

Globalization of Human Rights in a Multicultural World: Universalism versus Cultural Relativism

**Abstract of Lecture by: Obi Aginam, Ph.D., Director of Studies,
Peace and Governance Program, United Nations University, Tokyo;
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The principal objective of a concerted strategy against cultural extremism, however, must not be the quick reversal of any one outbreak of racism or intolerance, but the forging of a global stance against radical cultural exceptionalism in general – Thomas M. Franck, “Are Human Rights Universal”, 2001

*As the twentieth century moves to a close, there has been a gathering awareness nearly everywhere of the lines between cultures, the divisions and differences that not only allow us to discriminate one culture from another, but also to enable us see the extent to which cultures are humanly made structures of both authority and participation, benevolent in what they include, incorporate, and validate, less benevolent in what they exclude and demote – Edward W. Said, *Culture and Imperialism* (1993)*

It is not the state per se that is barbaric but the cultural foundation of the state. The state only becomes a vampire when “bad” culture overcomes or disallows the development of “good” culture. The real “savage,” though, is not the state but a cultural deviation from human rights. That savagery inheres in the theory and practice of the one-party state, military junta, controlled or closed state, theocracy, or even cultural practices – Makau Mutua, “Savages, Victims and Saviors: The Metaphor of Human Rights,” (2001)

Overview of International Human Rights Treaty Provisions on Cultural Practices

2008 is unique in international human rights discourse because it marks the 60th anniversary of the Universal Declaration of Human Rights (UDHR) which was adopted by the United Nations General Assembly in 1948. 48 countries voted in favour of the UDHR, and 8 countries – Saudi Arabia, South Africa, former Soviet Union and four of its allies in Eastern Europe – abstained from the vote. The UDHR is a “Declaration” of persuasive authority that led to the development of subsequent human rights treaties. The UDHR is not legally binding but its provisions have high moral authority today with over 190 countries as member states of the United Nations. The UDHR covers civil and political rights such as right to life, liberty, freedom from torture, inhuman and degrading punishment, freedom of religion, conscience, movement, etc; and social, economic and

cultural rights such as education, food, clothing, social security, housing, health, etc. Article 27(1) of the UDHR provides that “**everyone has the right freely to participate in the cultural life of the community.**”

The UDHR provided the legal basis within the UN and other international forums for the development of legally binding treaties of a range of human rights issues: civil and political rights, social, economic and cultural rights, discrimination against women, children, etc. In 1966, 2 covenants were adopted: the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights. Article 27 of the ICCPR provides as follows:

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language

Article 15(1)(a) of the ICESCR that the States Parties to the present Covenant recognize the right of everyone to take part in cultural life.

On 18 December 1979, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was adopted by the United Nations General Assembly. It entered into force as an international treaty on 3 September 1981 after the twentieth country had ratified it. In Article 2 of CEDAW, States Parties shall pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake, among others, to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women

The UDHR, together with a good number of international human rights conventions that provide for a right to “cultural life” gives the impression that human rights are universal. But because we live in a multicultural world, how would the tension between cultures and basic human rights be resolved? It is common knowledge that states hide under the cover of state sovereignty, and preservation of cultural values to violate the basic rights of their citizens. Examples of this abound in the Taliban treatment of women in Afghanistan and other notorious instances. This lecture focuses on the tensions of universal human rights and cultural “extremism” in international human rights discourse.