Human Rights and Culture in the Asian Region

Elisa Nesossi

Abstract

Numerous attempts to create a regional human rights system in Asia have proven unsuccessful, and human rights are still intended as an ideal principle. Nevertheless, the last two decades witnessed a proliferation of “human rights talk” at both the regional and national levels.

This article offers an interpretation about past and current official human rights talks at the regional level in Asia and considers the reasons for privileging a specific conception of human rights over other competing visions. In addition, it assesses the impact that the human rights visions articulated in Asian talks have upon the creation of a regional human rights system. This article gives particular attention to the official talks on human rights at the regional level, considering how the relationship between rights and culture is conceptualized.

On the whole, the article demonstrates how the utilization of culture as a concept in talks about rights in the last thirty years has changed only partially, indicating different but equally opportunistic approaches to the concept of human rights.

1. Introduction

Human rights regionalism is a relevant reality in the overall architecture of the international protection of human rights. Since the concept’s first appearance in Chapter VIII of the UN Charter, human rights regionalism has become more than a mere concession for the maintenance of peace or a theoretical possibility for the pacific settlement of disputes. According to the proponents of regionalism in the contemporary legal arena, “United Nations and regional institutions need one another and should continue to work closely in addressing regional issues as well as international issues.” Only a meaningful division of labor between global, regional and domestic systems could produce a valuable response to human rights violations. Indeed, in virtue of their flexibility, regional systems may combine an immediate response to specific problems with long-term strategies.

In the overall architecture of the international human rights law, regional institutions are structurally in an intermediate position. This intermediate institutional level has never been intended to be a substitute for either the international structure or the domestic one; rather, this system has been devised to complement and supplement the structure in place. It is indeed subsidiary to domestic instruments whenever national governments have violated human rights or their remedies have failed. Moreover, it is complementary to the UN system; the latter lacks the internal co-ordination and efficacious instruments for investigating and redressing human rights violations at the national level. Proponents of human rights regionalism assert that in virtue of their intermediate position, regional systems are able to include both the core setting of basic rights as well as many regional and domestic particularities, thus enhancing a non-absolutist conception of universality.

In contrast to the other world regions, Asia does not have a regional human rights system based upon regional human rights documents and institutions such as courts or commissions. In the last fifty years, numerous attempts have been made to create regional or sub-regional hu-
Since the 1960s, UN-sponsored seminars in the Asia-Pacific have been following one another, bringing together government representatives, regional NGOs, National Human Rights Institutions (NHRI) and UN agencies to explore possibilities of developing regional arrangements for the promotion and protection of human rights. Historical and more recent attempts include a number of seminars, conferences, and fifteen regional workshops organized by the UN Office of the High Commissioner for Human Rights (OHCHR) South Asia Office, which have discussed regional technical cooperation for the establishment of regional and sub-regional human rights mechanisms. Four priority pillars of cooperation have been established – national human rights action plans (NHRAP), human rights education, NHRI and the right to development and economic, social and cultural rights – and states have sought to gradually undertake related activities. Domestic actions are reviewed periodically during regional workshops.

The initiatives undertaken preliminarily addressed the need for regional arrangements, but the overall lack of any meaningful developments limited their significance. Even the 2007 ASEAN Charter, designed “to strengthen democracy, enhance good governance and the rule of law and to promote and protect human rights and fundamental freedoms” provides a very hesitant approach to human rights. George Yeo, Singapore’s Foreign Minister, provided an assessment of the Charter by saying, “I’m not sure whether it will have teeth but it will have a tongue. It will certainly have moral influence, if nothing else.” Similarly, the Singaporean Second Foreign Minister, Raymond Lim, argued that the ASEAN Human Rights Commission, as defined in the Charter, “will likely be consultative rather than prescriptive.”

To this day, the quest for a regional mechanism has not died down and still represents an ongoing appeal for many human rights practitioners around Asia. These practitioners look at this goal as the only concrete option to provide justice where national institutions are unable or unwilling to offer it.

This article offers an interpretation about past and current human rights talks at the regional level in Asia and considers the reasons for privileging a specific conception of human rights over other competing visions. Additionally, it assesses the impact that the human rights visions articulated in Asian talks have upon the creation of a regional human rights system. Moreover, the article gives particular attention to the official talks on human rights at the regional level, considering how the relationship between rights and culture is conceptualized. On the whole, it demonstrates how the concept of culture, as it has been utilized in talks about rights in the last thirty years, has changed only partially, indicating different but equally opportunistic approaches to conceptualizing human rights.

Human rights represent important catalysts in the overall process of regional integration, as they significantly promote social and institutional integration by codifying social behavior and deepening the sense of regional community and solidarity. Indeed, the relationship between culture and rights is an important one and deserves an accurate analysis in the context of regional integration in Asia. The first story told by this article regarding the relationship between human rights and culture in Asia is that of opposition; the two concepts live here in a closed and static image of culture that hampers the creation of a human rights system. Thus, this narrative paradoxically presents Asian culture as outwardly unified, but internally so diverse as to obstruct social integration at the regional level. The second story talks about changes in understanding about culture – now intended as an open and dynamic concept – which has developed from the process of globalization; further, it explains the effects of an emerging “human rights culture” which may lead to gradual socio-cultural integration in the region.

The paper is organized in three main sections. The first section offers a brief overview of the contested relationship between human rights and culture, as it has been conceptualized by anthropologists in the last decades. The second part assesses the way human rights have been discussed
in Asia, particularly in the context of the ASEAN group of nations. Particular attention is given to the relationship between human rights and culture and the way it has evolved in the last twenty years. The third and concluding part of the article considers the impact of ASEAN approaches to human rights and culture on the realization of human rights regionalism.

On the whole, the article represents a significant contribution to the literature on regional integration, as it discusses one highly contentious area in the general discourse on regionalism and integration. Differently from the existing literature on human rights and regionalism, which mainly considers legal, political or international relations perspectives, this article provides an interpretive approach to discourses about human rights and culture in Asia that may shed light on the inherent dynamics of social and institutional integration.

2. Human Rights and Culture: A Contested Relationship

Neither rights nor culture are easily definable concepts and, over time, views and definitions have transformed, sometimes complementing each other, sometimes conflicting or overlapping. Approaches toward rights are often the result of historically grounded cultural conceptions.

The instrumental use of both the concepts for political purposes has indeed generated confusion about definitions, as well as skepticism about the substantive value of human rights. According to Twining, in order to provide a fair definition of rights, it is important “to maintain broad distinctions between human rights talk as forms of political rhetoric, of legal expositions and argument, and as moral discourses.” Thus, in *General Jurisprudence*, Twining offers a critical overview of the main conceptions of human rights that have developed in the last fifty years, framed within specific historical backgrounds, and he unravels five major conceptualizations of the term “human rights.” These are: human rights as a legal regime, as substantive moral theories, as discourses, as political ideas and practice and as Western colonial and neo-colonial ideology.

The relationship between human rights and culture has often been an area of contention. During the 1990s, an essentialized understanding of culture shaped the universalism-relativism debate, which opposed global standards of social justice and respect for global practices. While supporters of universalism argued that human rights principles should apply indiscriminately to all cultures, relativists asserted the importance of cultural differences over universal standards.

Underlying the universalism-cultural relativism debate was the substantive moral understanding of human rights as a set of universal moral principles applicable to all people at all times, and everywhere, irrespective of beliefs and cultures. Such a view – grounded in European religious and philosophical thinking dating back to the Greeks and the Romans – was based on the belief of a universal human ontology and the idea that human rights were embedded in original values shared by all human beings because of their common nature.

To oppose the argument on the universality of human rights values, relativists used a broadly defined concept of culture indicating a coherent, uniform and timeless whole in the meaning systems of a given group. In order to mark a distinction between universal and local values, culture became a reified, essentialized and homogenous entity, drawing definite boundaries between the “Us” and the “Others.”

Both the instrumental use of the rhetoric of culture to legitimize claims of power and the strengthening of the process of globalization led theorists to question the universalism-relativism debate. Indeed, although it was still acceptable during the 1990s to use earlier European anthropological conceptions that maintain that culture is integrated, harmonious, consensual and bounded, in the new century, these views are considered largely obsolete.

New conceptions of culture have emerged and the concept has started to take the form of a
hybrid and porous entity that may promote change and develop. As argued by Merry:

In the last two decades, world system theory has criticized the model of society as an isolated ‘billiard ball’ within global economic and cultural processes (Wolf 1982)...Culture is now understood as historically produced rather than static; unbounded rather than bounded and integrated; contested rather than consensual; incorporated within structures of power such as the construction of hegemony; rooted in practices and symbols, habits, patterns ...and negotiated and constructed through human action rather than superorganic forces.

With the new century, the “rights versus culture perspective” has shifted toward a “human rights culture perspective” in which human rights have progressively become part of the cultural discourses at various levels – transnationally, nationally and locally. Thus, beside a legalist approach toward rights, two other main perspectives prevail; that is, human rights as globally circulating discourses, and human rights as local experiences of communities in struggle.

Amartya Sen, for example, argues that the survivability of human rights does not depend upon grounded moral theories, but upon rights’ claims in open discussions both within and across societies. Accordingly, “rights talk” is a form of discourse with varied and changing content, which provides a framework for argument, negotiation, interpretation and articulating or making claims.

Others, like Baxi and Rajagopahal, have developed “subaltern perspectives” of human rights, according to which human rights are not based on moral or legal principles but emerge directly from local struggles against poverty and injustice.

Anthropologists like Merry have also started to look at different cultural sites where international or regional elites conceptualized and translated rights into international legal standards. UN meetings have become the subject of study, being “shaped by a culture of transnational modernity, one that specifies procedures for collaborative decision-making, conceptions of global social justice...Its [human rights laws] documents create new cultural frameworks for conceptualizing social justice.”

3. The Asian Approaches to Human Rights and Culture

The fact that Asia is lacking a regional human rights system made of commissions, courts and foundational legal standards does not mean that the concept of human rights has not influenced regional practices and discourses, or that the region is completely silent in this respect. In Asia, as in other parts of the world, different perspectives about culture and rights have been informing both individual and collective discourses.

This section of the article looks at the approach toward human rights and culture adopted by Asian decision-makers in the last three decades and assesses its impact upon the tentative creation of an Asian regional human rights system.

(1) Culture Versus Rights

During the 1990s, Asian leaders rejected human rights by claiming to be defending culture. The Asian debate over human rights set “Asian values” against universal human rights, asserting Asia’s cultural uniqueness and the inappropriateness of human rights in the regional context. The “Asian values” argument that emerged after the 1993 Bangkok Declaration of Human Rights denied the universal applicability of human rights, rejected civil and political rights as being specifically Western and culturally inadequate for the Asian communitarian context, and stressed the primacy of economic development over civil and political rights. The Declaration asserts that
“while human rights are universal in nature, they must be considered in the context of a dynamic and evolving process of international norm-setting, bearing in mind the significance of national and regional particularities and various historical, cultural and religious backgrounds.”

Mainly promoted by elites from Singapore and Malaysia, the “Asian values” discourse asserted that Western liberal democratic values are inapplicable in the Asian context; the discussion characterized such values as a Western imposition conflicting with the indigenous values of Asia, detrimental to Asian economic development. Assuming a unifying cultural mantle for Asia, the “Asian values” proponents argued for the idea of Asian cultural uniqueness based on Confucian and communitarian roots. However, the fact that the highly westernized elites of Singapore and Indonesia welcomed industrialization and its consequences made the rejection of human rights in the name of “Asian values” highly suspicious.

The 1997 “ASEAN-Vision 2020” – a clear expression of its times – did not make any reference to human rights, but mentioned the importance of social justice and the rule of law. In the document, ASEAN leaders envisioned “the entire Southeast Asia to be, by 2020, an ASEAN community conscious of its ties with history, aware of its cultural heritage, and bound by a common regional identity.

Various Asian and Western scholars have already discussed at length the fallacious approach taken in the “Asian values” debate. Thus, it is clear that the “Asian values” debate prompted some focused reflection on the moral value of human rights and the concept of culture. The fact that human rights were perceived as a neo-colonial imposition by Western countries raised skepticism toward the morality of the concept itself. As relativists, Asian leaders implicitly supported the view that “there can be no essential characteristics of human nature or human rights, which exist outside of discourse, history, context or agency,” and that human rights are socially constructed concepts to impose political power, hegemony.

Without questioning whether human rights could be grounded only on Western concepts of natural law, individualism and liberalism, or if they could be adapted to local circumstances, the proponents of the “Asian values” debate rejected the concept of human rights tout court, raising local culture against any claims of universalism in human rights. The extreme cultural relativism proposed by the Asian leaders was based on a static and closed idea of culture, which implicitly served legitimacy and power purposes. This “essentialist view of culture” echoed Romantic nationalism, an approach that conceived “diversity as a problem to be solved” and impeded new and alien ideas from being absorbed or reshaped, making intercultural dialogue extremely difficult. The “Asian values” debate used culture as a rhetorical object. Those who recognized human rights were seen to deny and reject the Asian culture. Conversely, those who considered the value of culture as supreme were seen to override the pursuit of universal human rights.

The 1997-1998 Asian economic meltdown seriously affected Asian confidence in economic development, and brought the public debate on “Asian values” to an end. Nevertheless, a number of scholars admit that the debate is still highly salient now, and continues to be important when considering human rights approaches in individual Asian countries. Yet, “although the Asian values argument is less often articulated now, it represents one of many ways that leaders assert that human rights violate the fundamental cultural principles of a nation or a religion and therefore cannot be adopted.”

Even though the concept “Asian value” seems overly anachronistic now, it must still be admitted that it did carry weight enough to have stimulated sustained reflections both in Asia and in Western countries about the significance of culture when constructing a normative moral order; furthermore, it questioned the assumption that human rights truly represent “the best medium for cross-cultural discourse and dialogue” within diverse systems of justice. The next section of the article shows whether, and in what ways, the relationship between culture and rights has been reshaped in current official approaches to human rights in the ASEAN context.
Because of the developments and the sustained discussions on human rights in ASEAN, this sub-region represents an interesting and comparatively simpler laboratory for elucidating the main characteristics of the relationship between human rights and culture in the whole Asian region. Indeed, the ASEAN case may be intended as illustrative of the challenges facing Asia more generally.

(2) Human Rights as a Cultural Process?

Since the late 1990s, human rights issues have been discussed in a more open and frank manner. While roundtable discussions and meetings at the regional and sub-regional levels seem not to have been particularly effective in producing practical results, they have nonetheless been important for reiterating on a periodical basis the need to foster the creation of regional and sub-regional human rights mechanisms; in addition, on a broader scale, they have been useful for understanding the regional nuances of human rights talks by legal and political elites and institutions. Not only have the meetings set priorities for action, but they have also contributed to shaping the regional discourses on human rights, and to consolidating common positions within the larger Asian context. Official human rights meetings at the regional and sub-regional levels are representative of the local, regional and the globally circulating human rights culture.

Even without producing tangible results, the various meetings dedicated to human rights in ASEAN demonstrate that the resistant approach toward human rights that characterized the 1990s has shifted toward forms of acceptance concerning the concept of rights. Katsumata argues that:

> In the global community of modern states today, its core members, the advanced industrialized democracies, are championing a set of liberal reforms, thereby creating a social environment which defines human rights as an element of legitimacy in this community .... In such circumstances the ASEAN members have 'mimetically' been adopting the norms of human rights which is championed by the advanced and industrialized democracies motivated by their desire to be identified as advanced and legitimate.

While “mimetic acceptance” does not indicate a substantial change in approach toward the concept of human rights, it shows that human rights discourses cannot be totally avoided; they have been progressively entrenched in the culture of the region and have thusly formed an important part of a wider global rights culture. The formal commitment to participate in the international community – already expressed in the 1997 “ASEAN-Vision 2020” and the “Hanoi Plan of Action” – translates into an obligation to heed human rights.

Indeed, Asian countries are responding to what they once considered Western hegemonic discourses by using their same language; that is, they are using human rights discourses to frame their arguments and articulate their claims both regionally and internationally. In adopting the language of rights, Asian countries formally commit themselves to “the dominant mode of moral engagement in an interconnected, uncertain and rapidly changing world.”

However, this commitment does not mean that human rights are talked about in Asia because of an ideological adherence or legal commitment to the concept; but because Asia is an actor in the global arena, it must participate in a global culture where human rights play a significant role. Indeed, the “step by step, constructive and consultative approach” which informs the commitment to human rights in all the major ASEAN human rights documents, and the related lack of urgency for the creation of stable institutions and legal mechanisms for the promotion and protection of human rights, “raises the suspicion that the UN annual workshops are means for states to avoid establishing any such permanent arrangements under the pretext of appearing committed to the ideal.”
Official elites approach human rights as ideals, the objects of expectations, which they may then discuss. Dato Param Coomaraswamy aptly expressed this perspective in the Welcome Remarks to the 8th Workshop on the ASEAN Regional Mechanism on Human Rights, when he explained that “our [ASEAN’s] chosen approach has always been engagement and so we welcome this opportunity to again meet with all of you and talk, openly and frankly, about what we can expect and what we should strive for, given the situation at hand.” In a similar fashion, after the creation of the ASEAN inter-governmental commission on human rights, the ASEAN heads of state applauded the new organ not by steadily supporting its action, but by mildly expressing “confidence that ASEAN cooperation on human rights will continue to evolve and develop.”

The fact that human rights are discussed at the regional level with little visible effort to translate talks into practice indicates the difficulties inherent in the process of regional, or even sub-regional consensus building upon concepts like human rights and social justice. The creation of a transnational consensus means that a compromise must be reached – across differences in ideology, political and cultural practices – that in such “a diverse cultural context,” as expressed in the ASEAN Charter, is quite difficult to achieve.

While human rights are accepted as a matter of principle, no concrete attempt to make them regionally specific has been made yet. The creation of regional courts and commissions, for example, would represent a fundamental step in making human rights claims possible since, without courts, the meaning, content and scope of human rights remain utterly vague. Talks about rights are fundamental, though void and meaningless if not concretized in legal practice. As it has been demonstrated in other regional contexts, the existence of regional standards and courts would represent promising avenues to improve national legal systems and raise the quality and sophistication of domestic human rights litigation.

For example, after Brazil’s ratification of the American Convention of Human Rights in 1992, the regional human rights system became a powerful tool in the hand of Brazilian activist lawyers who started to engage in rather aggressive domestic human rights litigation. Eastern European countries have followed a similar path after their accession to the European Convention on Human Rights.

Admittedly, the creation of a regional legal regime would indicate a genuine step forward in the human rights cause in Asia, but it would bring significant challenges to the national interests and the political status quo in various states. Challenges would come both from within and from outside the domestic borders of the various states.

First, the creation of regional legal instruments would defy the principle of non-interference at its very core. Individual states would have to be externally accountable, at least regionally, for the abuses against their citizens, and would have to put in place domestic mechanisms for the enforcement of human rights principles. Regional courts would decide upon cases involving individual states and their citizens, and states would be compelled to enforce the decisions taken by judges often speaking a foreign language. Specifically, at the regional level, this would also lead to the creation of legal mechanisms and institutions incorporating Asian approaches to human rights, and, at the national level, it would request the implementation of new legal instruments or the reform of existing laws – all changes associated with significant economic costs and human resources involvement.

Secondly, the attempt toward “regionalization” of international principles would lead to a significant self-reflection upon regionally specific cultural perspectives and practices that must be then “legalized” in human rights documents. In order to put in place a human rights legal regime reflective of the cultural context from which it has emerged, Asian leaders would need to clearly define the meaning of Asian culture and its relation with rights.

Indeed, based on the assumptions that “law is the result of local knowledge, not placeless principles,” and that the “law is constructive of social life and not reflective, or…not just reflec-
it is believed that the adoption of a human rights law would inevitably prompt a more sustained reflection of local needs in relation to wider global and regional contexts. The creation of a human rights regime will not only be reflective of social life discourses, but it would also create new expectations and possibilities for different social actors located at the regional or domestic level.

To limit human rights discourses to political statements rather than legal commitments represents, first, an attempt to discourage a “bottom up” approach towards human rights – an approach based upon the active involvement of civil society – and secondly, an attempt to limit the emergence of a culture of rights which may oppose the political status quo. The language of legal rights is a powerful and threatening one, which, once entrenched in culture, may become part of local communities’ approaches to reality and can, rephrasing Twining, “stimulate and enlarge moral imagination.” Political struggles in the name of rights are becoming increasingly common even in most conservative political regimes, like China, for example, and demonstrate the power of the language of rights, a power which may inevitably create anxieties among regional elites. Indeed, with respect to practices, the pursuit of human rights requires people to become involved in specific political and legal processes, perhaps not ideal when trying to promote peace and security in the region.

4. Conclusion

This article is a very modest attempt to delve into the complex relationship between rights and culture in a specific regional context, and to show the latent tensions inherent between the two concepts. The cases of Asia and ASEAN in particular represent an interesting laboratory for this specific study.

The article demonstrates that both the “Asian values” debate and contemporary approaches toward human rights are both born from very specific historical circumstances. The “Asian values” debate represented the exemplification of a romantic understanding of culture, intended as a static, homogeneous, coherent and consensual entity. In view of their recent colonial past, Asian countries, in an apparently contradictory move, deliberately adopted a markedly Western approach to culture to resist the neo-colonial imposition of liberal values.

The contemporary approach toward human rights represents a more complex and sophisticated reaction to Western concepts, and as such is much more difficult to decipher. Asian elites do not talk anymore about an anachronistic dichotomy between rights and culture, but they do accept to be a part of a global human rights culture that pretends to accept plurality and diversity. Again, they speak the language that Western countries may easily understand. However, simply by committing to the ideal of rights and playing a waiting game in their practice, they do not offer any substantive and regionally specific contributions to the circulating culture of rights; rather, they simply act as spectators. While a circulating human rights culture alone may be able to trigger regional solidarity and solidify values promotable at the regional level, it may hardly promote integration as such. Only the creation of legal institutions codifying regional human rights behavior might lay the foundation for integrating and facilitating integration agreements. Integration would strengthen human rights institutions and solidify the meaning of a human rights culture in the region.
Notes


4 The primary responsibility for the protection of human rights in a country lies within the government of that country. As a consequence, one of the most notably stringent among the admissibility criteria to file a case before a regional court is the “exhaustion of national remedies.” See Art. 2 and Art. 5(2)(b) of the Optional Protocol to the International Covenant on Civil and Political Rights, 1966; Art. 35 of the European Convention for the Protection of Human Rights and Fundamental Freedoms; Art. 46 of the American Convention on Human Rights; Art. 50, Art. 56 (5) of the African Charter on Human and People’s Rights; and Art. 6 (2) of the Protocol to the African Charter on Human and People’s Rights on the Establishment of an African Court.

5 The other three world regions – Africa, America and Europe – have created regional human rights arrangements based on the work of courts and commissions acting within the framework of regional treaties and various legal standards. In Europe, the 1950 European Convention on Human Rights is the main European regional instrument for the protection of human rights created by the Council of Europe. The European Court of Human Rights is the main institutional organ responsible for protection against violations of the rights inscribed in the 1950 Convention. In the African context, the 1986 African Charter on Human and Peoples Rights – the main human rights treaty in the region – is the formulation of the Organization of African Unity. An African Court on Human and People’s Rights came into being in 2004. In the American region, the 1969 American Convention on Human Rights is the main regional instrument for the protection of human rights. Compliance is overseen by the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights, both organs of the Organization of American States.

6 The 1981 General Assembly Resolution 36/154 requested the UN Office of the High Commissioner for Human Rights (OHCHR) to facilitate the dialogue among Asian member states on adequate arrangements for the promotion and protection of human rights in the region.


The normative instrument for the NHRI are the Paris Principles, so called because they were adopted in Paris in 1991 at an international workshop organized by NHRI. The Principles provide that NHRI should be established in national constitutions or other legal documents that set out their role, powers and mandate. Accordingly, NHRI should make recommendations to governments on a broad range of human rights related issues. For the Paris Principles, see http://www2.ohchr.org/english/law/paris_principles.htm. (accessed July 16, 2010). On the NHRI in the Asia-Pacific region, see Brian Burdekin, National Human Rights Institutions in the Asia-Pacific Region, Leiden and Boston: Martinus Nijhoff Publishers, 2007.

The Framework for Regional Technical Cooperation in the Asia and Pacific Region was adopted by participants to the sixth workshop held in Tehran in 1998.

During the third workshop held in Seoul in 1994, participants agreed to adopt a “step by step,” “building block” approach to the creation of regional arrangements.


Twining, op. cit.


Berger and Luckman defined “reification” as “the apprehension of human phenomena as if they were things, that is, … the apprehension of the products of human activity as if they were something other that human products – such as facts of nature…” Kapferer considers “reification of culture” as the process of “the production of culture as an object in itself.” See Peter L. Berger and Thomas Luckmann, The Social Construction of Reality: A Treatise in the Sociology of Knowledge, London: Penguin, 1967; Bruce Kapferer, Legends of People, Myths of State: Violence, Intolerance and Political Culture in Sri Lanka and Australia, London: Smithsonian Institution Press, 1988.


Twining, p. 175.

Merry, Human Rights & Gender Violence, p. 16.

26 Mathathir Mohamad and Lee Kuan Yew, prime ministers of Malaysia and Singapore, respectively, were strong advocates of the Asian values.


31 Jane Cowan, Marié-Bénédicte Dembour and Richard A. Wilson, p. 3.


33 Merry, Human Rights & Gender Violence, p.14.

34 Twining, p. 179.


36 An interesting result of these discussions among the members of the Association of Southeast Asian Nations (ASEAN) has been the creation of the Asian Intergovernmental Commission on Human Rights (AICHR) in October 2009. Details on the AICHR may be found on the official website of the Association of Southeast Asian Nations, http://www.aseansec.org/22769.htm (accessed July 16, 2010).


38 Katsumata, p. 625.

39 At the 1997 “ASEAN-Vision 2020,” it was said: “We see an outward-looking ASEAN playing a pivotal role in the international fora, and advancing ASEAN common interest.” Similar commitment was expressed in the late 1990s in the Hanoi plan of action, meant: “to promote ASEAN’s standing in the international community and strengthen confidence in ASEAN as an ideal place for investment, trade and tourism.”


47 Twining, op. cit.

48 According to official statistics, in 2005 alone there were 87,000 protests around China. Most of the pro-