

The UNESCO convention

The Preamble of the preliminary draft of a Convention on the protection of the diversity of cultural contents and artistic expressions (to be indicated as Convention on Cultural Diversity) celebrates ‘the importance of cultural diversity for the full realization of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and other universally recognized instruments.’ This text implicitly refers, for instance, to the article 19 of the Universal Declaration of Human Rights from 1948 that says: ‘Everyone has the right to freedom of opinion and expression; this right includes the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.’ Article 27.1 of this Universal Declaration states: ‘Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in the scientific advancement and its benefits.’

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Introduction

The International Covenant on Economic, Social and Cultural Rights from 1966 stresses in its article 15 that the State Parties to this Covenant recognize the right of everyone to take part in cultural life. In its clause 2 there has been mentioned that the steps to be taken by the State Parties ‘to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture.’ Also the 1966 International Covenant on Civil and Political Rights speaks in its articles 18 and 19 about such kinds of rights.

One might wonder why it is necessary to have a Convention on Cultural Diversity in the beginning of the twenty first century while apparently we have already for decades the, at least moral obligation for states to take care that *everyone* can take part in the cultural life of the community; that *everyone* should have the freedom to hold opinions and to seek, receive and impart information and ideas; and that the states *shall* take steps that promote the conservation, development and diffusion of science and culture. “Everyone” does mean that no one should have a privileged and dominant position in cultural life and would be able to

exclude others from cultural communication and participation, whether, for instance, by censorship or by actual market behaviour.

There is also no misunderstanding about the fact that there *should* be taken steps to guarantee that the full realization of those rights can be achieved and that those steps *shall* include those measures necessary for the conservation, the development and the diffusion of science and culture. The result of all those rights and measures would be the flourishing of cultural diversities, everywhere in the world and between the different parts of the world. Despite all those promises, why do we need to have a Convention on Cultural Diversity?

The immediate cause is, of course, the fact that the arts from all different ilk – or if one would like to call it cultural production, distribution and promotion – have been brought under the free trade regime of WTO that is hostile to regulations in favour of the protection and the promotion of cultural diversity. The Convention has as a purpose to give back this regulatory right to national states and their regional and local authorities. But, at the same time, one should be aware that the human rights declarations and treaties that exist for decades have not been respected, in any case not enough to make it self-evident that states actively favour

the development of cultural diversity, analyse what might threaten the flourishing of cultural diversities (plural) and accordingly take appropriate measures.

In this article attention will be given to the reasons why the human rights have not been cared for thoroughly; for the topic of this book this question will be focused on the cultural aspects of human rights. This might clarify what the difficulties are at present to frame a Convention that says to celebrate 'the importance of cultural diversity for the full realization of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and other universally recognized instruments.'

The article starts with some preliminary observations, followed by the discussion of two major challenges for human rights in general, and specifically for cultural rights. The first challenge is that human rights pretend to be universal. If that is the case, allow us to be able to practise those cultural rights, non-Western countries claimed in the sixties and seventies of the twentieth century, and accused Western countries to dominate the information and cultural landscapes in all corners of the planet. This universalism claim has been followed by a contrary assertion: those human rights are Western inventions and do not apply to specific cultures, for instance Arab or Asian ones. This is the cultural relativism claim.

The struggle about universalism and cultural relativism is profound and makes it difficult for all countries to agree, even on whether cultural diversities (plural) should be promoted, actively, and not only by words. What is the origin of those contradictions? What is at stake?

Preliminary observations

If we speak about human rights it is necessary to establish that there are different categories of such rights, for instance security rights (life, bodily integrity, liberty), social and economic rights (food, health care, education, labour conditions), and rights that are related to topics like culture, science and the ecological environment. Conflicts and contradictions concerning those different categories of rights may differ between states and social groups. However, reality obliges to recognize that conflicts on human rights concern sometimes the whole package. In this article the discussion is about cultural rights, but once in a while it is unavoidable to let reality speak and observe that contradictions exist about major clusters of human rights.

Human rights are embedded in international declarations and covenants on which all or some national states agree. The signature might be a solemn moment, but the big question is of course what happens after this celebration of human good will. It depends from the national states whether they refrain from intervening in the personal life of their citizens and whether they actively take those measures that are necessary for the implementation and recognition of the agreed rights. However, there is no international mechanism that can force national states to respect human rights in all their tonalities. International pressure by a coalition of states might be a tool, but actually it is a weak mechanism that has been exerted mostly rather opportunistically. This ineffectiveness of the international enforcement of human rights is remarkable if one compares this with how effectively the enforcement mechanism of the WTO operates, already a

decade after its start. This has huge human rights consequences.

Article 1 of the Universal Declaration of Human Rights states: 'All human beings are born free and equal in dignity and rights.' This text is nearly the same as can be found in the French revolution declaration. But, is it true that all human beings are born equal? Costas Douzinas observes that abstract and universal human nature, 'the essence of the human species, is parcelled out to everyone at birth in equal shares. This is evidently a great fallacy. People are not born equal but totally unequal. . . . once we move from the declarations onto the concrete embodied person, with gender, race, class and age, human nature with its equality and dignity retreats rapidly. . . after sex, colour and ethnicity were added, this abstract disembodied human nature took a very concrete form, that of a white, property-owning man.' (Douzinas 2000, 96,7) And, here of course the problems start that I will analyse in the sections below concerning cultural rights.

Let's believe that the beautiful rhetoric of equality has not been meant as an accurate description of a state of affairs, but as an intention: all people should be entitled on the same rights. In this case we must conclude that there is a serious lack in the human rights declarations. They do not tell how to reach this ideal. What are the strategies? They are silent on how to reach those purposes based on equality, respect for the human being, and cultural participation.

However, we should be aware that human rights 'were initially linked with specific class interests and were the ideological and political weapons in the fight of the rising bourgeoisie against despotic political power and static social organization.' (Douzinas 2000: 1) There is

nothing wrong with such a start of a bright idea and desire – all social developments commence somewhere, under specific historical conditions -, but it is not to be excluded that his start has left specific traces on how human rights have been conceptualised and formulated: what is in and what is out; what matters more and what has been neglected? Maybe it is no coincidence that the appearance of the 1948 Universal Declaration of Human Rights 'coincides with the globalization of the market economy, which has, particularly in the latter part of the 20th century, penetrated and connected all nations and peoples on Earth into an interdependent network.' (Bruun 2000, 11)

The fact that human rights have been formulated explicitly for the first time, a couple of centuries ago, in a Western country, France, does not mean two things. First, it does not suggest that several of such and other extremely important human values, including human dignity, did not exist already in other societies and cultures as well, in all parts of the world, clearly formulated, enforced and respected. Second, it would be exaggerated to claim that all human rights are a live reality in the Western parts of the world. The existence of democracy, for instance, does not guarantee that human rights have been respected. 'Real democracies are replete with problems and evils. Democracy is but a political mechanism for trying to grapple with a nation's problem. . . And yet, because democracy is but a means for dealing with political issues, it does not assure a people that a democratic government will even promote their human rights. This is why human rights organizations grow inside of democracies. They invariably have lots of work to do protecting stigmatized groups – women, aliens, particular religions or ethnicities, prison-

ers, poor, etc. The political mechanisms of democracy should not be confused with basic human rights.' (Friedman 2000, 25) To this enumeration should be added, that for many people, and for many artists, still in most Western societies the right on equal access to the means of cultural communication stays wishful thinking.

It is also a misunderstanding to think that human rights, and democracy, are implanted in the West already for centuries, Edward Friedman stipulates. 'Few people who embrace the West as the home of democracy and human rights have even an inkling of how recent and politically charged that notion, the "West" is. . . The notion of a democratic West is largely a creation infused by Cold War propaganda, a trope to stigmatize invidiously a "totalitarian" East. . . The myth of a democratic West became popular and is conventionally mistaken for a deep historical truth, something embodying ancient verities and long continuities.' (Friedman 2000, 22,3) This detection should make Western contributions to the human rights debates more modest, less self congratulating.

This observation let unimpeded the question what the character is of the human rights as they have been formulated in the Universal Declaration of Human Rights and in other human rights declarations and covenants. Are they as universal as has been pretended? We have seen that they are less Western from origin as many people would think and it would be exaggerated to claim that they are the life and bled of Western societies, but nevertheless in 1948, at the moment of the adaptation of this Declaration many countries were still colonies or economically and politically otherwise dependent from the Western world. In this sense, it cannot be denied that there is a

strong Western impetus in the proclamation of the human rights treaties. Does this diminish their claim on universality? Maybe, a bit, and for some a lot. If the work of the formulation of a human rights treaty would be done anew, from scratch, in the beginning of the twenty first century, would we arrive at the same result again? Or to put the question on another way, would we arrive at a result at all?

This serious question refers to the fact that the universalistic claim of human rights has become contested and replaced in several parts of the world by the cultural relativism theory. 'According to the advocates of cultural relativism, to judge a society by values exogenous to the society in question amounts to cultural imperialism.' (Svensson 2000, 199) It is thought-provoking to observe that in several parts of the world, for instance in Arab and Asian countries, nowadays within certain groups the cultural relativism theory concerning human rights has taken roots. The claim is that in any country, c.q. society different norms and values exist that should not be pushed aside by universal human rights. However, in the sixties, seventies and beginning of the eighties of the twentieth century those parts of the world insisted that the *universal* human rights should be applied on them as well and that it should not stay a Western privilege. In the case of culture and information the request was that the universal human right on access to the means of communication should not be knocked down by the Western domination of those means of communication which resulted in the demand for a New World Information and Communication Order. In the sections of this article after the preliminary observations, the line of treatment will be the contradiction of universalism versus cultural relativism in cultural perspective.

One of the important issues in this discussion is that it may sound strange for many people in the non-Western parts of the world that there would exist rights without duties, as has been expressed in the report *Our Creative Diversity*: 'In many cultures rights are not separable from duties. In South Asia, for example, human rights activists have discovered that indigenous people often find it difficult to respond to a general question as to "what are your rights?" in the absence of a contextual framework (such as a religion, a family, or some other institution). Second, they have found that in responding, people begin by explaining duties before they elaborate on rights.' (Pérez de Cuellar 1995, 41) It would be a step forward in the understanding between people living in different countries if the awareness would grow, also in the Western world, that a society is an amputated one in which people only think about their rights and would forget that they have also responsibilities; otherwise no society can function. The big challenge is to find the right balance between the two.

Universalism

In 1961 leaders of newly independent nations and of other countries that did not wish to make a choice in the Cold War between the Soviet Union and the U.S. and that preferred to follow a third way, formed a Movement of Non-Aligned Countries. This movement marked the beginning of a continuing effort by those states, whose economic and cultural independence remained to be achieved, to change the structures and the rules of the international economic and information order. Focusing on the field of information and cultural communication, the Non-Aligned Countries were 'seeking a more just and equitable balance in the

flow and content of information, a right to national self-determination of domestic communication policies, and, finally, at the international level, a two-way information flow reflecting more accurately the aspirations and activities of the less developed countries.' (McPhail 1981: 14)

In the Report of a decisive symposium of the Movement, held in Tunis in March 1976, it was stated that 'the peoples of developing countries are the victims of domination in information and this domination is a blow to their most authentic values.' The Report continued to claim that 'every developing country has the right to exercise their full sovereignty over information, as much over information about their daily realities as that diffused to their people, equally have a right to be informed objectively about external events and the right to publicize widely their national reality.' (in Nordenstreng 1989: 89,90) The movement worked in two directions. The first direction was practical and aimed at the strengthening of the information and communication capacities of the developing countries. The second direction was political and aimed at the democratization of international information and communication relations. This purpose got a name. The idea was that there should be installed a New World Information and Communication Order (NWICO).

In several Western countries the suspicion grew that the purpose of this endeavour was to legitimise censorship and control by the state of the information and cultural communication. In some cases this was true. However, this did not dispel the fact that there were huge imbalances between the rich and the poor countries in the field of information and cultural communication. Moreover, in those economically weak countries it was only the

state that could install the infrastructure for the exchange of knowledge, news and creativity. What was the matter if also in England and France at the time, for instance, the broadcasting companies were state owned? It is also not without reason that newly developing countries were, for the purpose of nation building, in great need of media that were independent from outside forces. The basic principle, those countries claimed, was of course that media concentration and cultural domination should not exist at all, from a human rights perspective.

To underline that their claim was a *universal* one, the countries of the Non-Aligned Movement did put the question of the unequal information and communication balance on the agenda of Unesco which was the right place for such a demand. This culminated on 22 November, 1978, at the Twentieth General Assembly of Unesco held in Paris in the adoption by acclamation of the “Declaration of Fundamental Principles concerning the Contribution of the Mass Media to Strengthening Peace and International Understanding to the Promotion of Human Rights and to Countering Racism, Apartheid and Incitement to War” (Mass Media Declaration). During this Assembly Amadou M’Bow, the Director-General, highlighted several areas which required further research and clarification, among them the dialectical conflict between the notions of freedom and responsibility. He mentioned as well the superabundance of goods and services in the information field now becoming increasingly available to industrialized societies, while many Third World nations did have nearly no modern telecommunication infrastructures. (McPhail 1981: 113)

Herbert Schiller summarises that at a number of meetings of UN bodies and Third World nations in the mid-1970s, the characteristics and extent of the Western information monopoly were discussed. The one-way flows of news from a few Western centres drew special criticism: ‘three main demands emerged: greater variety in sources of information, less monopolization of the forms of cultural expression, and preservation of some national cultural space from the pervasive commercialization of Western cultural outpourings.

From all these statements and meetings, there was left no doubt in the minds of Third World cultural figures that the products of Western cultural industries had an effect on the peoples to whom they were targeted.’ (Schiller 1989: 142) Who establishes the agenda of social discourse? That became an urgent question. ‘From 1970 to 1976 the Third World aggressively sought to reverse U.S. and Western domination, and introduce new international norms regarding media content, balanced coverage, reciprocal exchanges, and technological equality. Focusing on the right to seek and impart information as well as the right to receive it, these proposals fostered the democratization of access to mass communications and its social accountability to the people it addressed and served. The reform movement also demanded an equitable share of the spectrum as a global resource held in trust for all nations, not simply for those who had got there first.’ (Preston 1989: 124)

Meanwhile Unesco had commissioned the Irish law scholar Séan MacBride to chair an International Commission for the Study of Communication Problems that came out in 1980 with a report, titled *Many Voices, One World. Towards a new more just and more efficient world information and communication order.*

One of the recommendations (number 58) claims that concerning culture and information effective legal instruments should be designed to: '(a) limit the process of concentration and monopolisation; (b) circumscribe the action of trans-nationals by requiring them to comply with specific criteria and conditions defined by national legislation and development policies; (c) reverse trends to reduce the number of decision-makers at a time when the media's public is growing larger and the impact of communication is increasing; (d) reduce the influence of advertising upon editorial policy and broadcast programming; (e) seek and improve models which would ensure greater independence and autonomy of the media concerning their management and editorial policy, whether these media are under private, public or government ownership.' (MacBride 1980: 266).

The Report urges the necessity of strengthening the information and communication capacities of developing countries. Adequate infrastructures should be installed and developed 'to provide self-reliant communications capacity'. (Ibid.: 255) The present discussion within Unesco on a Convention on Cultural Diversity applies with Séan MacBride's plea for 'effective legal instruments', only a quarter of a century later.

The movement for a New World Information and Communication Order clashed, already very soon, with the Western sustained philosophy of the free flow of communication and information. This doctrine insists that no national need or purpose can justify interference with the prevailing flow of messages and imagery, wherever its source and whatever its character of production. A nation that departs from a privately owned, advertising-supported media system is on the road to tyranny. (Schiller 1989b: 288) Edward Herman and Robert

McChesney comment that the free flow doctrine 'was at once an eloquent democratic principle and an aggressive trade position on behalf of U.S. media interests. The core operational idea behind the principle was that transnational media firms and advertisers should be permitted to operate globally, with minimum governmental intervention. In the view of the U.S. policy-makers, this was the only notion of a free press suitable for a democratic world order.' (Herman 1997: 17) It became more and more clear that the movement for the New World Information and Communication Order was squared to what the supporters of the free flow of communication had in mind.

Already in 1976, in Nairobi, at Unesco's General Assembly the U.S. threatened to withdraw from the organization if the Mass Media Declaration that was under discussion would endorse unacceptable press standards. As we have seen above this Declaration has been adopted in 1978, still with the U.S. within Unesco. However, on 1 January 1985 the United States at the end left Unesco, later followed by Great Britain and Singapore. 'In his memorandum of February 1984 explaining the U.S. position on the withdrawal, William Harley, a State Department consultant on communications, stated that UNESCO 'has taken on an anti-Western tone. . . [and] has become a comfortable home for statist, collectivist solutions to world problems and for ideological polemics.' (in Herman 1989: 245,6)

Edward Herman comments that for William Harley and his government "statist" solutions apparently are unnatural, illicit, and "political", whereas private-enterprise initiatives are natural and apolitical. 'This is completely arbitrary and an expression of a *political* preference, a preference that is not even consistently maintained by U.S. officials. They do not insist that

“statist” illiteracy programs are illicit, and even in the communications field they do not maintain that government underwriting of satellite technology for the private sector produced an unfair, “statist” basis for the technological edge of the private U.S. communications industry. “Statist” means government intervention in those selected areas where the government does not intrude in the United States, and/or where it is U.S. policy to support private sector initiatives.’ (Herman 1989: 245,6) The U.S. withdrawal from Unesco weakened the organization considerably and it was the deathblow for the development of a New World Information and Communication Order.

The United States did a second thing at the same time as it was preparing its withdrawal from Unesco. It had another new world order in mind, a new world order of ‘free markets’ economics. Jerry Mander writes that this neoliberal agenda would oblige countries, for instance, to open their markets to foreign trade and investment without requiring majority local ownership, eliminating all tariff barriers. It would severely reduce government spending, especially in areas of services to the poor; convert small-scale-self-sufficient family farming to high-tech, pesticide-intensive agribusiness that produces one-crop export commodities such as coffee and cattle. And it would demonstrate an unwavering dedication to clearing the last forests, mining the last minerals, diverting and damming the last rivers, and getting native peoples off their lands and resources by any means necessary. (Mander 1993: 19).

The moment that Unesco became toothless, a new round of negotiations inside GATT, the Uruguay Round, started. It had trade liberalisation as its main aim more than ever before, resulting in the establishment of the WTO in 1995, with some new treaties, like GATS (the

General Agreement on Trade and Services which includes culture) and TRIPs (the agreement on Trade Related Aspects of Intellectual Property Rights). In 1993 Martin Khor foresaw that this liberalisation would accelerate the evolution of monocultures. Governments would find it increasingly difficult to regulate or prevent cultural and service imports. ‘Since the largest and most powerful enterprises belong to the North, the already rapid spread of modern Western-originating culture will be accelerated even more. Cultural diversity would thus be rapidly eroded.’ (1993: 104). A decade later we may conclude that this is true and not true. The cultural conglomerization is progressing, month after month. At the same time multitudes of cultural initiatives of artists, associations and small enterprises take place, everywhere in the world, day after day. (Smiers 2003: 88-102). Their problem is that the channels of distribution and promotion are in the hands of the few giant cultural industries. This prevents the really existing diversity of artistic expressions to relate to diversities of audiences.

Thus far, we have observed that non-Western countries claimed that the *universal* human right on the access to the means of communication should apply as well to them. On this point those countries have not been served very well. Is the Israeli siege of Beyrouth in the summer of 1982 a turning point when many people and their governments in the Arab countries, together with their Asian partners, lost their belief in the universalistic character of human rights in general and started to promote the cultural relativism approach of human rights? (Kassir 2004: 67,8) Or is this a tendency that was going on already for a longer period?

Cultural relativism

In the introduction of this article I have mentioned that we should be aware that the human rights declarations and treaties that exist for decades have not been respected, in any case not enough to make it self-evident that states actively favour the development of cultural diversity, analyse what might threaten the flourishing of cultural diversities (plural) and accordingly take appropriate measures. One of the reasons of the failure of the universal human rights principle concerning artistic communication and artistic expressions is that worldwide the unequal communication balance continued to exist, until the present moment. (McChesney 1999, 2002) A completely different reason for the failure can be found in the fact that in several parts of the world the idea has grown that there are no and cannot exist universal human rights. On the contrary, human rights are related to the culture and the society where people live: the cultural relativism approach.

Both deflections are hanging as a sword of Damocles over the present negotiations within Unesco concerning the Convention on Cultural Diversity. Countries should have the right to overrule the unequal communication relations by appropriate measures and therefore cultural communication should be taken out of the only trade context of WTO. This is an issue that finds huge resistance from countries that house the huge cultural conglomerates. At the other side, several Arab and Asian countries are cherishing the idea that the concept of cultural diversity is the same as the cultural relativism approach which says that, for instance, the freedom of communication is subjected to and limited by religious rules. This is not diversity within countries, but between countries:

every country has its own set of values, is inside the country monolithic concerning its own human rights, differs from other countries in this perspective, and therefore universal human rights cannot exist. For people who defend the freedom of expression and communication, this cultural relativism approach is a horror scenario.

It was defended by the former Soviet Union that asserted that the political and ideological structures of Communist states pointed toward a different understanding of rights than was favoured in the West, charging the West with violations of economic and social rights. 'That debate died more-or-less together with the Soviet Union. Today it continues in different form, often in the North-South (or West-East) framework, or in a religious (West-Islam) framework, or more broadly between developing (Third World) and developed (Western-Northern) countries. It also includes non-state actors such as indigenous peoples.' (Steiner 1996: 193)

It must be said that some Western countries use, misuse, or neglect the development of a universal world order as if it is a lucky bag. This does not help to give much credit to the international world order and the construction of respect for the idea and practice of *universal* human rights as an important part of it. Whereas China recently signed the International Covenant on Economic, Social and Cultural Rights, the US has not yet done so. Marina Svensson comments that this situation 'gives wrongly the impression that the West is not interested in economic and social rights at all.' (Svensson 2000: 214) Together with Somalia the U.S. is the only country that has not ratified the Convention on the Rights of Children. Costas Douzinas observes that the United States 'usually promotes the universalism of

rights. Its rejection of the world criminal court was a case of cultural relativism which took the form of an imperial escape clause.’ (Douzinas 2000: 122) But, also the continuing process of mergers of cultural industries which dominate worldwide more and more cultural production, distribution and promotion is a permanent violation of the cultural rights articles from the Universal Declaration of Human Rights. It is a form of cultural relativism that exempts huge slices of cultural life from the universality principle of the human rights.

Several Arab and Asian countries claim explicitly that other values than the universal human rights should govern the live of their citizens. Samir Kassir analyses that until the seventies of the twentieth century in many Arab countries a considerable cultural openness existed. This changed with the siege of Beyrouth in the summer of 1982. Trevor Mostyn is inclined to put this moment already earlier. ‘Since the humiliating defeat of Arab countries in the 1967 Arab-Israeli war (often known as the Six-Day War), a distinction between the Islamic legal tradition based on the Shari’a and the concept of international human rights has become a serious factor.’ (Mostyn 2002: 171) Somewhere at the end of the seventies also the idea of the existence of so called Asian values and the claim on cultural relativism came up.

Ole Bruun summarises those Asian values as follows. First of all there is the straightforward “cultural” argument that human rights emanate from particular historical, social, economic, cultural and political conditions. Second, there is the reflexive, “collective” argument that Asian values differ from Western ones by being communitarian in spirit as opposed to Western individualism. Since the community takes precedence over individuals, individual rights are destructive to the social

order and the harmonious function of society. Third, there is the “disciplinary” argument, stressing the importance that Asians allegedly attribute to voluntary discipline in social life. Finally, there is the “organic” argument, building on a notion of state and society as a single body. (Bruun 2000: 3)

An important reproach of the Asian values theory to the universal human rights idea is that it concentrates only on individuals, and the Western person is consequently accused of individualism. If this would be true, how can it be explained, Ole Bruun wonders, that it ‘is after all in Western countries that the most fine-masked social-security nets are found.’ (Bruun 2000: 14) Moreover, when looked upon in isolation, ‘Asian values closely resemble commonplace conservative values: strong leadership, respect for authority, law and order, a communitarian orientation placing the good of the collective over the rights of the individual, emphasis on the family, etc.’ (Bruun 2000: 2)

However, Ziauddin Sardar points out, however, that the Universal Declaration of Human Rights assumes a universal human nature common to all peoples. ‘The Declaration presupposes a social order based on liberal democracy where the society is simply a collection of “free” individuals. Again, the individual is seen as absolute, irreducible, separate and ontologically prior to society.’ (Sardar 1998: 68,9) The basic philosophy of many social and cultural systems in several parts of the world is different from this, however. This is the reality Western countries do not want to know about. ‘Since an autonomous, isolated individual does not exist in non-Western cultures and traditions, it does not make sense to talk of his or her rights; and where there are no rights, it is quite absurd to speak of their denial or annulment.’

Ziauddin Sardar gives the example of Hinduism, in which the notion of dharma, one of the fundamental concepts of Indian tradition, leads us to symbolic correspondence with the Western idea of human rights. 'Dharma is a multilayered concept and incorporates the terms, elements, data, quality and origination as well as law, norm of conduct, character of things, rights, truth, ritual, morality, justice, righteousness, religion and destiny. In Sikhism, the prime duty of a human being is sewa: there is no salvation without sewa, the disinterested service of the community. The rights of the individual are thus earned by participating in the community's endeavour and thereby seeking sakti.' (Sardar 1998: 70)

This does not mean that individual rights do not have any value, but they should be seen in a broader context, which Ziauddin Sardar again elucidates with an example: 'The notion of an individual person's rights is not unknown to Islam. Thus, individual rights in Islam do not stop at personal freedoms but include economic, social, cultural, civil and personal rights as well.' (Sardar 1998: 72,3) His observations make clear that a lot of work needs to be done, first, to understand the different concepts of human rights, and, second, to learn what can be learned from such varied concepts and what differences cannot be accommodated. (Smiers 2003: 172,3)

From 14 to 25 June 1993 United Nations organised in Vienna a World Conference on Human Rights that had as a purpose to re-affirm the basic principles of human rights and to assert the propriety of culturally diverse interpretations of human rights principles. This was the right moment for Arab and Asian countries to reflect on their position concerning the Universal Declaration on Human Rights. Therefore, for instance, 49 Asian countries organised a

meeting in Bangkok from 29 March to 2 April 1993. In the Final Declaration of the conference it was stated that the participating countries 'recognize 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.' This makes Hugo Stokke conclude that taking together, 'the Declaration, although it nominally upholds the universality of human rights, does seem to introduce so many reservations as far as norm-setting and application are concerned as to compromise the universality of human rights and thereby provides less room for dialogue on the matter.' (Stokke 2000: 135; see as well Steiner 1996: 229) Maybe it should be tried. My guess is that this nearly never happens.

At last the Vienna Declaration from June 1993 re-affirmed the principle that all human rights are universal, but qualified this by stating that 'the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind.' Michael Freeman concludes that 'this authoritative UN text left unresolved the relation between the universality of human rights and the legitimacy of culturally particular conceptions of human rights.' (Freeman 2000: 46)

However, there is also a positive side to mention concerning the 1993 Vienna Declaration and its Programme of Action. Not only the universality, as said before, but also the interdependence of all human rights was reaffirmed. This should not be underestimated. By doing this the artificial distinction between civil and political, and economic, social and cultural rights (as adopted in the different documents as I referred to in the beginning of this article)

was rectified. Moreover, the text of the Vienna Declaration was adopted by consensus by all member-states of the United Nations, including those having undergone decolonisation after the creation of the organisation itself.

There we are. The universalism claim concerning human cultural rights is polluted by the continuing unequal communications relations worldwide. The cultural relativism approach is more than once the cover for cruel practices and the suppression of the freedom of expression, also in cultural perspective. This might stem sombre. However, Costas Douzinas suggest that all this 'does not mean that human rights treaties and declarations are devoid of value. At this point in the development of international law, their value is mainly symbolic. Human rights are violated inside the state, the nation, the community, the group. Similarly, the struggle to uphold them belongs to the dissidents, the victims, those whose identity is denied or denigrated, the opposition groups, all those who are the targets of repression and domination.' (Douzinas 2000: 144)

It would be an enormous step forward if Unesco would succeed in forging a Convention on Cultural Diversity that takes universalism and equal rights in the cultural fields seriously and that keeps alive the best parts of cultural relativism, that is that human beings are different and express themselves differently.

References

Bruun 2000, Ole and Michael Jacobson, Introduction, in Jacobson 2000: 1-20.

Brysk 2002, Alison (ed.), Globalization and Human Rights, Berkeley (University of California Press)

Douzinas 2000, Costas, The End of Human Rights. Critical Legal Thought at the End of the Century, Oxford (Hart Publishing)

Jacobson 2000, Michael, and Ole Bruun, Human Rights and Asian Values. Contesting National Identities and Cultural Representations in Asia, Richmond, Surrey (Curzon)

Ferjani 1991, Mohamed-Chérif, *Islamisme, laïcité, et droist de l'homme*, Paris (L'Harmattan)

Freeman 2000, Michael, Universal Rights and Particular Cultures, in Jacobson 2000: 43-58.

Friedman 2000, Edward, Since There is No East and There is No West, How Could Either Be the Best?, in Jacobson 2000: 21-42

Herman 1989, Edward S., *U.S. Mass Media Coverage of the U.S. Withdrawal from Unesco* in Preston 1989, William Jr., Edward S. Herman, Herbert I. Schiller, Hope & Folly. The United States and Unesco 1945 - 1985, Minneapolis (University of Minnesota Press): 203-284

Herman 1997, Edward S., and Robert W. McChesney, The Global Media. The New Missionaries of Global Capitalism, London and Washington (Cassell)

Kassir 2004, Samir, *Considérations sur le malheur arabe*, Arles (Actes Sud)

Khor 1993, Martin, *Free Trade and The Third World*, in Nader 1993: 97-107

MacBride 1980, Séan, *Many Voices, One World. Towards a new more just and more efficient world information and communication order. Report by a Commission presided by Séan MacBride*, London/ Paris (Unesco)

Mander 1993, Jerry, *Metatechnology, Trade, and the New World Order*, in Nader 1993: 13-22

McChesney 1999, Robert W., *Rich Media, Poor Democracy. Communication Politics in Dubious Times*, Urbana and Chicago (University of Illinois Press)

McChesney 2002, Robert, and John Nichols, *Our Media, Not Theirs. The Democratic Struggle Against Corporate Media*, New York (Seven Stories Press)

McPhail 1981, Thomas L., *Electronic Colonialism: The Future of International Broadcasting and Communication*, Beverly Hills/London (Sage)

McPhail 1989, Thomas L., *Inquiry in International Communication*, in: Asante 1989, Molefi Kete and William B. Gudykunst (ed.), *Handbook of International and Intercultural Communication*, London (Sage): 47 – 66

Medded 2002, Abdelwahab, *La maladie de l'Islam*, Paris (Seuil)

Mostyn 2002, Trevor, *Censorship in Islamic Societies*, London (Saqi)

Nader 1993, Ralph (ed.), *The Case Against Free Trade. GATT, NAFTA, and the Globalization of Corporate Power*, San Francisco and Berkeley (Earth Island Press and North Atlantic Books)

Nordenstreng 1989, Kaarle - and Wolfgang Kleinwächter, *The New International Information and Communication Order*, in: Asante 1989, Molefi Kete and William B. Gudykunst (ed.), *Handbook of International and Intercultural Communication*, London (Sage): 87-113

Pérez de Cuéllar 1996, Javier, *Our Creative Diversity. Report of the World Commission on Culture and Development*, Paris (Unesco Publishing)

Preston 1989, William, and Edward S. Herman and Herbert I. Schiller, Hope & Folly. The

United States and Unesco 1945 – 1985, Minneapolis (University of Minnesota Press)

Sardar 1998, Ziauddin, *Postmodernism and the Other. The New Imperialism of Western Culture*, London (Pluto Press)

Schiller 1989, Herbert, Culture Inc. The Corporate Takeover of Public Expression, New York/ Oxford (Oxford U.P.)

Schiller 1989b, Herbert I., *Is there a United States Information Policy?*, in Preston 1989, William Jr., Edward S. Herman, Herbert I. Schiller, Hope & Folly. The United States and Unesco 1945 - 1985, Minneapolis (University of Minnesota Press): 285-311

Smiers 2003, Joost, *Arts Under Pressure. Promoting Cultural Diversity in the Age of Globalisation*, London (Zed Books)

Smiers 2004, Joost, *Artistic Expression in a Corporate World. Do We Need Monopolistic Control?*, Utrecht (HKU/ Utrecht School of the Arts)

Steiner 1996, Henry J., and Philip Alston, *International Human Rights in Context. Law, Politics, Morals*, Oxford (Clarendon Press)

Stokke 2000, Hugo, Modernization without Westernization? Asian Values and Human Rights Discourses in east and West, in Jacobson 2000: 134-158.

Svensson 2000, Marina, The Chinese Debate on Asian Values and Human Rights: Some reflections on Relativism, nationalism and Orientalism, in Jacobson 2000: 199-226.