**Problematizing Cultural Rights: Perspectives from the Colombia-Venezuela Borderlands**

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As an anthropologist, the idea of “cultural rights” is an interesting one to me. We are, as a discipline, often the ones tasked with studying culture. In doing so, we highlight the implicit assumptions and ways of seeing the world that underline almost every aspect of our social lives but that are often unspoken and unacknowledged. We generally see our work as “making the familiar strange”—that is, putting a spotlight on the familiar, quotidian ways we live our lives and showing how what is familiar to us is actually quite strange.

Here in this piece, I take up this practice of “making the familiar strange” and apply it to cultural rights, showing the assumptions that underlie the concept. I write from my research site here at the Colombia-Venezuela border, a region that is a spout for one of the world’s largest migrant and refugee flows given the ongoing political-economic crisis in Venezuela. This border gets much less attention than, say, the border between Mexico and the United States or the Mediterranean Sea separating North Africa and Europe. However, despite the disproportionate attention received by these “eye-catchers,” most migrants and refugees in the world actually move into and reside in countries neighboring their own. In this sense, my research here in Colombia reflects the reality of global migration patterns, a point that will become important in later sections.

In what follows, I highlight two assumptions embedded in this concept of cultural rights: first, its tendency towards South-to-North migrations and having little significance in places like the Colombia-Venezuela borderland; and second, the elevation of the state as the ultimate arbitrator on and protector of cultural rights. After, drawing from my research in Colombia, I show how discourses surrounding “culture” can be weaponized to often exclude and discriminate against migrants and refugees. I then conclude by offering some final thoughts on cultural rights and our need to rework this concept to better reflect migrant and refugee experiences.

**A Bias Towards South-to-North Migrations**

Colombia and Venezuela are often considered sister countries given their extensive familial, comercial, Indigenous, gastronomic, linguistic, and other social ties. Before the ongoing crisis, Venezuela was a global economic powerhouse and many Colombians took advantage of this, migrating to Venezuela in search of better opportunities and often fleeing the violence brought about by the Colombian armed conflict in the 20th century. Now, both Colombians (called returnees) and Venezuelans are moving into Colombia to escape the economic ruin and dictatorship in Venezuela. Colombia is the top receptor country of Venezuelan migrants in the world; and even before these migration patterns and the founding of the Colombia and Venezuela we know today, the two countries were united as a single nation—Gran Colombia—liberated from Spanish rule by Simón Bolívar. To this day, and especially in the border regions, many have dual nationality.

In contexts like this, I wonder, what is the place for cultural rights? Cultural rights in migrant contexts is often predicated on the existence of broad cultural differences between migrant and host communities. Talk of cultural rights conjures up images of dark-skinned, perhaps devoutly religious, and culturally Othered migrants arriving to “whiter” geographies like the United States or the “gardens” of Europe that must be protected from outsiders coming from the “jungle,” as the European Union’s foreign policy chief racistly remarked in October 2022.

These South-to-North migrations monopolize public attention yet, as mentioned above, do not reflect the reality of global migration flows. The vast majority of migrants and refugees go to neighboring countries that are often, but not always, culturally similar. According to UNHCR, 72% of the world’s migrants come from Syria, Venezuela, Ukraine, Afghanistan, and South Sudan; and 36% of these migrants are hosted in Turkey, Colombia, Germany, Pakistan, and Uganda (2022). It is worth noting the geographical proximity of these refugee-producing and -receiving countries.

In this sense, the concept of cultural rights, while supremely important, latches onto a particular imaginary of global migration and cultural difference that does not reflect actuality. Any work on cultural rights must begin by recognizing this assumption internal to the concept. I ask myself, how might the framework of cultural rights be mobilized in the context of Venezuelan migration into Colombia? I still do not have a clear answer for this despite several years of living in and studying these two countries.

**The State as the Ultimate Arbitrator of Cultural Rights**

The second assumption embedded in this concept that I want to point out is the presumed role of the state as the body tasked with protecting these rights. Returning to La Guajira, the Colombian border state where I carry out my fieldwork, talk of state abandonment is almost non-stop.

When city-wide blackouts happen, people wait in the streets for the electricity to come back and talk with neighbors about the state not caring about them. In light of widespread childhood malnutrition in the region, especially among Indigenous populations, protests are commonplace with signs saying “La Guajira is dying from abandonment.” When walking through the streets, one can see red flags hanging from houses that represent a call for the government to help them. As one of my research participants facetiously remarked during a drought, “even the rain has us abandoned in La Guajira.”

One noteworthy example of this is the presence of Cerrejón, a Swiss-owned mining multinational working in the region and whose presence at times is more noticeable than the Colombian government. Cerrejón has largely assumed the role of the state: it helps build roads, ensure access to potable drinking water, and fund the education and health system (Banks 2017; Schwartz 2021). When residents need something, they can even submit petitions and funding requests that are regularly reviewed by the company. The company also hosts town hall-style conversations, where residents can express their concerns and needs.

What does protecting cultural rights look like in this context where a multinational coal mine—also known in the region for its human rights abuses and attacks on Indigenous communities—has more sway over the population that the state itself? How are cultural rights addressed in contexts like this with a limited state apparatus? A large proportion of the world’s migrants and refugees live in contexts like these, usually called fragile or failed states.

I find it important to highlight this aspect of my work, as the language on cultural rights is strikingly state-centric. In the UN’s call for inputs for a report on cultural rights and migration, it asks authors to write about “migrants protected by the state;” “steps that relevant local and national authorities take;” “cultural services and institutions;” and “laws and regulations, programmes and measures, services and practices.” I do not say this to critique the UN. Having both worked there and studied the body as a part of my prior academic research, I understand that it is an inter*governmental* organization that works through states. This approach reflects the very particular history of the UN and its mandate, and many of its employees recognize the limits of this.

Yet simultaneously, in many contexts, we need to recognize that cultural rights are not something simply granted to migrants by a host state but rather a highly social process that is negotiated between host and migrant communities at a hyperlocal, interpersonal level. The UN in its call for inputs described cultural rights as the right for “each person to develop and express their humanity, their views and the meanings they give to their existence and their development through, inter alia, values, beliefs, convictions, languages, knowledge and the arts, institutions and ways of life.” They added that migrants must have “important elements of their identities, histories and values respected and allowed to flourish further.” All of these things are extraordinarily local and social processes that cannot be administered by a state. Cultural rights are inextricable from the “thickness” of our everyday social worlds and must be handled as such (Geertz 1973).

Indeed, states can create new laws and mandates intended to protect migrants. These can be helpful in certain contexts, usually (but not exclusively) in Western, Global North countries with a strong state presence; but again, most of the world’s migrants and refugees do not live in said contexts. In places like the Colombia-Venezuela borderland, such government-mandated protections have little bearing on migrant lives and are rarely more than a liberal performance of the state (Ferguson and Gupta). Local level engagements between host and migrant communities—in the streets, at restaurants, at parties, in friendships—are where cultural rights and mutual respect are cultivated. Very rarely can these be administered by states.

For this reason, I bring to the fore the assumed centrality of the state in cultural rights frameworks and discussions. I agree that we need to do more to protect the cultural rights of migrants, but my divergence point is on *how* exactly this is done.

**The Weaponization of “Culture” in Migrant Contexts**

In this penultimate section, I want to critically examine the “cultural” part of cultural rights. Perhaps surprisingly, anthropologists have largely abandoned the use of the word “culture” as it tends to oversimplify lived realities, put people into discrete categories, and stereotype cultures in often harmful ways. Here, I offer two examples of the problematic uses of culture in the Colombia-Venezuela borderlands and how it can at times be weaponized to exclude and discriminate against individuals.

One of the most common, false stereotypes about Venezuelan migrants in Colombia is that they are thieves. As the narrative goes, having lived under two decades of socialism in Venezuela, Venezuelans got used to getting things for free. Now that they find themselves in “capitalist” Colombia, where you have to “work for what you get” and where crime runs rampant, Venezuelans are frequently characterized as thieves due to their socialist past. This narrative about wanting everything for free is also used to accuse Venezuelans of being lazy and not hardworking. For example, Venezuelan women are known for always having their fingernails done. As one Venezuelan research participant told me, “we always get our nails done, as we are the most cleaned-up women in the world and it is part of our *culture*.” Venezuelan women always having their nails done, however, is often explained by these same narratives about them being lazy, not hardworking, and “socialists.”

Although it might seem insignificant having the right to get their nails done in peace—a part of their culture, using the words of my interlocutors—there is an important point to be made here. This seemingly neutral concept of culture lands in this borderland and is weaponized against Venezuelan migrants: being lazy, being thieves, and getting their nails done are all parts of their culture that are bad. It is these same discourses that fuel anti-Venezuelan xenophobia.

Let’s look at another example. On the Colombian side of this border, nearly half of the state is Indigenous. Discrimination against this Indigenous population is commonplace. They are frequently called savages, barbaric, backwards, and uncivilized in ways that reflect highly colonial language and ways of seeing development and progress. Venezuelan migrants often do not associate with these Indigenous communities in Colombia, as they see themselves as more modern and civilized. This is backdropped by a long history of anti-Indigenous sentiments and violence throughout Latin America. The problem with the Indigenous is, indeed, their *culture*. In this example, the discrimination based on one’s culture—or better put, the perception of their culture—is not directed towards the migrants, but rather towards the host communities receiving these migrants.

These two examples show not only how discourses surrounding culture can be used to exclude, but also how such culture-based exclusions are not unidirectionally targeted towards the migrant population. As I describe above, the idea of culture and social life is something hyperlocal and difficult to control through state-administered rights. Further, the language of culture itself can be a slippery slope, which is why anthropologists have largely abandoned their use of the term. When considering cultural rights not as something legal but rather social, we began noticing the much more complex relations that unravel in host-migrant communities throughout the world. As shown in these two examples, we see how us-versus-them binaries are put in place to discriminate against both host and migrant communities.

**Concluding Thoughts**

Protection of the cultural rights of people throughout the world must be a priority, and I am glad to see this call for inputs led by the UN’s Human Rights office. However, if we want to meaningfully address cultural rights in the majority (but not all) of the world’s migrant contexts, we need to reconceptualize the term by decentering the state and legal and instead focusing on the local and social. Cultural rights will almost always be negotiated by local communities. In some contexts, the state can be a productive force in guaranteeing these rights and taking legal actions against those who attempt to violate those of others. This is important to recognize and is the approach that inspires much of the UN’s work on cultural rights, as it seems. But we must simultaneously recognize that most governments around the world do not have this degree of influence over their communities. The state cannot and will not be the ultimate broker of cultural expression in these places.

**Citations**

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