

CJI/RES. 185 (LXXX-O/12)

**GUIDE TO PRINCIPLES REGARDING CULTURAL DIVERSITY IN
THE DEVELOPMENT OF INTERNATIONAL LAW**

THE INTER-AMERICAN JURIDICAL COMMITTEE,

CONSIDERING that resolution AG/RES. 2671 (XLI-O/11) requested “the IAJC to present to the General Assembly a final report on the topic of cultural diversity in the development of international law”;

CONSIDERING the importance that cultural diversity has been acquiring in international law, as well as the need to establish basic orientation on the topic for its development;

CONSIDERING the report on “Guide to Principles regarding Cultural Diversity in the Development of International Law” (CJI/doc.404/12), presented by the rapporteur on the topic, Dr. Freddy Castillo Castellanos,

RESOLVES:

To propose to the General Assembly the following guide to principles:

1. Constitutional and legal recognition of cultural diversity must be accompanied by intercultural practices characterized by equity, balance, respect and tolerance, pursuant to what Article 52 of the OAS Charter calls “inter-American understanding.”
2. The commitment to cultural diversity demands promoting a process in which culture becomes for our states a sphere of dialogue and fruitful exchange of differences and a place where limits interact in harmony so as to achieve peace and understanding among our peoples. From this viewpoint, effective application of cultural diversity has to be an appropriate tool for strengthening democracy and its essential elements.
3. Cultural diversity, besides being an essential characteristic of humanity, is a right we all have and one that concerns us all. Accordingly, constitutional recognition of the multiculturalism of our countries should not be understood as an act to favor exclusively one type of population, but rather as an active manifestation of respect for all populations regardless of their origin, without prejudice to the duty to support those cultures that have been disadvantaged, or are at risk and are threatened with deterioration or extinction.
4. The Americas are an example of idiomatic plurality with the existence of a significant and vibrant variety of numerous languages. Therefore, the region would do well to take advantage of successful experiences of language preservation and recuperation in order to advance effective processes designed to maintain the surviving languages and recover those that are in imminent danger of extinction.
5. The diversity of languages requires elaborating and implementing bilingual inter-cultural education programs in populations where ethnic groups prevail that possess a language different from the official language of the country, as an appropriate mechanism for the preservation of our idiomatic heritage.
6. Care must be taken to recover areas destroyed by natural disasters, taking into account the cultural traditions of the corresponding environment.
7. In order to promote and protect different expressions of culture it is essential to highlight and study them carefully. To that end, it is suggested that regional bodies be established for the purpose of

strengthening cultural diversity by identifying suitable and successful initiatives that might be taken as examples of best intercultural practices. We need to continuously update cultural inventories, detect threats to cultural heritage, and reflect on how the legal system and the various disciplines can harmonize the basic principles of cultural diversity and settle the tensions that it creates.

8. Cultural diversity must be a core component in the processes of integration and international cooperation in the Americas.
9. The application and development of these principles presuppose acquiring real awareness of diversity, which can only be done through an ongoing educational process. Consequently, as a matter of priority, diversity issues need to be built into curricula at every level of the educational system. Above all, students must be properly prepared for a balanced dialogue among cultures.
10. ~~To~~ All possible means must be used to disseminate the norms of international law on the diversity of cultural expressions and to assist states, civil society, and communities in this promotional work.
11. Cultural diversity policies need to be coordinated with those for the strengthening of democracy, by promoting the values of freedom, solidarity and dialogue based on recognition of the differences and of the areas where these policies interact.
12. An effort must be made to set up cooperation networks that facilitate strengthening the existing cultural industries and to create emerging and innovative approaches in this field. These networks could help with the preparation of plans and requests for financing from the International Fund for Cultural Diversity or other similar organizations.
13. Regional Funds for Cultural Diversity in the Americas or some similar mechanism should be encouraged to support policies promoting national or regional cultural industries.
14. More robust cooperation with civil society, non-governmental organizations, and the private sector is recommended for promoting the diversity of cultural expressions.

This resolution was approved unanimously at the meeting held on March 9, 2012, by the following members: Drs. Carlos Alberto Mata Prates, David P. Stewart, Fernando Gómez Mont Urueta, Jean-Paul Hubert, Miguel A. Pichardo Olivier, Freddy Castillo Castellanos, Fabián Novak Talavera, José Luis Moreno Guerra and Ana Elizabeth Villalta Vizcarra.