

Does globalization raise new legal concepts regarding the protection of heritage or is it just transforming existing issues?

To offset some of the negative effects of globalization which tend to amalgamate national cultures and identities, some international standards have been developed. As stated above, in the past, states have used the concept of cultural exception, today they use cultural diversity, to establish and legitimate the protection of cultural heritage.

Two other key ideas are also used: the principle of participation and the concept of community. These two topics are connected with the process of sharing decisions.

The principle of participation appeared in 1992 during the UN Conference on Environment and Development, called the Earth Summit. This principle is enacted by the Rio Declaration on Environment and Development, adopted by 178 states (UNCED, 1992).

Principle 10 of the Rio Declaration made in 1992 at the Earth Summit

Environmental issues are best handled with participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided.

Since the Stockholm Declaration on the Human Environment adopted in 1972 at the first UN Conference on Environment (UN General Assembly, 1972), the term ‘environment’ defines both natural and cultural elements, at the international level. According to Principle 10 of the Rio Declaration on Environment and Development, the participation of all concerned citizens, at the relevant level, must provide them the opportunity to participate in decision-making processes.

This principle has been integrated into the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, adopted in Aarhus, Denmark, on 25 June 1998 (UNECE, 1998). At a continental level, the principle of participation has been developed by the Inter-American Strategy for the Promotion of Public Participation in Decision Making for Sustainable Development, adopted in 2001 by the Organization of American States (OAS, 2001). It is also part of the Final Report of the Third Earth Summit in Johannesburg in 2002 (UN, 2002).

The concept of community is also an important issue of international law to face some effects of globalization. Within the framework of international law, this concept is not new. The term ‘community’ appears in the Universal Declaration of Human Rights (UDHR),