flag is a piece of textile but it creates a sense of national identity; and, it is what the flag evokes in someone which is important for identity. The mental representation constitutes an interpretative framework for the individual which will dictate and justify his or her actions in society and will define the ethical framework that justifies these actions.

Collective identity is very important both in cultures that promote individual autonomy and that promote group cohesion. Collective identity has many very positive elements in creating group cohesion, supporting internal solidarity, creating internal rule of the game which helps transactions but it can also be a source of conservatism, maintain cultural barriers hindering the progress of the group as a whole and be the source of violent conflict between groups. However, it is neither negative nor positive. It is a societal characteristic that requires acknowledgment rather than judgment.