

QUESTIONNAIRE ON CULTURAL RIGHTS AND CLIMATE CHANGE

Negative impacts of climate change on culture and cultural rights

Maldivian Context

Cultural rights in the Maldives has not been a well-documented or explored aspect of human rights in the Maldives. In discussing cultural heritage, particularly enjoyment of cultural rights in Maldives one needs to distinguish between tangible and intangible heritage. The core idea of what it means to be Maldivian is entwined within both religion and culture. But this definition is a more state-imposed definition that is enforced through years of political rhetoric. There is a conspicuous absence of an actual cultural identity that is defined and accepted by the people of Maldives. The social and political dichotomy between the pre and post Islamic history of Maldives has played a crucial role in how the Maldives has defined cultural rights in the country. Despite a strong and rich pre-Islamic history, the political realities after the conversion and the fact that religion has since been used as a tool for the consolidation of political power, has led to the state consistently undermining the pre-Islamic history and heritage. Although several pre-Islamic heritage sites survive to this day, they are either in the form of giant ruins or foundations half buried underground. There have been documented incidences of deliberate destruction of pre-Islamic heritage sites including the destruction of almost the entire pre-Islamic display at the National Museum in 2012. To this day the perpetrators remain at large despite CCTV footage of them committing the crime. There has always been a difficulty in preserving the heritage of the pre-Islamic period and that has become more challenging as radical and violent extremism intensifies in the country. As for the intangible heritage of Maldives, up until the mid late 20th century, remnants of practices that belonged to the pre-Islamic period were embedded into the Maldivian culture and social identity. These included naming ceremonies, offerings to specific shrines, special ceremonies in celebrating death anniversaries etc which have all but stopped because they are deemed incompatible to Islam. The inability to properly enjoy cultural rights in the country today stems from a combination of factors that have been galvanized by the political decisions practiced in the past and the choice to not divert from than today.

Within that context if we then assess the impact of climate change on the cultural heritage of the country, pre-Islamic heritage sites bear the brunt of climate change as they have continuously been ignored and their conservation undermined. However, it is not to undermine the fact that heritage in general has been given little importance in the country and even significant post-Islamic heritage sites have been left open to the increasing impact of climate change. Several shrines and Mosques have fallen into disrepair and the changing climate in the country have greatly affected the coral stone and wood that these structures have been constructed with. The Kaashidhoo archaeological site was the only pre-Islamic heritage site that underwent scientific conservation. Using a model practiced in Japan where part of the archaeological site is exposed for display and interpretation while the remainder of the site is buried underground for better preservation until such a time when the entire site can be conserved, the Kaashidhoo site faces pressure from the public due to the scarcity of land. With increasing erosion, the livable land in the island is becoming more scarce

and as a result there is added pressure to let people acquire land from near and within the archaeological site in Kaashidhoo.

Since the right to enjoy cultural life has not been a topic that has seen wide research or even discourse, there is little empirical evidence to show the disproportionate impact on women, people with disabilities, rural communities or youth. However, the cultural practices of the past were often headed and organized by women whereas the current trend of islamization of Maldivian culture has seen an impact on the number of women who partake in these cultural activities. More and more people are considering music, dance and mix gender celebrations to be a contravention of Islamic principles. Coupled with the increasing ideals of gender inequality, more and more women are precluded from enjoying and celebrating culture in the country. Another example where women are disproportionately impacted in enjoying culture is the stigma attached to women accessing certain sites or accessing them at certain times. For example, women and girls are almost always discouraged from entering the ancient graveyard and shrines if they are menstruating. Women and girls cannot accompany their dead relatives to the final moment of burial because of a belief that women cry too much and thus only men are allowed to carry the coffin and partake in the final rituals of the dead.

Another group of people who are precluded from enjoying or advocating for their cultural ideals are those that do not conform to the official narrative of the culture and history of the country. Maldives as a country continue to face the debilitating impact of the single-story narrative in relation to the culture, society and history. The single story of the country being homogenous in terms of culture, history, language and religion has been ignored and abandoned at best and threatened and eliminated at worst, those that do not conform to that narrative. These include human rights defenders who advocate for freedom of religion and conscience in Maldives as well as those that speak out for gender minorities and their enjoyment of fundamental human rights. There have been widespread threats, intimidation as well as actual physical attacks against those who have challenged that single-story narrative and pushed back against the ideas of homogeneity in favor of a more pluralistic and accepting society. In 1994 'The Religious Unity Act of Maldives' was passed to ensure that no ideas, arguments, discourses, researches or studies will be permitted that might impact that oneness of religion in Maldives. Three amendments, one in 2014 and two in 2016, were passed by the Parliament to make the enactment of the Act more forceful and debilitating to anyone who promoted any other ideas than those officially prescribed as congruous with Islam. This has allowed for all ideas about Islam, including those practicing violent extremist ideals, to be seen as a legitimate voice to represent the Maldivian public. It has intensified and galvanized the efforts of extremist groups in infiltrating into the Maldivian society and influencing public opinion to resist, both verbally and physically, any dissenting voices. The single story has succeeded in assuming itself as the only legitimate cultural, social and religious narrative in the country. No government has challenged this lack of pluralism since it was a crucial factor in getting them elected.

The pervasion of the single-story narrative has been aided by the fact that the intangible heritage of Maldives has not been properly documented and much of the cultural practices, folklore and documentary evidence of such practices have been all but lost. In 2008, the then National Centre for Linguistic and Historical Research,

presently known as the Ministry of Heritage, initiated a project to collect oral history and folklore. The conclusion of the project is not clear. There has been some amount of documentation of the dialects in the country which is of course an important project. However, most projects relating to heritage, culture and history that get the green light, are those that seem innocuous to the existing official cultural narrative.

There is an insistent disregard to minority cultures and beliefs. The constant focus on the oneness of the country precludes any minority cultures to ever be acknowledged or even allowed to practice. These are seen as an antithesis to the unity of the country and cultural diversity is seen as an inherent threat that needs to be normalized using official state versions of their history.

There has been some progressive historical research into the pre-Islamic period of the country including those conducted by Ms. Naseema Mohamed. It has affected change in the way people have perceived history in Maldives. Instead of history being seen as a fantastic and unbelievable parable about perfect rulers, she has humanized history to actually reflect the negative aspects of it as well. She has brought a previously unrecognized level of academia, historiography and research into the study of local history. However, what is still lacking is the history of the people. Most written and oral history only concerns the ruling class and there is an evident absence of the public. This lack of public inclusion is also reflected in the implementation of public policy and developmental programs in the country. The exclusion of the public from their own culture and history is exactly why the culture and history of the country is seen alien to the common person.

Positive potential of culture and cultural rights to enhance responses to climate change

While tourism remains the mainstay of the Maldivian economy, culture has played almost no part in the promotion of the country. The natural beauty of the pristine beaches, lagoons and oceans have always been the highlight of tourist brochures. However, in 2009, there was an attempt to promote cultural tourism as a means of diversifying the tourism industry in the country. A heritage island was to be developed in Alifu Dhaalu Hagnaameedhoo with its ancient Mosque as the centerpiece. It was also an attempt to place cultural heritage at the centre of developmental projects and thus allow for their conservation as well. Although the ad hoc nature of the policy led to a failure in the attempt, it did however highlight the value of cultural heritage and the willingness of the public to embrace it as a conduit of social, cultural and economic development. It was also an exercise in public participation and the value it added to the overall conservation of heritage. It emphasized the need for traditional knowledge and the importance of its preservation.

The most significant area where traditional knowledge is utilized is traditional medicine. Maldivians have for generations fallen back on traditional medicine, particularly for orthopedic problems. The knowledge of traditional medical practitioners has allowed for it to become a significantly profitable economic activity

for many individuals. Although one can see several traditional medicine shops springing up in the capital, the people who practice traditional medicine in the islands often do not do it for financial benefits. Many actually treat and provide medicine for people free of charge.

These aspects within culture have shown that culture through its tangible and intangible aspects provide the positive nature of culture in both development and social wealth it imparts on the people.

Need for promotion of cultural rights and protection of its defenders

Understanding the threats and intimidation faced by cultural rights defenders requires a holistic approach to defining cultural rights defenders. The preamble to these discussions earlier underscored the historic political rhetoric of creating a single story as a means of social control. The one nation, one language, one religion slogans all emphasized the negativity of pluralism and anyone who spoke out against that oneness. Two of the most noteworthy examples of human rights defenders who stood up against that single story were Ahmed Rilwan and Yameen Rasheed. Both of them spoke out for the minorities. Be it religious, sexual, national etc. They spoke out against the single cultural narrative that ignored and alienated anyone who disagreed with it. Both Rilwan and Yameen spoke truth to power. They dispelled the notion that Maldives was one hundred percent Muslim and the political statistics that tried to say so. They lobbied for the freedom of thought and conscience and vehemently spoke out against religious extremism and the politicization of religion. Rilwan was abducted and possibly murdered in August 2014 while Yameen was murdered in April 2017. Till date no one has been held accountable for either of the crimes. Investigation has revealed that both murders had extreme religious elements involved and the human rights work of Yameen and Rilwan as motives.

Recommendations

Maldives being one of the most vulnerable countries to climate change, it is considered to be the first country to go underwater if the world keeps warming at the current rate. While there is high possibility of Maldivians becoming climate refugees, the government need to do significant amount of work in promotion of cultural rights and to ensure the unique identity of the Maldivian culture is preserved for the future generations. The following recommendations are based on the current situation and aims to promote cultural rights as well as an insistence on the preservation of all cultures that form the Maldivian identity:

1. Create awareness on cultural rights and its recognition, also impact of climate change on the tangible heritage of Maldives.
2. Documentation of all tangible cultural heritage sites in order to ensure their conservation.

3. Conduct thorough interpretation plans of all heritage sites both pre and post Islamic to understand all the values attached to them. This is vital to ensure that all heritage values are respected and promoted as part of the interpretation of the sites.
4. Conduct an academic collection of folklore to understand the multiple stories that make up the collective cultural tapestry of Maldives.
5. Document and research on specific historical events that have been ignored or undermined for political reasons. These include historical events like bodu thiladhunmathi gadubadu, Dheku gadubadu / Thinadhoo havarah dhinun/
6. Document stories relating to Giraavaru people (rumoured as the indigenous settlers of Maldives) and their stories with a focus on how Climate change impacts the Cultural rights.
7. Implementation of proper legal measures to recognise the cultural sites and their protection.
8. Allocate more resources for promotion of cultural rights
9. Strengthen laws and policies to promote cultural rights and main stream them in other policies such as action plans on gender, child, person with disabilities
10. Ensure proper public participation in the promotion of culture and ascertain that multiple voices and stories are reflected in the process to ensure plurality of cultural representation. Provide more opportunities for the public to participate, especially put more effort to capture indigenous knowledge and know how in the area. This should also include special measures to reach out marginalized groups.
11. Increase transparency of the actions that the government is taking to protect and promote cultural heritage in the Maldives. This includes disclosing the number of heritage sites that have been destroyed or changed as a result of development.

12. Conduct proper heritage studies on all post and pre-Islamic heritage sites to understand and document the inherent heritage value of the sites. These studies need to be driven by public participation and a pluralistic understanding of Maldivian culture.
13. Encourage people to fight for cultural rights, by ensuring cultural rights defenders are protected by proper implementation of Whistleblower acts.
14. Ensure that the government considers cultural rights in a holistic manner to include all rights defenders advocating for pluralism and minority rights as key defenders of cultural rights.
15. Afford any and all protections prescribed in the Human Rights Defenders Declaration to all cultural rights defenders.