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Reflections:

Human Rights and Human Obligations in Asian Traditions

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Thesis

The fascinating juxtaposition between the concepts of "Asian Traditions" and "Human Rights" seems to always have garnered an equally fascinating reaction. From stereotypes of a lack of human rights dialogue and understanding, to an aggressive argument for or against cultural relativity, the conjunction of these two concepts appear to stir up polar reflexes, whether justified or otherwise.

This seems to ignore the blatant fact that the modern human rights discourse is a unique creature of the last century. Other contentious issues that have been ignored include the shifting evolution of "culture" and "tradition"; the geographic, linguistic, demographic and ideological difficulty of the meaning of "Asia"; and the fact that "rights" may be viewed as negative "obligations" - or not.

In addressing human rights and human obligations within the scope of such thorny territory, the emerging realisation of the inherent unfairness in the discourse becomes evident. The significance of the discussion then revolves mainly around analytical methodology and pedagogical independence - stripping away two main tenets of the human rights dialogue: individual applicability and tangible implementation.

It is contended that a structural and conceptual analysis may be one method in which Huntington's "clash of civilisations" may be addressed. While human rights are inherent, inalienable and universal, their source however, may not have originated as

such. The values, rights and practices of traditional societies - originating from whichever floodplain or steppe in the world - are especially critical in progressive development and intellectual analysis of any human rights dialogue. The same is true of Asia.

The discussion is momentous and timely particularly in the context of the promotion of human rights today. The "Universal" Declaration of Human Rights has come under attack with a credibility crisis amid the realities of globalisation. This discussion can also be viewed from the perspective of religious and cultural extremism - with "God's Warriors", and in explaining the persistence of culturalists argumentation. In addressing such concerns, one very real (though idealistic!) result may well be the increased efficacy in the promotion of the universality of human rights.

In Asian traditions, the religious and secular notions of human rights and universalism collide. In testifying to the universality of humanity, many traditional invocations of obligations correspond to secular conceptions of rights. The myth of a continental culture and the complex politics of Asia complicate the discussion further.

Two case studies on dual levels are examined.

The first relates to the identification of an "Asian" culture and the traditional conceptions originating from Hindu scripts, the Buddha, Confucius, and Muhammad. For a comparative discussion, the human rights obligations from these sources are then scrutinised against those conceptions originating from Greek, Roman, Jewish and Judeo-Christian (the "Western") ideas. The contribution of the "Asian" traditional concepts to the modern human rights dialogue is then drawn from the synthetic thinking and conclusions from the comparative analysis.

The second case study relates to thematic areas of human rights. Three contentious fields of human rights and obligations are examined in this context: Economic and social freedoms, war and the search for peace, and women's rights. The ideological and philosophical roots of these three fields are compared in an effort to understand better the differing perspectives that divide the human rights dialogue.

It is submitted that these case studies and a detailed comparative examination of human rights / obligations in Asia is a substantive contribution to the modern global human rights dialogue. The awareness of the "Asian" traditions provide a reflection on how the "West" is viewed by "Asia", and how "Asia" is viewed by the "West" - a lovely mirror into the depths of each civilisation's soul. Further, the link between the Enlightenment and decolonisation becomes a tad clearer. The empirical assessment of human rights in the relationship between the individual and society allows a better acceptance of the truth that the nature of culture and human rights is fluid. This ensures the development of a credible, compatible human rights dialogue and a better enforcement mechanism for basic human rights.

The quest into Asia in terms of human rights and human obligations is a dialogue about real differences in the global promotion of universal human rights. In understanding the source and difficulties, the arguments prevalent in many policy discussions can be addressed - securing a more effective means of making such ideals tangible.

The yin-yang of human rights and human obligations in the Asian traditions are an indispensable reflection of the individuality of universal human rights.