

Open Letter to the Spanish Government: Using Your Funds to Save Cultures, Not to Destroy Them

Dear Members of the Spanish Government and Spanish Citizens:

Over the past several months, you began to give me and many of the world's peoples great hope. It appeared that you were helping to open a new era of cultural protections and reversal of colonial legacies across the globe, as a beacon of light from the developed world. Unlike other countries who have continued to view development as a way to promote their own national economic greed, you seemed genuinely committed to protecting the cultures and heritage of the planet in a way that would protect our common future and reflect the best of humankind's joint hopes. Though your country isn't rich, you were devoting millions of Euros directly to the idea of cultural diversity, cultural identity, and heritage; the very thing that makes us human and different from animals. But now it appears that this was just another slogan and opportunity for you to gain status among the very international organizations that have taken funds from other donor countries for projects promoting their national interests, rather than an attempt to lead the way and demonstrate your country's experience and historic wisdom. In implementation, you are now dashing humanity's hopes. It is urgent that you step in now to fulfill your promise and to save the cultural diversity and heritage that you are now inadvertently destroying.

The Promise of the Rio Declaration on the 500th Anniversary of Spain's Colonization of the Americas and Resistance to It: It is now almost 20 years since international leaders met in Rio De Janeiro in 1992, a year that marked the 500th anniversary of Spain's conquest and colonization of the peoples of the Americas that they referred to as "500 Years of Resistance." The positive symbol that came out of that anniversary was the Rio Declaration on Environment and Development. That declaration was heralded as the beginning of a new United Nations and international system approach to "sustainable human development" that would protect our planet's ecosystems and its cultural diversity. It would focus development on the sustainability of each of the world's 6,000 cultures¹ instead of the colonial approach to how quickly countries and cultures would exploit the planet's resources or merge into a single monocultural system. The measure of human development would appropriately be on how each culture could protect its environment, balance its population and consumption with its resources, and protect its heritage.

For a short time, there was hope. Though following Rio, the World Bank and other global development banks and most international organizations and developed countries, closed their eyes and ears to this declaration and to many other international laws for protections of cultures and continued to act as major lawbreakers and threats to planetary rights, survival, and stability, the United Nations began to make the goal of sustainable human development its central theme in the U.N.'s Development Programme (U.N.D.P.) For a short time, the U.N. even began to follow it with an idea of trying to create a checklist of goals (the "Millennium Development Goals") that, when fulfilled together (and only when fulfilled together) and when considered in light of previous and new rights treaties for cultural rights and diversity (and only when assuring protection of these cultural rights and choices of Indigenous Peoples and other cultures) would achieve sustainability and diversity. The checklist that has resulted, called the Millennium Development Goals, is basic and filled with problems. There are major doubts that it is actually following international laws or even following the Rio Declaration itself. But, it was at least a start to try to apply the rights and scientific goals of sustainability. More recently, your government reaffirmed these principles and the genocide treaty when it signed the Declaration on the Rights of Indigenous Peoples (U.N.D.R.I.P.) that was supported by many of the native peoples in your former colonies.

¹ a rough measure used by linguists of cultural diversity and endangerment (Krauss, 1992). Krauss uses languages as a proxy for culture. In 1992, he estimated that only 600 would survive for 50 to 100 years.

What gave the international community hope most recently was that Spain has become one of the first major donors to establish culture as a priority in development and to reaffirm the very principle and link established at Rio: that sustainable human development is about sustainable human cultural diversity and sustainability of each of the world's 6,000 cultures. Culture, like "environment," is not something to be "added" in after resources are destroyed or exploited and then protected as just another item on a checklist. Nor is it something to be defined as a form of "capital" that allows economic exploitation to be increased. Like the environment, culture is not another "asset" to be exploited for the global marketplace for tourism, as a way to generate yet more income in the short term for a collapsing and unsustainable center. Cultural diversity and cultural survival is the very essence of human development just as the environment in which cultures live is the key to sustainability. Without culture, just as without the environment, there is no human dimension in development and there is no such thing as sustainability. Sustainability requires human diversity and adaptability. Development requires cultural protection and sustainability. Anything else is not development. It is colonialism or exploitation in a new form. That is a dead end for our planet and for our species.

Over the past decade and particularly in its implementation of the Millennium Development Goals, the United Nations system has begun to lose its way in promoting sustainable development and cultural diversity. It has been selling off itself to donors for specific lobbying tasks that mostly promote globalization or trade blocks and that have eviscerated the goals of sustainable human development and the cultural diversity it implies. It has substituted short term income generation and a few checklist items for the mission and international treaty obligations that are its mandate. It has made "income" and globalization its focus rather than sustainable development. That is a retreat back to colonialism.

In striking contrast to the short term approaches and selfishness that have marked the actions of international donors, it recently looked like Spain was trying to reawaken the international community to its commitments and common humanity. In creating new funds for "culture and development," it appeared that Spain was acting to re-establish a global focus on international laws and principles, including inducements to the U.N.'s Educational, Scientific and Cultural Organization (UNESCO) and to the UNDP to make culture a major focus. It looked like Spain was ready to help countries and cultures reawaken their identities and redefine themselves, through historical protection, measurements and discussions in places ranging from Albania to desert tribes in Africa to the Khmer in Southeast Asia.

Since 2006, your government has committed some 528 Million Euros (more than \$700 million) to support the "Millennium Development Goals;" the MDG-Fund. Your government also asserts that these funds are also committed to helping reform the United Nations so that as one agency it acts on behalf of the global sustainable development mission that the organization has compromised. This fund included a major initiative for "culture and development" specifically devoted to "protecting and enhancing cultural rights."

That effort has now gone sour. Whether good intentions were already subverted by a hidden agenda or whether it was greed or incompetence that has entered the picture, something has gone horribly wrong with Spanish funding in this area. This MDG-Fund is now violating international laws rather than promoting them. It is becoming a symbol of Spain as just another proponent of "rights wash" and sloganeering; of blindness in a world that needs leadership.

The Failure of Spain's Current Efforts Despite the Promise: The very funds you are giving to promote cultural rights are being used by the United Nations to continue policies that some might even call cultural genocide. In a rush to throw funds at the U.N. system, you have closed your eyes

to international laws, to your own stated goals, and to every principle of good governance and independent oversight. You have corrupted or supported corruption of the very project designed to reverse it.

The problems first came to my attention last year when I began testing some of my development standards compliance indicators and began looking at the details of Spanish projects. I started with one in Cambodia, called the “Creative Industry Support Program” that works with UNDP, UNESCO, and two other U.N. agencies (the International Labor Organization, ILO and the Food and Agriculture Organization, FAO). That project was targeted to promote minority cultural industries. I wanted to see how it worked both as a business intervention to correct market failures and as a project targeted to minorities in a way that would implement the Millennium Development Goals. What struck me was how it treated the minority peoples. It was here that I was horrified. Public protections are almost entirely absent in this project, as if they are of no concern. The Spanish government is funding sweatshops to exploit women and possibly children’s labor to produce cheap goods for international markets. Moreover, your government is doing this under the banner of promoting “culture,” “minorities,” “women” and “sustainability.” This is not development. This is a rapacious colonial project designed to postpone poverty and to destroy cultures in the name of saving them. It shows little difference from projects run by colonial powers. What is actually happening here is that the project is exploiting vulnerable communities and violating U.N. regulations and international agreements in the name of assistance. The real goal is generating revenues in a sector that has been pre-selected for global market sales. It’s approach has little or no balance with the traditional role, practices, or employment in the target populations. Instead, it works to exploit women’s labor and to commercialize Indigenous people for the global economy behind the false claim that the exploitation of the traditional resources and labor represents a “revival.” In a sense there is a revival, but not one to be proud of. The project revives the same exploitation of the very same peoples exploited by the French, the Khmer and the Lao; of tribes that they referred to as the “Khas” (slave minorities). U.N. system treaties for sustainable development and rights protections such as the U.N. Declaration on the Rights of Indigenous Peoples, as well as actual protections of children, women and resources (against exploitation) have not been considered at all. If your government and international institutions were accountable, this project would never have been approved given its violation of public standards and the U.N.’s own treaties and mandates that the Spanish government has signed. The project has substituted a pro-business or colonial ideology for the benefit of foreign donor and/or corporate interests.

Last year, I was hired to actually evaluate another one of the projects you have been funding through the Millennium Development Goal - Fund. The project I was asked to evaluate in Namibia showed every sign of being a “human zoo” project, designed to destroy Namibia’s local cultures in violation of the U.N. Declaration on the Rights of Indigenous Peoples and the U.N. Convention on Genocide. Like other projects, it is being sold as fitting the Millennium Development Goals for sustainable development on the basis of its creating “income” for the natives. In fact, it exploits them and does nothing leading to sustainability of their cultures in their environments. Its goal is now to turn half naked and threatened native peoples into performers and exhibits for foreign tourists as a means of generating “income” for the amusement of foreigners. With all the other resources taken by earlier colonialism, this current form of Spanish and U.N. sponsored colonialism under the guise of “sustainable tourism” and “income generation” includes new treasure hunts (this time it is “heritage hunts”) to find the remaining exploitable assets (now it is “cultural assets” – the people themselves) for the latest kind of mining and low wage employment (performances and sweat shop handicrafts to foreign designs). Like earlier colonialism that was described as a “civilizing mission” but was much worse, this is also described as saving the peoples. Much of the funds for “participation” is to train minorities to be servants and to accept that this in their only choice. Part of the work they call “creative industries.” Here, just as in Cambodia, it is a new name for sweat shops for women and mostly girls, creating Western designed “traditional” products.

Creative indeed.

I didn't even have to be the one to make most of these criticisms. Your MDG-F Secretariat had already made some of them in the project documents, though in much softer euphemisms. Though the goal of the funding was to promote the "Millennium Development Goals," a checklist for sustainable development, she notes that neither the Concept Note nor any other project documents for the Namibia project contain a simple statement of a sustainable development problem for identifiable, named cultural groups² or the specific relation of the MDGs to the problems of those groups³.

The project documents are silent on the most basic requirements of a development intervention that offers the standard for evaluation: whose behaviors (which target actors) need to be changed for what specific results with what measurable indicators of such change to address what root causes with specific interventions⁴. The entire Joint Programme document's "Results Framework" of some 20 pages and 13 "outputs" lacks a single quantitative baseline measure that can be used to calculate success of any outputs related to changed behaviors or that can be directly linked to measurable sustainable development outcomes⁵. This is a project that fails at every level and that never should have even started. So, who pushed you to fund it and why have your ears been closed to criticism?

The Director of the MDG-Fund, Sophie de Cain, is on record opposing funding of the project before it began. Yet, soon after that, not only did she agree to support the funding without any apparent changes in the project. She agreed to support the project under a set of definitions that now reverse the Fund's own goals for "culture and development" as well as for international treaty obligations protecting the cultures of indigenous peoples and their sustainable development. There is more than a hint that the original definition of "cultural heritage" in the Concept Note (of "cultural life and identity" including economic, political, legal and social practices)" was transformed and narrowed in ways that turned a potentially appropriate project into a colonial one that appears to violate major treaties. "Sustainability" has also been redefined to fit what can be displayed and marketed to foreigners in ways that probably undermine the very cultures that this project should have been designed to protect⁶.

² The MDG-F Programme Advisor notes in the "Feedback Message" well after the project had already started, the "poor identification of the beneficiaries."

³ MDG-F Secretariat Director Sophie de Caen's comments on the draft Joint Programme, April 15, 2008, note that "There is little if no reference to the MDGs in the context and analysis of the programme."

⁴ The UNDP Partnerships Bureau memorandum in September 2008, two months after the signing of the approved Joint Programme document, noted in an echo of criticisms of the draft four months earlier, the lack of "impact and MDG indicators," and the lack of detail in the Results Framework for outputs and activities, noting that the "logic of the Results Framework [and proposed activities] do not present enough detail to justify the allocated resources."

⁵ Sophie de Caen makes this criticism on the draft in April 15, 2008, noting, "the document provides very little in the way of statistics that would justify the proposed intervention and strategy whether related to the economy, feasibility, poverty, etc. ... or even on infrastructure related to culture," adding that there were no "impact related indicators" and no "targets." Apparently, there were no changes in this regard in the approved Joint Programme document of July 11, 2008.

⁶ This shift appears in a short brief by the head of the "Convenors" in the Culture and Development Window who approved the Concept Note in 2007 but who may have reversed its goals. This document is unsigned. Its author may be Pippa Noris, Director, Democratic Governance Group, UNDP.

Without looking at the whole of the 528 Million Euros of Spanish spending on this fund, there is a great likelihood that the entire portfolio is failing in exactly the same way. This is because the very same approaches and pressures that have created these failures are at work throughout the entire fund.

I wrote Juan Antonio Yanez-Barnuevo, your government's Representative to the United Nations, to your Ministry of Foreign Affairs, as well as to the MDG-F Secretariat. So far, all of them have turned a deaf ear or have sought to cover up the failures. That itself speaks volumes about the lack of integrity of your commitment to international humanitarian laws and goals.

In my letters, I noted several red flags, including:

- serious doubts that there is sufficient funding of the MDG-F Secretariat that would enable it to monitor, challenge and adequately review most of the Spanish government's spending.
- serious doubts that effective measures exist for assuring the compliance of MDG-F projects with international treaties or professional standards.
- concerns that the fund has built several contradictions into its objectives, including those that may actually undermine the overall goal of the MDGs and UN system commitments to sustainable human development. This has been done by substituting a focus on individual measures taken out of context.
- concerns that standard development tools for screening and design of projects have been short cut out of the MDG-F system in order to fast track spending, even without professional standards.
- concerns that evaluations and monitoring are being treated by local offices of the UN system as rubber stamps for which they independently set the agendas without outside professional scrutiny.
- The goals of funding several U.N. system agencies on each project and calling it a step towards "one U.N.," may also be undercutting commitment to actual results in development and the goals of the MDGs while favoring of institutional, bureaucratic concerns.

In fact, it appears that you have not only let the U.N. sabotage your fund, but that you have let the U.N. rig your oversight system as well. The evaluation of your funds is not being conducted independently of the implementing agency. There are conflicts of interests build directly into the evaluation process itself that open the door for serious pressures on evaluators to cover up and promote misuse of funds. It appears that the MDG-F not only does not have power to oversee evaluations and evaluation contracting but may not have independent power of oversight.

Whatever your multiple goals are for the MDG-F: whether your commitment is to development results and promotion of international laws or whether it is largely to build an international presence for Spain within the UN system and international development, the lack of effective management, independent oversight and powers for the Secretariat and for your funds, and compromises that appear to have been made, look to undermine the goals of the Spanish government.

Spain has become a violator of international law rather than one of its champions. Spain has corrupted the very approach that appeared as a solution.

How to Fulfill Your Promise and to Make Spain a Leader in Sustainable Development: While most other peoples in the world would throw up their hands and look at your actions as simply "business as usual" and close their eyes, I have faith in Spain. Somewhere in Spain, it took some vision to call for the funding of culture. It took vision to sign the U.N. Declaration on the Rights of Indigenous Peoples alongside the many, many peoples who suffered in Spanish history (including my ancestors who were minorities in Europe). I believe that there are plenty of good people in Spain who have learned the lessons of history, who look to the future and who want to see Spain as one of the leaders in our shared human destiny. I think you can understand that you have made a

mistake and that it is in your country's interest to correct these mistakes and to move forward as a leader in sustainable development and protection of global cultural diversity. Rather than just condemn you and to add myself to the list of peoples who have been harmed, I am still eager to join you as part of the solution.

It is time you stepped in to show how to raise the international community to the highest levels of standards and professionalism and to use your power and authority to do that.

That means taking an immediate hard look at the money you are spending on the MDG-F. It means taking control of your funds back from the UNDP bureaucrats and your own bureaucrats who are eating up those funds without any concern for international law or standards. Put the strings back on those funds and hire people who understand the goals and measures of sustainable development and cultural protections. The bureaucrats in the UN do not. They lack the motivation. They lack the expertise. They lack the controls.

Make the goal of your funding the creation of cultural sustainability plans for each of the 6,000 cultures in the world. Establish mechanisms to ensure that the UN system begins to follow these as the basis of the MDGs, not World Bank rehash plans or colonial government models that focus on short term incomes as driven by foreign agendas and local greed. There are plenty of excellent Spanish experts and Spanish speaking experts in the Americas who can work with you to start off doing the basic measurements that the U.N. system is supposed to be doing and that other international actors are also legally obligated to do, but which they appear incapable. You have leading scholars in the Americas who understand the legacies of colonialism and how to resist and reverse them. You need to take the lead and bring them aboard rather than exclude them in favor of bureaucrats who fail time and time again on existing development projects in what some describe as a global nomenclatura of incompetence, corruption and unaccountability.

If you like the idea of "Millennium Development Goals" as a way of making sustainable development understandable, start with the right measures of sustainable development using the principles of the Rio Declaration. Use the right kinds of sustainability indicators and independent development indicators that can achieve these goals together. I have written and published some of these tools that other scholars have vetted. They are easy to use and easy ways to monitor your progress. They won't be politicized like your funding has been. They will keep you focused on international treaty commitments and goals, and on holistic solutions, not on short term measures of inputs or on cherry picking of results that please bureaucrats but hurt communities and the international public.

Cost benefit analysis and impact analyses on sustainable development are not rocket science. Even your own people know that your projects need to do very simple things. They need to actually identify beneficiaries, change behaviors and analyze sustainable development problems, root causes and causal chains. They must not just throw money at bureaucrats to treat symptoms or feed goals of globalization and colonial exploitation. You need to hire people who have the incentive and resources and accountability to do these things. You also need to demonstrate that you are open to criticism and independent measures of accountability.

So far, Spanish paid bureaucrats have been claiming that the "Paris Declaration" to harmonize standards is going to promote respect for development standards in the former colonial world. As you are seeing, this is a sham. Instead, it is being used to eliminate standards, override international laws and principles and to lead projects down to the lowest common denominator. You need to be a leading voice with enforcement powers and standards that back the goals you say you support. You need to model them for others.

To show you are serious, build in mechanisms like compliance checks with international laws rather than rubber stamps, the way you are now doing it. Empower your compliance reviewers to stop the projects and hold individuals accountable for their misdeeds. Put some of the drafters of the U.N.D.R.I.P. on your project oversight, not the bureaucrats from the UN who have conflicts of interest. The top down projects that you are now running subvert cultures are actionable under international law. Use Spanish prosecutors and courts to enforce these laws.

This isn't hard. Colleagues and I have invented the indicators for you to use. There are best practices that are simple to follow if you have the will to do so. There are standards on independent evaluations and contracts that professionals – not the bureaucrats with conflicts of interest – have published. There are legal and democratic mechanisms for real accountability and transparency. Most practices are simple textbook and legal compliance. You just have to show that you understand professionalism in the same way that you started to show it when you announced your commitment to culture and development.

If you are just seeking to buy influence among a few bureaucrats who are on the wrong side of history and whose names will live in infamy, keep up what you are doing and your country will continue in infamy with them. But, if the desire of Spain is to lead and move forwards beyond the legacies of more than five centuries of colonialism, and to be at the forefront of a U.N. system that leads us, use this opportunity to step up and lead. The world is counting on you.

Respectfully,
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Member, California Bar

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