



Sector-Wide Impact Assessment

Human Rights and Business Fact Sheet

Cultural Issues



This factsheet was compiled for the use of the Myanmar Centre for Responsible Business (MCRB) sector-wide impact assessment (SWIA) research teams, but may be of wider use in understanding the human rights risks involved in particular business issues. For more information on MCRB's SWIAs, please see www.mcrb.org.mm

Short Summary of the Human Rights Issue

Taking part in cultural life is a human right. It is of relevance for all people and communities. It is often raised in relation to indigenous peoples and ethnic minorities and their rights to preserve, protect and develop traditional knowledge systems and cultures. Certain territories may have essential value in terms of cultural and natural heritage. Cultural and natural heritage includes sites that have architectural, archaeological (meaning prehistoric people/cultures) or paleontological (meaning fossil animals and plants), artistic, historical and unique natural environmental features that embody cultural values and hold particular historical, spiritual and religious, anthropological, aesthetic, artistic or scientific values. As certainly is the case in Myanmar, cultural heritage may have significant value to the local community and users of the cultural heritage, and to the wider world because of its unique history, spiritual and religious value as well as artistic and scientific value.

It is tied to the rights to benefit from scientific progress, and material and moral rights for authors and inventors. This also includes traditional knowledge and practices. Companies should not commercialise (sell, sell access to) traditional knowledge or practices without agreeing with the community on permission to do so and how any benefits (money or otherwise) will be shared with the community. Governments should take steps to conserve, develop and disseminate science and culture.

There are a number of different human rights issues involved in Cultural Issues:

- **Traditional knowledge and practices**
- **Right to self determination**
- **Freedom of thought, conscience and religion**
- **Freedom of expression**
- **Right to health**
- **Right to education**
- **Freedom of movement**

Why this is Relevant to Local and International companies Operations

Prior to initiating business operations in a community, companies must investigate the potential impacts on cultural life of their operations. If the land appears to be culturally significant or sacred to the local population, the company must allow reasonable access to the place of significance or reconsider its operations in that area. Certain plots of land may hold religious, spiritual or cultural significance to the local community and may be used for a variety of cultural practices, such as religious rites, burial grounds and other forms of spiritual expression. Company operations located on or near these special lands may interfere with the local peoples' rights to observe particular religious and cultural traditions and obligations, and the company must ensure that its presence does not repress the local cultural life and/or result in the displacement of local cultural traditions and activities. The company must also refrain from disrupting the religious, spiritual and expressive conduct of local communities and individuals. Such activities include for example avoiding the use of noisy and disruptive machinery during religious and spiritual ceremonies and refraining from blocking access to ceremonial sites or inlets on sacred days of worship.

There are many cultural issues, particularly in relation to indigenous peoples (see separate fact sheet), that will be of relevance to Myanmar's Oil & Gas sector. Cultural issues are also particularly important issue with regard to Myanmar's tourism sector. Two key issues of concern are the potential for large tracts of land to be acquired (see separate fact sheet), and the exacerbation of

tensions and conflict. Myanmar is becoming one of the most sought after destinations for tourists globally, and to meet the expected growth of the sector current infrastructure will need to be expanded. Moreover, heavy influxes of tourists of all cultures, religions and nationalities could come as a shock to many Myanmar people after decades of international isolation, which could have an impact on the cultural practices of communities. In-migration of people from other areas within Myanmar may also impact on local cultural practices (see factsheet on In-migration). Most Myanmar people live without electricity and basic services, in contrast to the services that international tourists are likely to expect in cultural destinations in Myanmar.

It is relevant to ask about Social/Cultural Issues in order to establish whether:

- use of land by a company that is culturally significant to the local community has harmed their cultural practices.
- as part of its impact assessment (prior to beginning activities), the company consulted with the local community to assess whether its operations may impact on their cultural life and local cultural traditions and activities.
- the company sought to identify a solution with the community.
- the company provides for access by affected communities and individuals to company land that has religious, spiritual and cultural significance to them.
- Personnel responsible for limiting access to company land, such as security guards, are trained to allow entry to the land to persons who need to access sites of religious, spiritual and cultural significance.
- Communities feel that the presence of the company has changed their values, cultural traditions and customs.
- Communities feel that companies have taken their cultural heritage and sold it without agreeing with the community or providing benefits.

Human Rights References

- Right to participate in cultural life, Article 27, UDHR and Article 15, International Covenant on Economic, Social and Cultural Rights.