Logos Universality Mentality Education Novelty: Economics and Administrative Sciences
ISSN: 2284-5984 | e-ISSN: 2501-0425
Covered in: ERIH PLUS, CEEOL, Index Copernicus, CrossRef, CrossCheck, J-Gate, Google Scholar, Ideas RePeC, Econpapers, Socionet, KVK, WorldCat.

2022, Volume 7, Issue 1, pages: 54-66 | https://doi.org/10.18662/lumeneas/7.1/35

Perspectives regarding the Institutions of the Global Order of Civilizations: Some Notes about the Global Mediator of Civilizations

Madalina Virginia ANTONESCU[1]

[1] Independent expert. Scientific researcher, Ph.D., Bucharest, Romania.

Abstract: Our paper is trying to explore the passage of the contemporary international order to what we call here a "global order of civilizations", by taking into account the new political quality of "civilizations" to become autonomous, original political actors on the future global stage. As introductory section, we shall make briefly references to the present juridical regime offered by the contemporary legislation regarding civilisations and cultural heritage. Cultural obligations of UN states increasingly constitute a trans-national regime, as human rights kind of juridical regime, surpassing the boundaries of the national politics and the ordinary competences of the states. The new "global order of civilizations" is also imposing, in our view, a sort of basic body of legislation, specific and distinct from the present legal level regarding civilizations (a kind of Magna Charta of Civilizations). We shall have in mind, also, the shape that this future order can have (hierarchical or heterarchical pattern; an atomist, schizoid, or an open order). This new order can also be seen as a complex network of actors, which cannot be limited to the state order, embracing a variety authority levels and actors not regulated by today legislation (based on nation-states and international intergovernmental organizations). Finally, within the third section, we shall approach briefly some aspects related to the "Global Mediator of Civilizations", a new institution proposed here to work within this new type of order.

Keywords: *Global Mediator of Civilizations (GMC); global order of civilizations; inter-civilizational system; new global gladiators; Magna Charta of Civilizations.*

How to cite: Antonescu, M.V. (2022). Perspectives regarding the Institutions of the Global Order of Civilizations: Some Notes about the Global Mediator of Civilizations. *Logos Universality Mentality Education Novelty: Economics and Administrative Sciences, 7*(1), 54-66. https://doi.org/10.18662/lumeneas/7.1/35

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1. Towards a Global Order of Civilizations. From the International System to the Inter-civilizational System

Civilizations, as autonomous political actors, represents, in our opinion, an intrinsic element of the so-called "global governance" concept (Evans & Newnham, 2001, pp. 210), being associated by scholars with the leadership of XXIst century international relations, as based on UN reformation in a sense of introducing new types of actors within it (metropolises, megalopolises, civilizations).

According to our view, the "civilization" concept still needs innovative approaches, as we tried to expose largely into a trans-disciplinary work (written in 1999-2000, published in 2004), focused on exploring different elements composing the virtual EU type of civilization (Antonescu, 2004).

As we noticed in some previous academic works, regarding the general profile of XXIst century, restructuring of the world, in the first half of the 21st century, is based on the inter-civilizational conflicts. These types of conflicts are global and even if they start at local or regional level, given the nature of civilizations and religions involved, they have global effects *(*Antonescu, 2018).

Civilizations are entities larger than states, which generate a special sense of "belonging to people from the same civilization area" (Antonescu, 2020).

Near future will explore, due to the ascent of new political actors as the "civilizations", new regional styles of realizing diplomacy, organized in new forms (surpassing obsolete forms of ministries of foreign affairs), representing innovative instruments of inter-civilizational relations (Antonescu, 2017).

Civilizations as autonomous actors, will play also, an important role in the future, regarding elements of the global environment (with special attention required by global and common elements), in order to define the legal action framework, at global level, for an entire set of global institutions, adequate to the global challenges of the 21st century (Antonescu, 2017).

As the civilizations (other main actors of the XXIst century stage), metropolises will develop a special form of diplomacy and particular regulations, thus creating progressively, a whole body of normative rules, a genuine metropolitan law *(*Antonescu, 2018).

All the cities in the world should be recognized, according to our view, the civilizations too, as subjects of global metropolitan law and they should have distinct legal relations, from a position of equality, with various

global and/or regional organizations representing the cities/the civilizations of the world/ the regions of the planet (Antonescu, 2018).

Metropolises and megalopolises -as main actors together with the civilizations, starting their ascent from the XXIst century-, in our view, will be subjects of future transformations (once rising the megacities' political importance) of present "General Mayor" and "Municipal Councils" institutions into consolidated, independent institutions (Doge/Dogessas, genuine governors of metropolises), meantime with recognition and adoption of metropolitan sovereignty, metropolitan citizenship and metropolitan military special forces (Antonescu, 2018) , scientific communication, *The foundation of New Serenissima. Institutional political patterns of mega-cities starting from the second half of XXIst century- the beginning of XXII century.*

In our previous academic approaches, we've tried to explain that XXIst century world will not be leaded by corporations, neither by underground, clandestine empires, rather it will be a world dominated by metropolises and megalopolises (especially, by those having already a strongly developed economical, financial power and also, by those with a main religious-symbolic profile) as well as by civilizations (as political actors and subjects of new legal bodies – the metropolitan law, the inter-civilizational law (Antonescu, 2018).

In our view, as the civilizations, other main political actors, the mega-cities will develop a genuine independency face to decadent states, that will generate a new form of globalism (metropolitan globalism) in order to stop the struggle for power between TNCs and underground actors from the post-state world of the second half of XXIst century (Antonescu, 2018).

The city, according our previous approaches about new actors of XXIst century stage, can be regarded as an organization in itself, and it can be included on a map of metropolises and megalopolises of the world, i.e. it becomes an element of a global network of organization-cities, as distinct structures of regional, as well as infra-national power (Antonescu, 2020).

According to our opinion, there are two ways in which civilizations can be established as political entities capable of acting within the GOC- an order based on a Global Charter of Civilizations-, as entities capable of assuming and operating within an inter-civilizational system:

- The traditional way (using the interstate order and the current international legal framework, in which the states have already defined the concepts of cultures and civilizations (regulations regarding the alliance/dialogue between civilizations) as being subordinated to the will of the states and which the states can exclusively represent in any domain (including a future GOC).

- The innovative way, initiating a Conference of Civilizations, with High Representatives of Civilizations, who have the competence to represent the civilizations registered beforehand at the World Registration Office for Civilizations). In our view, this first global institution has the role to prepare the number and type of participants (registers civilizations as political and legal actors distinct from the international order, from the UN member states) at the World Conference of Civilizations; it has the role of General Assembly of the GOC and it adopts the Global Charter of Civilizations.

One hypothesis is that **the World Registration Office for Civilizations** is founded directly by UNESCO, based on the UNESCO Constitution, reviewed, and expanded to include this specific competence. Another hypothesis is that **the World Registration Office for Civilizations** could be founded by the World Organization of Civilization, directly as a global institution specific to the GOC, superseding and not interfering with the inter-state order or with the UN Charter.

Its main priority would be to prepare the list of political actors specific to the GOC (the civilizations) participating in the World Conference of Civilizations, as political-legal actors distinct from the states and as actors represented by their own plenipotentiary High Diplomats (the beginning of an inter-civilizational diplomacy, featuring inter-civilizational Diplomatic Houses that are not subordinated to the Foreign Affairs Ministries specific to the current inter-state order). The criteria to register a civilization as a valid political actor are the following, according our opinion: the quality of determinate civilization, generated through history by the specified political entity; a determinate geographic surface covered; a specific nature meant to ensure its coherence and unity and to distinguish it from other civilizations; a coherent and unified history; the purpose to contribute to the creation of the GOC and to initiate the Global Charter of Civilizations. After being registered on the list of the World Registration Office (i.e. a global institution), the civilizations are acknowledged as preliminary political actors, which can delegate their own representatives (trans-state representatives, rather than representatives of the states forming the civilizations) to the World Conference of Civilizations and can participate in the sessions to draft the Global Charter of Civilizations.

We define the GOC (the global order of civilizations) as a type of global order based on a new type of political actors, distinct from the state and the non-state actors (irrespective of their type), actors with their own legal personality in this order, which have rights and legal obligations according to the regulations specific to the GOC relations. In our opinion,

the civilizations, distinct political-legal entities, are these new actors, the fundamental principle, and the justification of the GOC's functioning starting with the late 21st century (as these actors proliferate and a specific global legal framework takes shape). As the global law of civilizations specific to the GOC consolidates, specific institutions emerge, regulating the inter-civilizational relations, as well as what we call the structuring of connections in justice, politics, economy, culture, social relations directly between the civilizations, in a system we herein refer to as "inter-civilizational system".

The states acknowledging the legal effective and proprietary personality of the civilizations – in an initial stage, based on definitions unanimously accepted by the states, according to conventions to define the civilizations adopted by the UN, in the first stage of the GOC creation) will lead to a possible legal functioning (from the perspective of the global inter-civilizational law taking shape) of the civilizations within the GOC, as subjects of global inter-civilizational law.

In another hypothesis, regardless whether the states acknowledge the legal personality of the civilizations (as subjects of global inter-civilizational law) or not, the civilizations will assume entities distinct from the states and from other actors, and the legal personality enabling them to legally act within the GOC.

Since the states are traditional political and legal actors (set by the UN documents such as the UN Charter to act only within the boundaries of international law and to acknowledge that only entities accepted in this type of interstate order are subjects of law), the new actors, i.e. the civilizations cannot be accepted in the framework of the current international law (which relies on nation-states as fundamental and legitimate entities).

The proliferation of the new actors (civilizations, in the present case) and the need for regulation of their relations, in forms and at levels distinct from the limited ones provided by the current international law (which does not acknowledge the civilizations as subjects of public international law) lead to the need to regulate the GOC and the relations created between the civilizations, as well as between the civilizations and other types of actors, in the inter-civilizational system.

This means that, by means of an Inter-civilizational Charter, a document underlying the creation of the GOC, the civilizations, i.e. the new actors, can reunite at a specific Conference and they can accept to assume rights and obligations, to observe a set of principles agreed upon by common consent, in this fundamental document. In this context, we should remember that the nations also represent legal-political concepts (since the

"nation" was invented by Europe "for its own use, starting with the 14th and the 15th century and which became a product to export to the rest of the world, in the 20th century", with focus on "sharing a common past of suffering and battles led by a community on a territory, a common present and a common future"; according to Boudon (2006, p. 15). Such legal inventions ("the nations") are meant to give shape to an international legal order which is considered to originate in the Treaty of Westphalia/1648 or, according to other sources, in the 19th century phenomena of de-colonization and the creation of constructs specific to the 19th-20th century, called "nation-states".

As political constructs, nation-states are not mistaken for peoples; instead, they represent legal-political constructs specific to modernism, to a historical period estimated to range between the 19th and the 20th century, with the crumbling and fall of the European imperial order. In this sense, in order to assume its anti-colonial origin, the UN Charter introduces principles specific to the new order (international order, i.e. focus on the superposition of the sovereign states, as legal-political actors fundamental for the international order).

The 21st-22nd centuries bring new challenges, the proliferation of other types of political actors (metropolises, megalopolises, civilizations), whose activity needs to be regulated through fundamental documents such as the Charter of Metropolises and Megalopolises or the Global Charter of Civilizations, as grounds for post-national global orders.

The civilizations are a type of legal-political actors that will represent the predominant, originary entities, with a plenitude of rights and obligations, according to the Global Inter-civilizational Charter, in the GOC framework.

The underlying system on which it is built and to which the global intern-civilizational law corresponds is the inter-civilizational system, a system regulated from the legal standpoint and which is legal by nature due to the principles, rights, obligations, legal rules specific to the GOC, addressing directly the civilizations, as originary, plenary subjects of inter-civilizational law.

It is interesting to note that the current international law, which is based on the UN Charter, includes a series of legal regulations which are sources of legal inspiration for a future body of legal regulations that will form the global law of civilizations; in our opinion, such current regulations could be: Declaration of Principles of International Cultural Co-operation (UNESCO, 1966); Mexico City Declaration on Cultural Policies/adopted by UNESCO (1982); Rio Declaration on Environment and Development

(1992); Convention for the Safeguarding of the Intangible Cultural Heritage (2003); Intergovernmental Conference on Institutional, Administrative and Financial Aspects of Cultural Policies (1970);Universal Declaration on Cultural Diversity (UNESCO, 2001); Convention Concerning the Protection of the World Cultural and Natural Heritage (1972); UNESCO Declaration concerning the Intentional Destruction of Cultural Heritage (2003); UNESCO Constitution (1945) etc.

A noteworthy aspect of the current international law is the fact that these are inter-state regulations (i.e. they concern only the rights and obligations assumed by the UN member states regarding the "cultures" – a term used by the UNESCO Constitution/1946). However, this level too can be superseded since the UN framework also includes documents adopted and assumed by the states, concerning the "civilizations"(the dialogue between civilizations, the alliance of civilizations). However, these documents are merely political statements that include certain legal recommendations, through which the UN member states declare that they are open to improve the dialogue among them, as they represent various civilizations; at this level (dominated by the international law and by documents adopted under the aegis of the UN Charter), these are not regulations concluded directly between civilizations, in the framework of a post-state order, such as the GOC (based on "civilizations" as subjects of global inter-civilizational law).

Of course, we do not exclude a certain heterarchy between the international law and the new bodies of law specific to global orders based on rising actors (vertical metropolises, horizontal metropolises, hybrid-megalopolises, civilizations), towards the late 21st century – early 22nd century. The coexistence of these orders leads to the creation of sets of common institutions to manage the relations and interferences between these orders GOC, GOMM).

2. What Kind of GOC? An Order of Civilizations Coexisting and Entailing the Inter-state Order (the first stage of the GOC creation)

In our opinion, the 21st century is defined as *a century of civilizations*, political actors which are not mistaken for the nation-states and which do not disappear when the nation-states disappear/decline. Instead, *they evolve on their own, they are actors that have existed before* the nation-states and the Westphalian order, which is considered to have its symbol-birth moment when the Treaty of Westphalia was drawn in 1648.

In a trans-disciplinary perspective, the order of civilizations cannot be limited to or mistaken for a global order, as it is *complex* in nature, given its state, national, and popular components, as well as the historical-cultural identities of certain entities *preceding and spanning beyond the order of the nation-states*.

Therefore, incorporating all these varied components, which belong not only to the cultural-historical identity *of the nation-states, but also to ancient cultures and civilizations, some extinct, other marginalized or being subjected to identity-cultural aggression* (through cultural-identity wars which are incompatible with the obligation of the states to cooperate for the free self-expression, dignity and personality specific to all the cultures), the order of civilizations is more than a simple global order focused on a sum of common cultural elements, used by some to define the existence of a popular culture, of a musical pop/rock/disco culture etc., of a popular clothing culture, at global level.

Thus, the global order of civilizations is a highly evolved, complex, and different legal-political concept, which incorporates at the same time the order of nation-states, creating a set of legal rights and obligations superior to the existing legal level.

This type of order *cannot be regarded as an intrinsically conflictive one*. Such a premise would entail mistaking the global order of civilizations for an anarchic order (focused on the idea of civilizational realism, of unavoidable battles over supremacy and of a lack of any set of specific legal regulations to avoid, prevent and regulate inter-civilizational conflicts). Such a premise would normalize the cultural-identity war or the cultural-identity aggression, which would become acceptable in practice (a certain form of common law), being in direct contradiction to the principles of the UN Charter that the nation-states (in the international legal order currently in force) have the obligation to observe. The result is that *the states which would want to carry civilizational wars involving the civilizations could not infringe upon the principles of the UN Charter,* which are clear regarding their obligations to preserve and cooperate for a climate of peace and international trust, for the equality of all the cultures, of all the peoples, derived from the principle of equality of rights, independence, and sovereignty of the nation-states.

Thus, if we *consider the global order of civilizations to be an order inherently conflictive order* (the Huntington paradigm of the conflict among civilizations, which entails an archaic premise of unavoidable confrontation, a zero sum game), *we cannot disregard the existence of the international law, the existence of the nation-states' quality* of being the main subjects of international law, the existence of the sovereign, independent legal personalities, the territorial integrity of the states, the principle of cooperation among all the peoples and

states, in order to maintain an international climate of peace and trust among the nations, the principle of self-determination of peoples.

If we consider the "global order of civilizations" *to be a concept separate from the Westphalian concept, such a premise would be limited* considering that, in the current Westphalian order (in which the states are sovereign and have equal rights), *the states have clear legal obligations, with direct impact on their relation to civilizations and cultures.* Currently, the principles of the UN Charter have not been revoked, neither they have the documents addressing the express legal obligations of the states at regional, national, international level, based on the ratification or conclusion of these legal documents, forming an *ius cogens* with a scope that includes the cultures, the cultural identity of the states and peoples.

The public international law is in *full process of development, in full process of transformation, of globalization;* however, *it continues to maintain its specific Westphalian core*, as a body of legal regulations focused on obligations and rights of the states and peoples, also derived from the set of principles stipulated in the UN Charter, in the Declaration of rights and obligations of the states etc.

Thus, the states, peoples and their actions *cannot be excluded; moreover, they are legitimate* (as they are sovereign entities, with specific rights, acknowledged in the international law) in the global order of civilizations. They are currently in a stage *in which they coexist with the international law*, being directly influenced by the latter, as determined by the states and peoples, as sovereign subjects of international law.

In its first stage, the global order of civilizations *is under the direct influence* of the Westphalian law, of the UN Charter, of its set of fundamental principles of law, there for *within the scope of the decision, obligations and specific rights of the nation-states.*

3. The Second Stage of the GOC Creation: Magna Charta of Civilizations

In our opinion, in its second stage (of separation from the limitations of the UN Charter, from the inter-state order and from the states), the GOC or global order of civilizations, specific to the late 21st century – early 22nd century, will be based on a fundamental legal document we call by convention *the Magna Charta of Civilizations.* In our view, this document is drafted as a body of legal and political regulations *addressing and involving directly* the new political-legal actors, i.e. the civilizations, in terms of *functioning of the inter-civilizational system* (structure in which the civilizations can

form specific legal frameworks, through treaties and conventions *concluded directly between each other*, by High Representatives of Civilizations, of plenipotentiary rank), as well as in terms of *inter-relating to other political and law systems* (the inter-state system, the system of international organizations, the corporate system, the inter-metropolitan system). The Magna Charta of Civilizations will be concluded by *representatives of the civilizations* gathered at *a special Conference of civilizations, with the role of constituent assembly* (laying the foundation for the GOC). These representatives of civilizations *are not mistaken for the representatives of nation-states* in the current international system, which strictly represent the states as distinct legal-political actors, according to the international law based on the UN Charter.

However, *the UN Charter does not apply to civilizations or other non-state actors; it only applies to nation-states that are members of the UN* and fulfil certain conditions (pacifist states, i.e. states without an aggressive expansionist policy, an imperialist policy or a policy of territorial annexations). However, starting the early 22nd century, the UN Charter remains a legal and political instrument specific to a type of political system (inter-state) built in the 19th – 20th century, as a result of the decline of the great colonialist empires (European and otherwise). Therefore, the UN Charter is an instrument specific to a historical period to become obsolete *in the 22nd century, when actors different from the nation-states rise and when there is a need to regulate the activities of such actors,* in order to avoid a chaotic, turbulent functioning, which generates an insecure world political environment.

Basic documents *specific to the main actors* (civilizations, megalopolises, metropolises) are needed to regulate the new types of global orders. Such documents are the following (named by convention): Magna Charta of Civilizations (to regulate the GOC), the Regional Charters, the Trans-regional Metropolitan Charters, and the Global Metropolitan Charter (to regulate the GOMM).

4. Global Institutions of the GOC: The Global Mediator of Civilizations

In the present article, by convention, we use the term "Global Mediator of Civilizations" for specific institution operating in:

- ***The global order of civilizations (GOC), exclusively at global level,***

- ***In an inter-civilizational system*** (a hierarchical system, a hierarchy of civilizations, which entails a unipolar/bipolar imperial order, the existence of competing "main civilizations" and of peripheral civilizations),

- ***In an inter-civilizational heterarchical system*** (comprising multiple networks of intersecting civilizations and civilizations, generating multiple authorities, multiple, overlapping levels of competences),

- ***In a hybrid system*** (which reunites as main actors not only the civilizations, but also other actors such as: states, metropolises, megalopolises), generating *a hybrid global order* (which cannot be defined either as a mainly inter-state order, or as an inter-civilizational order, or as a mainly inter-metropolitan order).

To avoid upheavals and instability in the new systems or their connection to already existing (inter-state) systems, we appreciate that global institutions such as the GMC can be created (through the Global Charter of Civilizations) to ensure a harmonious functioning in both types of systems or in the hybrid forms generated by their interconnection.

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