

Democracy, Human Rights and Secure Oil Supply

by

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In the transition period between the Clinton and Bush administrations, the New York Times ran a series of articles on the issues Bush would have to confront upon arrival. On December 28, 2000, the issue was Venezuela. More specifically: Democracy and Human Rights. Had not Fidel Castro been to Venezuela recently (October 27 to Nov 4)? Had not President Chavez been highly critical of American military involvement in Colombia? “The stakes are high, as Venezuela holds the largest oil reserves outside the Middle East” but until now, “Chavez had not jeopardized the United States priorities of protecting democracy and safeguarding the oil supply.”

Clinton attacks a pharmaceutical factory.

Other countries did not fare so well: On August 20, 1998, the USA attacked the Al-Shifa (“Health”) Company, a pharmaceutical factory in Khartoum, Sudan. The factory was completely destroyed, but fortunately, as it was outside working hours, only the old watchman and his family were killed.

The American government supplied three justifications for the attack: the ‘facility’ was heavily guarded by the military; it was owned by Osama Bin Ladin, or by the (“fundamentalist”) government of Sudan, or by a “frontman” of these; third, it had started to produce chemical weapons (CW) precursors. In short: it was a “surgical” strike against a very dangerous terrorist target.

The next day when journalists flocked to Al-Shifa, they found no indications that it was a military premise. Neighbors had never seen any military

personnel about. The factory had been wide open to visitors. Western businessmen, wishing to sell pharmaceutical equipment, had been free to tour the factory at will.

Regarding the question of ownership: within a few days it had become common knowledge that the factory belonged to a *private* businessman who was *not* a fundamentalist, and who had no connections whatsoever with Bin Ladin. On the contrary he was found to be a prominent figure of the opposition, the person financing an opposition newsletter in exile, and even had on his pay-list one of the leaders of the rebel SPLM, an old schoolmate of his! The factory had even been partly financed with an official international development loan.

Concerning the allegation of CW precursors, it would normally be almost impossible to prove such allegations negative, but in this case a witness stepped forward. In a press conference, the owner's lawyer declared that he had handled the buying of the factory by his client some months earlier and that he had personally checked every detail...down to the pencils. He could testify that there was nothing related to CW in the factory; it was all pharmaceutical. And who was this lawyer? The lawyer was Ghazi Sulayman, Sudan's most respected Human Rights lawyer who had been imprisoned several times for his advocacy work against the government. American, yes American officials had publicly praised him for his unleashing commitment to democracy and Human Rights. There could not have been a more credible witness.

It is difficult to assess how many people in this poor African country died as a consequence of the destruction of this factory, but several tens of thousands

seems to be a reasonable guess. The factory produced some of the basic medications of the WHO list, holding 20 to 60 percent of Sudan's market and 100% for intravenous liquids. It took over three months until imports could be substituted for these products. It was of course the poor and the vulnerable who died, not the rich.

The skandalon is not the sheer magnitude of this Human Rights violation. The skandalon is not that this Human Rights violation goes with impunity (this happens with most Human Rights violations). The skandalon is not that the US succeeded in preventing a UN investigation into the case (Security Council members have that power). The skandalon resides in the following: It brings to the open that there is a statistically significant correlation between American military involvement in the Third World and American Human Rights and Democracy rhetoric.

At which level in the US government did the responsibility for the attack on Khartoum rest? At the top of the CIA? But there are indications that when Mr. Clinton, Mrs. Albright and Mr. Berger decided upon the attack, they had no proper documentation and nor did they request any.

Oh, I forgot, the American government did not just provide the three previously mentioned reasons to justify the attack, there was one more. The fourth thing can be found in the testimony made by President Clinton on August 17, 1998, just three days before the attack:

“It depends on what the meaning of the word ‘is’ is. If the - if he - if ‘is’ means is and never has been, that is not – that is one thing. If it means there is none, that was a completely true statement.”

For a short period (the three days from the 17th to the 20th), the admission that he had “misled” the public seemed to refer only to Monica L. Political observers, until that day, were not really accustomed to looking at Hollywood movies in order to forecast US foreign policy and war decisions. On the 20th of August 1998, this changed forever: “Wag the Dog” (bitingly funny and real witty, superb casting by Dustin Hoffman and Robert DeNiro) had been released months before (a President, shortly before reelection, sees his polls going down because of an extramarital affair. He decides to divert public attention by attacking another country, that should be Communist and Muslim, and should be seen as violating human rights. A country is identified, and pictures of human rights violations are made...in Hollywood). Wough! What we always knew but didn’t dare to think was finally proved true: life is a computer game, politics is entertainment, the bombs are smart and the victims are real, tant pis pour eux.

A Critique of Human Rights

This article is about Human Rights, or rather of the way America and the West use the idea of Human Rights in foreign policy. The issue is not Human Rights, but politics, and my opinions about Human Rights may well differ from what I see as the appropriation of Human Rights as a tool of imperial domination.

Human Rights were the cry of the oppressed, of the weak and the vulnerable, and while many people, including most Americans, still sincerely believe in Human Rights, the term is now often used by those countries who have the power against those who are weak. I think that this is a development of the last 5 or 10 years. It is this which has made me change my opinion towards Human Rights: back in 1969, I was the first person to write extensively about Social and Economic rights in Germany, and for my whole life I was more than just professionally involved with Human Rights: I think that I have done, in various places, and in a concrete way, more for people suffering from violation of their human rights than almost anybody else. But now it is time to speak out against Human Rights and Democracy, or rather, their misuse as an ideological accompaniment of direct or indirect military action.. This could be done most convincingly in a country-to-country review, in Africa, in the Middle East, in Central and Latin America, in South-East Asia. Noam Chomsky continues to do this kind of analysis. My purpose here is different and somewhat more academic: I want to analyze the ideological approach towards Human Rights from a philosophical / historical point of view.

Universalism vs. Relativism

The discussion is usually framed in terms of Universalism vs. Cultural Relativism. Libraries have been written about this antithesis, more often than not in rather general terms. That should not detract from its principled importance.

The debate was opened in 1979, with the stunning research of Adamantia Pollis and Peter Schwab: *“Human Rights: A Western Construct with Limited*

Applicability.” The book (1979) spelt out what many in the field of Human Rights (HR) had felt, albeit vaguely, and provided the tools for an intellectual analysis of this uneasiness. Nor has the book lost its influence after 1990, when the fall of the Soviet Union made the somewhat similar discussion of social and economic rights vs. civil (freedom) rights recede. Pollis and Schwab have continued to enrich and direct the debate – but, and this is certainly to their credit, in their latest volume (2000), they have, to quite an extent, rethought and modified their previous positions. They now feel that “modernization” has encompassed so much of the world that distinctive cultures have more or less disappeared and have become integrated in the mainstream; countries can therefore no longer claim to be judged according to a different set of Human Rights criteria.

The other dominating personality in the academic debate is Abdullahi Ahmed An-Na’im, an American professor of Muslim origin and follower of the modernist and liberal ideas of the “Republican Brothers.” An-Na’im is a universalist. He focuses on the problem of Human Rights in the Islamic world; internal and Western misunderstandings. He proposes two solutions for the problem of how the legal/formal legitimacy of the HR discourse can be transformed into cultural legitimacy. One way is through internal dialogue, within the Islamic societies, arguing on the basis of those tenets in the Koran and Islamic tradition that emphasize equality, rights of women, etc. The Koran, like the Bible and every other great intellectual work is of course open to interpretation and not unidimensional. Arguments for equality can be found just as easily as arguments for differential treatment. The other way is by means of

“historic interpretation”: if the Koran or the Prophet said something which related to the particular socioeconomic conditions of his time, then it might have to be formulated differently, in today’s socioeconomic environment, in order to meet its original intention. This method can be applied quite easily to such questions as the status of women, freedom of opinion, etc.

An-Na’im also seems not to have stood still: in his “Quest for Consensus” (1992), when discussing such a controversial question as corporal punishment he suggests a kind of new modesty: it is up to the particular society to decide!

Non-Contemporaneity

In the Universalism vs. Relativism debate, Universalists say that Human Rights have been definitively defined in the various international declarations and Pacts, while Relativists identify “Asian values”, “Islamic” interpretations or, in general, different cultural outlooks.

The debate has become boring. For quite a while, no new arguments have been proposed. The fall of the Soviet Union has ended the debate on the priority of civil rights over social and economic rights, and vice versa (“first: development, then: freedom of the press”). And still, the problem is here.

Maybe it is helpful to address it from a different intellectual concept: the concept of Non-contemporaneity. By this, I mean the paralleling of History with things foreign: in a kind of new modesty, we should become aware that what the depth of time is in our own society, this is equivalent to distance (geographical and cultural) in the contemporary world. History should be understood in its own

right, and phenomenon judged by the standards of the time. Let us take the example of such a revolting institution as slavery; Aristotle accepted slavery, Cicero, Augustinus, the Bible, Thomas, the tribes in Africa and their leaders, the fathers of the American Constitution – all too considered slavery a natural institution. Today we cannot. We can not even understand this. There are of course periods of *passage* between such changes of attitude and judgement, zones of greyishness and overlapping, but it is clear that value judgements in our own society are not objective and immutable. In 1699, German immigrants in Germantown, Pa, demanded the end of slavery, but it took another 150 years until it was abolished in America. Another example: freedom of religion. The first American Bill of Rights (Virginia, 12 June 1776) lacked provisions for freedom of religion. There was no place for Catholics in society. Religious intolerance was also the rule in Europe: the extermination and expulsion of the Huguenots in France is well known. In Germany, the wars of religion were settled through the principle of ‘*cuius regio eius religio*’: those who wanted to profess another religion than that of their king, or duke, or prince had only the right to emigrate, if lucky. ‘*Cuius regio eius religio*’ was abolished in 1806 – historically, that was only yesterday!

What is true with our own society, in a historical perspective, is true with other societies in today’s world.

Death – is it a natural phenomenon or is it a cultural phenomenon?

I should first start with something slightly less provocative: the idea of the child. The child – is it a natural phenomenon or is it a cultural phenomenon?

From a cultural-historical point of view, the “child” was “invented” about 200 years ago. Rousseau’s *Emile* played a large part, but it was essentially during the Romantic movement that *children* made their appearance in the arts, that children’s books were written, for the first time, etc. Looking to the visual arts is indeed our best guide on this subject: it was not until the turn of the century (Enlightenment to Romanticism) that children appeared in portraits (Runge, but predecessors do exist) – before, only *small persons* existed, painted like miniature adults (Las Meniñas). This is not an article about art, but I think it can be argued easily that in Raphael’s *Virgin in the Meadow*, young Jesus, playing with St. John and his mother, Caravaggio’s boys, and the putti of baroque altars are *not* children. In the Middle Ages, personhood among the peasant classes began at the age of six, or eight, or sometimes twelve, with all what this logically entails, including the right to life, reserved to “persons”.

But now to the most extreme subject of this article: Death. It is often said that the loss a mother experiences when she loses her child must be the same in every culture, in every society. This is not so. In many societies the value placed on life is different from that placed on it in our own society. Not only in primitive societies where blood-feud (or blood-money) substitutes the loss of the *social group* (the tribe, the extended family). In many African states, child mortality strikes a third or more of a mother’s babies. And surely no mother

losing her child will not be profoundly moved and saddened. But still, in a way fundamentally different from the one – or two – child mother of contemporary Western Europe or Northern America. For a man to die in Arabia or in Africa is different, not only because of religion, but because he is part of a much larger community which will survive. Again, history can help us to understand: would our societies still be prepared to fight the First World War, to fight the American Civil War, with one's personal life almost certain to be lost? I can only *mention* these problems here, and I sympathize with readers who will not be convinced, or who will not wish to be convinced. One more example however.

I used to be a very strong Human Right's "universalist." I also thought that international Human Right's tribunals should address massive Human Right's violations. But the wisdom of Human Right's tribunals may resonate only with a Western mind: I take the following from an informed reading of Cambodian religion and mentality. In Cambodia, one of the most horrifying genocides of our century occurred. While the international community (this term is of course self-styled, it simply means the West, but it sounds so much more humanistic) demands the tribunal, the Cambodian government is dragging along, trying to retard and delay it. But, and this is important, as it seems, it is not the government but the people who do not support the tribunal: knowledgeable observers point to the Buddhist teaching that even the death of millions of people does not justify vengence, which would only increase negative Karma. I am not a specialist on Cambodia, and I take and simplify what I read, but clearly

Cambodians wish to forget the millions of people who died because death, for Cambodians, means something very different than what it does for us.

Other basic cultural differences: religion, women , information.

I would readily agree that what I have said about the different significance and value of death in different societies might be quite controversial. But the principle can also be argued for lesser aspects of the human existence. I have already mentioned freedom of religion from a historical point of view. What I said of *our* past is also true for contemporary societies where religion plays a role different than the role it plays *today* in the West.

Freedom of religion can only be granted in societies where religion has lost its primary importance as the formative ideology of society, where it is no longer the basic cement that holds the society together. *Functionally*, religion in some societies (the Middle East, in particular) is what Social Security is in ours.

Social Security: The other side of Human Rights

Most peoples and states in our world do not have social security. A person, who is ill, who cannot work, will not be supported by the State. If he or she loses his or her job, he will have no unemployment benefit. If he or she is old, there will be no pension. The social safety-net is the extended family, the tribe, the village. He who has work or income or property must share it with all the others – and the community will somehow provide for his hunger and survival. In order to benefit he must of course share the basic values of his

community. Normally, religion would be one such set of social values. A person wishing to opt out of religion would opt out of society. No social group can accept the radical denial of social coherence and social values, and not declare such a person a total outsider, who may be free, but who is also free to die.

Massive Human Rights Violations in the West

Our systems of social security have other Human Rights implications: Indeed, from a Third World point of view, Western society which gives so many rights to the individual (on the basis of a State–provided Social-Security system, individual ownership of a house, individual income, etc.) produces massive Human Rights violations: what about the daily life of the young divorced woman, single working mother? Isn't her life more than distressing, if compared with a mother in the third world, embedded in her extended family? What about the millions of old people shoved away into special houses of loneliness, instead of being cared for and respected within the extended family?

Romeo and Juliet ask for asylum in the West

The question of love and marriage (as an illustration for the status of women) and its Human Rights implication is also central to our exploration of the “individual” as the tacit foundation of the Western HR concept. Most societies in the world, who do not have individuals in the Western sense believe marriage comes first and that love will follow. Only the West has invented the tradition of Romeo and Juliet (another “marker” of the “individual”). The result is of course

that marriages in non-Romeo-and-Juliet societies are much more stable than they are in the West. Divorce as a mass phenomenon in the West has become possible only since the introduction of generalized Social Security. The problem today is caused by Hollywood invading the African village and the Islamic city. And this has Human Rights implications. Should Romeo and Juliet become a universal model? I am not the person to answer this question. But one thing is for sure: for the great majority of people in our world, Romeo and Juliet is still not their anthropological model. But if we tell them that they have the right to live our dream of individual choice and love, we must give them the right to physically move into our society, because their societies can and will not normally tolerate such deviation from their value system.

A more close-knit society, even a State, may not be in a position to grant full freedom of expression, and this may also be the case for a country still involved in the fragile process of nation building. Strong countries like old Western democracies, where national cohesion is not doubted by anybody can of course allow for an almost illimited freedom of opinion and expression.

But there is more to it: in individualistic cultures (which means the industrialized West, with its ethics modelled by cultural Protestantism) speaking one's mind is a virtue. But in the majority of societies in our world, this is not so. "Speaking out" is considered rude, particularly if it is made against older persons, or against the leaders of the society, as it disturbs and compromises a society whose aim is harmony and respect.

And again: there is still more to it: it can be argued (and Chomsky adduces many concrete examples) that the freedom of the press in the USA is in practice much limited. This may indeed be the case because of similar preconceptions and of mutual influence between Washington and the media.

If a country like China were to allow its citizens free choice of residence it might well encounter a total run-off from the countryside and a total breakdown of the society as such... In a country like Sudan, its capital, Khartoum, like all capitals in Africa, has experienced an enormous influx of people from the countryside; probably more than two million in the last ten years. The government has reacted with a very assertive policy, the only one of its kind in Africa: Squatter settlements and slums have been systematically destroyed, there was no participation of the people concerned, and certainly, at least sometimes, human rights were violated. The people have been resettled on the periphery where every family has received a title to a small plot of land. As a result, Khartoum (six million inhabitants) is one of the few big cities in Africa, maybe the only-one, without favelas, and without the crimes associated with large slum areas. Khartoum, compared with cities like Nairobi, Lagos, Johannesburg: could it be a human right not to be killed in the street?

The individual – a Western concept

The story of Human Rights is usually written from a doctrinal/juridical point of view: from the Magna Carta to John Locke. The social history of the *individual* is different, and has not yet been written. Of course, we can somehow

trace the concept of the “individual” back to Antiquity: Sophocles’ Antigone is the greatest early example. We can trace it to the 13th century when in Milano, for the first time, a census counted heads and not families, yes , we see it in Dürer’s millennium self-portrait of 1500, with which he challenged all religious and secular authority of his time, *but* essentially the ‘ individual’, as we know it, makes its appearance only in the 18th century, when a non-feudal society emerged and the individual claimed rights and freedoms against it. In spite of economic and information globalization, the cultures, the feelings of the peoples of the planet remain fundamentally diverse. Ten Percent of the world’s population produces and consumes 70 percent of the world’s goods and services: unless we are ready to share effectively and fully, including social security for everybody in Africa and Asia, how can we impose *one facet* of our society on the rest of the World? Many Muslim women feel that the wearing of a veil is central to their human dignity. What if Iran had the power of the U.S. and wished to impose *its* standards of female decency on the women of U.S.A.?

Globalization

I find that Shweder (in Shweder “From Free Trade...”) has recently formulated this point so precisely that it is easiest to quote him:

(The)... “globalization hypothesis” makes three related claims: (1) that Western-like aspirations, tastes, and ideas about what is true, good, beautiful, and efficient are objectively the best in the world; (2) that Western-like aspirations, tastes, and ideas will be fired up or freed up by economic globalization; and (3) that the world

will ... or ought to become “Westernized”. Western-like aspirations include the desire for liberal democracy, free enterprise, private property, autonomy, individualism, equality, and the protection of “natural” or universal rights (the contemporary human-rights movement is in many ways an extension of an expansive globalization movement). Western-like ideas include the particular conceptions of gender identity, sexuality, work, reproduction, and family life embraced by liberal men and women in the United States today”.

Democracy

It is now in order to briefly address the second word in the title of this paper:

“Democracy”

There is growing awareness among diplomats and political scientists that Democracy is related to a specific socio-economic development. That stage of development presupposes (among other things) the following: the nuclear family as having superseded the extended family, a monetary economy, an industrial mode of production, the gaining of a person’s livelihood through individual wage-earning (industry or service economy), and, as mentioned before, Social Security, and what I have said about the “individual”.

Democracy is therefore an *outcome* of a particular socio-economic transformation, and *not its agent*. History shows that Democracy comes and works at a particular juncture in the development of society. It is surely the right way of government for America, for Germany, for Italy, for France...It goes thus very much with the logic of historical development that the countries of Central and Eastern Europe are now becoming real democracies. But it is pontificating and dishonest for *outsiders* to demand democracy for China or nations in Africa or the Arab World, unless these outsiders were willing to fully share their entire material wealth with these nations.

Democracy is an ideology, to-day's most fashionable ideology, and America (and the West) is not even aware that this is so. But this is what characterizes an ideology: All ideologies, in their heyday, are viewed as universal values, and not as ideologies. This was the case with the Inquisition, with Imperialism, with Nationalism, with Communism, to name but a few. They all believed they were redeeming humanity. It was the white man's burden to save mankind with all his military and economic might. And so it still is.

But democracy is not the right ideology for countries that are still in the process of nation-building, countries that do not possess the socio-economic markers which make democracy possible and necessary.

Can America please leave the others in peace, just as the others are leaving America in peace? Or should China be encouraged to promote the benefits of

Communism and “responsible journalism” in the USA, the way America promotes “Democracy” all over the world?

Thou who sitith in the glasshouse shalt not throw with stones (Liber Vanitatum, ch.12, v.144)

The argument, thus far, has somewhat randomly explored the problems many people have with the Western usage of Human Rights. When America mounts the pulpit and lectures the world about Human Rights, it speaks about Human Rights, but it means power. This is why I started this paper with politics. The second dilemma is experienced in the dichotomy of Universalism vs. Relativism: the West, unaware of the social foundations of its HR understanding, i.e. individualism, the cultural meaning of death, person, woman, and of Social Security, tries to project his view of HR to societies that do not possess the “individual”, our “woman”, our kind of social security. The acknowledgement of “difference” in time (our own history) and geography (contemporary foreign societies) very much helps to elucidate the fields of contest and to promote a much greater modesty when dealing with others.

Then, there is the glasshouse principle: What about Human Rights in the USA? The median net worth of a black family in the USA is \$4,418; per white family it is \$45,740 (1993, latest statistics). The average income of a black family is about half of that of white families. In the 25 years between 1976 and 1999, 497,030 persons were murdered in America (Department of Justice statistics). I do not know of many civil wars in Africa with so many victims. In 1999, 46.5% of

all murder victims were black. The total income of America's 12 million black households is approximately 430 billion dollars per year; the net worth of the 30 richest American individuals is approximately 440 billion dollars.

Is this racism? No clear-cut answer can be given. The problems are very complex and it is up to the American people to address them. But this is not how America promotes Human Rights and democracy abroad. Wherever there is somebody with a splinter in his eye (yes, the splinter of Matthew 7,3 and Luke 6,42), the American government and the media are quick and loud to point at it. But when genocide is committed in Rwanda, the American government, in order not to be obliged to intervene under the Genocide Convention, says that it is not genocide, but "acts of genocide."

We have the right to criticize some Human Rights violations

Would I think that we have no right to have legitimate concerns about Human Rights? I don't think so. There is a nucleus of things to be appalled, and which must be criticized. But for god's sake, keep it clear, use simple, measurable criteria: If a government executes a peaceful opponent, this should not go unnoticed. The number of political prisoners (compared with the total population) is possibly one of the very few reliable measuring sticks we have. But *Justitia* is blind. If she is not blind, she is not *Justitia*. This means that the West can not single out certain countries for whatever reasons and remain silent about others: *Justitia* means comparing. And Human Rights are used, in international relations, just like the penal laws are used inside states: the

tribunals are the Commission on Human Rights in Geneva, the General Assembly in New York, the media, and, most definitely and straightforwardly, Western development assistance, as well as the various debt relief schemes for heavily indebted poor countries . I think that this is right. But then: please apply the Human Rights criteria objectively! The *official refusal* of the West to *compare* country situations in Human Rights is the bold and selfassured acknowledgment that we do not wish to be objective, that we do not wish to measure objectively, that we do not wish to be blind, that we do not wish to be just.

When America speaks about Human Rights, it means strategic interests and it means oil. From 1980 onwards, the West encouraged Iraq to attack Iran, delivered the weapons, and kept silent about the gassing of the Kurds. But after 1990, after Iraq had attacked a friend of the U.S.A. ('secure oil supply'), sanctions were imposed. Until now, according to UNICEF, approximately 600,000 Iraqi children have died as a result of the sanctions.

The basic principle of Common Law is "he who comes to Equity must come with clean hands." America certainly has no right to criticize others about Human Rights.

The International Instruments

The Vienna World Conference on Human Rights (14-25 June 1993) was one of the series of great programmatic UN World Conferences of the 1990s. It very much pitted "the West against the Rest." The main point of the discord was Universalism vs. Relativism. This question had been addressed very prominently

in the preparatory regional Conferences; in particular the Bangkok Declaration of 2 April, 1993 (“neglecting of social and economic rights,” “double standards,” “politicization of human rights”, “equality,” “non-selectivity”, etc.) and the Tunis Declaration 6 Nov, 1991, for the African Regional Meeting (“historical and cultural realities of each nation and the traditions, standards and values of each people.”).

In Vienna the problem could not be solved. Operative paragraph five of the Vienna Declaration (<http://www.unhchr.ch/>) therefore verbally combines both positions, but does not solve them substantially: Universalists and cultural relativists alike can claim this paragraph for their position!

In this impasse the West tends to affirm the formal side of the various International Declarations and Covenants: “These are the covenants, these tablets thou shalt observe!” But there are more. The General Assembly regularly votes a resolution (e.g. A/RES/48/125 of 14 February 1994) where it stresses “non-selectivity”, “impartiality” etc...Other resolutions, more recent ones, would be A/RES/54/160 of 22 Febr 2000, or A/RES/54/174 of 15 Febr 2000. And which institution does represent the peoples of the World more than the General Assembly of the United Nations?

Verité en-deçà des Pyrénées, erreur au-delà

Pascal has very nicely summed up the message of this article. That was more than 300 years ago. But its maybe even more important today than it was in Pascal’s time.

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