



## **“A View From Outside”**

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It’s a real honor for me to have been invited to participate in this extraordinary conference. And I’m deeply grateful to all the organizers and supporters of this first-ever ASEAN Intercultural and Interreligious Dialogue Conference, including the Government of Indonesia, the Association of Southeast Asian Nations, Nahdlatul Ulama, and the Center for Shared Civilizational Values, of which I am honored to serve as an Advisor.

His Excellency Joko Widodo, President of the Republic of Indonesia.

Her Excellency Retno Marsudi, Minister of Foreign Affairs of the Republic of Indonesia.

His Excellency H. Yaqut Cholil Qoumas, Minister of Religious Affairs of the Republic of Indonesia.

His Excellency Dr. Kao Kim Hourn, Secretary-General of the Association of Southeast Asian Nations (ASEAN).

Kyai Haji Miftachul Akyar, Chairman of the Nahdlatul Ulama Supreme Council.

Kyai Haji Yahya Cholil Staquf, General Chairman of the Nahdlatul Ulama Central Board.

You may have deduced from the title of this talk, “A View from Outside” that I’m from a country outside the ASEAN circle. But I would like to think (from the perspective of the search for shared civilizational values) that all of us here today are “insiders” in an important sense. After all, the premise of that movement is that there are some principles so deeply rooted in the world’s great religious, cultural, and philosophical traditions that they can be called universal. And the hope of that movement is that a renewed commitment to those principles can help to promote peace and harmony in our increasingly interdependent, but conflict-ridden, world.

That was also the hope of the men and women who framed the 1948 Universal Declaration of Human Rights. They too were engaged in an effort to preserve and strengthen an international order based on universal principles. So in my remarks this afternoon I’ll be offering some reflections on that topic

from my perspective as a historian of that earlier movement for shared civilizational values. In particular, I'll be offering some thoughts about what we might learn from the visionary men and women who successfully launched that earlier effort.

I'd like to begin with a story that the world has largely forgotten. Did you ever wonder how the protection of human rights and equality came to be included among the purposes of the United Nations?

You can be sure that, back in 1945, those ideas were far from the minds of the so-called "Big Three, or Four, or Five" when they decided to create a new peace and security organization. (Two of them, after all, France and the United Kingdom, were presiding over large colonial empires). When the American, British, Chinese, French and Soviet leaders got together to plan for the organization that became the UN, their main concerns were: to assure the stability of frontiers, and to provide a means of settling disputes among nations in hopes of avoiding further aggression. That was it, period.

### THE UN CHARTER 1945

So how did it happen that the UN Charter begins with a resounding affirmation not only of "fundamental human rights," but of "the equal rights of men and women and of nations large and small"? Today, not many people would openly dispute that statement. But just think how astonishing it was in 1945! Great parts of the world's population were living under colonial rule or legal segregation. And nowhere, not even in the Nordic countries, did women have fully equal rights.

Under those circumstances, how on earth did the promotion of human rights, and the affirmation of human equality, find their way into the UN Charter? Well, after the major allied powers had arranged everything that was important to them, they invited representatives of 50 countries to a founding conference in San Francisco. And among those countries there were a number of what used to be referred to as "smaller nations" (not necessarily smaller in size, but smaller in influence). And among the delegates from those countries were quite a few who had their own ideas about what was important. Those delegates got together and formed a multinational coalition to assure that protection of human rights would be included among the purposes of the new organization. In the end, they succeeded in getting not one, but seven, references to human rights in the UN Charter.

One of their most outspoken leaders was Carlos Romulo of the Philippines. He was a fierce opponent of colonialism who later said of his role as one of only three delegates from Asia: "We of the Philippines had no authority to speak for the millions in the Far East who were not represented at the conference, but we could speak of them and plead their cause."

While the insertion of human rights and equality into the UN Charter was quite an achievement, it was not the only way that coalition of smaller nations influenced the purposes of the UN. Today, many people assume that the postwar impulse for human rights was driven solely by dismay at the spectacle of death and destruction on a previously unimagined scale in World War II. But as the great social theorist Max Weber had already observed after World War I: War — on such a vast scale and with such profound disruption of settled ways of life — heightens the awareness of soldiers and civilians alike that the way things have always been is not necessarily the way they have to be.

The fact is that the post-World War II movement for human rights was impelled not only by reaction to recent horrors, but by pent-up longings for a better life — especially among the millions living

under colonial rule or belonging to legally disadvantaged minorities. That is why the UN Charter, and the Preamble to the Universal Declaration, speak not only of human rights and equality, but of the aim for “a world where human beings shall enjoy... better standards of life in larger freedom.” That is also why the 1948 Universal Declaration speaks not only of political and civil rights, but of the economic, social, and cultural conditions that make freedom possible.

The role of the so-called smaller powers in San Francisco has now been widely forgotten, but it was fresh in the minds of the delegates to the Bandung Conference of non-aligned nations in 1955. In the “Ten Principles of Peaceful Co-Existence” issued by that conference, the UN Charter was taken as a reference point, cited three times. The very first Bandung principle is this: “Respect for fundamental human rights and for the purposes and principles of the Charter of the United Nations.”

Now, let me turn briefly to another little-remembered event from that period — one that is highly relevant to the aims of today’s Conference on Interreligious and Intercultural Dialogue.

### AN EARLY SEARCH FOR SHARED VALUES: THE 1947 UNESCO STUDY

One of the first decisions of the early UN was to ask its Human Rights Commission to prepare what was originally called an “international bill of rights.” But not everyone thought that was a good idea. In fact, there was so much skepticism on the part of international lawyers and anthropologists that UNESCO convened a multinational committee in 1947 to figure out whether there really were any principles so widely shared as to be called universal.

That group conducted a world-wide survey and found that the lists of fundamental principles they received from their respondents were surprisingly similar, though expressed in different ways. That, together with their own research, led them to believe that foundations for those principles could probably be discovered in the world’s varied cultural, philosophical, and religious traditions.

So the UNESCO group reported to the UN that there was enough agreement to enable the project of framing an international declaration to go forward. But they called for further research to give more substance to their belief that a few basic principles did indeed have broad support in the world’s cultures.

### THE 1948 UNIVERSAL DECLARATION OF HUMAN RIGHTS

So the work on the document that became the UDHR went full speed ahead. And somewhere in the process, the framers must have reached the same conclusion as the UNESCO group because they started using the word “universal” instead of “international” to refer to the declaration. That was a significant move, given the diverse backgrounds of the Commissioners.

The most influential members of the group included the Chinese Confucian philosopher Peng Chun Zhang; the Lebanese Christian Arab philosopher, Charles Malik; the French Zionist jurist Rene Cassin; the Indian Hindu legislator and feminist Mrs. Hansa Mehta, and the chairperson Eleanor Roosevelt, who was a leading advocate for racial equality in the United States.

On December 10, 1948, the UDHR was approved by the UN General Assembly without a single dissenting vote. There were, however, eight abstentions — South Africa, Saudi Arabia, and the six-member Soviet bloc. But the fact that the abstainers did not vote against it was itself evidence that

some things are so terrible in practice that virtually no one will openly approve them (or openly admit they approve them); and that some things are so good in practice that virtually no one will oppose them (or openly admit they oppose them). So I believe it's fair to say that the unanimous vote on the UDHR was a remarkable political achievement.

It is of course the case that much of the world's population was not represented in the UN at the time. Large parts of Africa and several Asian countries remained under colonial rule. But that changed in the next few years as newly independent nations joined the UN, approved the UDHR, in some cases modelled their own bills of rights on its provisions, and many of them explicitly endorsed the UN Charter at the Bandung conference.

In subsequent years, as you know, human rights concepts played a prominent role in inspiring the great grass roots movements that achieved advances in the legal treatment of women and members of minority groups, the progress of democracy in parts of the world, the end of apartheid in South Africa, and the fall of totalitarian regimes in Eastern Europe.

## THE CURRENT CRISIS IN THE HUMAN RIGHTS PROJECT

Today, however, the consensus achieved 75 years ago on a few shared principles is faltering, to the point where it's no exaggeration to say that the twentieth century human rights project is in crisis. Obviously, a number of factors are involved.

First, there's the problem that many international institutions, western-funded NGOs, and some western nations are using the language of human rights to promote hyper-individualistic, hyper-libertarian ideas that are not widely shared in other parts of the world. They are imposing, or attempting to impose, their own dogmatic ideas on sovereign states, and they are over-riding national law on matters as to which there is no clear violation of international norms, and no clear national or international consensus.

In so doing, they are offending the democracy principles in Article 21 of the UDHR; the right to self-determination in the 1968 covenants implementing the UDHR; and the subsidiarity principle which aims to ensure that wherever possible decision-making takes place at a level close to the people most affected.

These developments would have been almost impossible to foresee when the UDHR was approved 75 years ago. Back then, not even the most ardent supporters of human rights imagined that supranational bodies — not yet in existence — would one day interfere with the way nation states handle questions on which no consensus exists — questions like those the drafters of the UDHR deliberately avoided — such as abortion and capital punishment, to name but two.

Nor did anyone anticipate the problems that would emerge within new supranational bodies — the lack of transparency and accountability, the absence of checks and balances. Nor did they contemplate how many of these institutions would develop an internal culture — a professional mindset — that tends to be disdainful or dismissive of national, regional, and local particularities.

Nor did human rights supporters imagine for one moment that universality of principles meant uniformity in bringing them to life in various national contexts. To be effective, human rights have to be inculturated — that is, each nation has to find a way to make them its own. The framers of the

UDHR expected that the Declaration's principles would be implemented in a variety of legitimate — but not unlimited — ways, and that each country's experiences could provide material from which others could learn.

To be sure, just as universality cannot mean uniformity, neither can pluralism mean cultural relativism. But it's one thing to say that nation states may not assert sovereignty as an excuse for committing gross rights violations, and quite another to permit supra-national bodies to use alleged human rights to override legitimate national norms. That is why Pope Francis earlier this year warned of “ideological colonization” and called for more respect for national sovereignty and identity.

Another problem that has wrought havoc with the human rights project is the proliferation of rights and rights claims. Here we have an example of how a well-intentioned project can become a victim of its own success. In the 1990s, after the human rights idea showed its power in the fall of East European totalitarian regimes, a host of special interest groups began trying to harness that power to their own agendas. There was a veritable explosion of human rights activity in western countries. A multitude of new organizations sprang up, and established organizations began searching for new causes to promote. Since most of those groups depend on Western funding, they tended to promote ideas that were popular with their donors — and more popular in western societies than in many other parts of the world.

What was ignored in that burst of activity was a point that had been self-evident to the framers of the UDHR: namely that not everything one might wish or hope for can be a universal right. Indeed, not everything that is a right in one or more countries, can find wide acceptance as a universal right. In sum, by trying to do too much, the human rights movement has often failed to do the good that was possible — and in the process has undermined its own credibility.

There will of course always be debates concerning the scope and limits of pluralism and concerning interpretations of human rights. In the 20<sup>th</sup> century, those debates primarily involved differences between cultural traditions, and political differences between the Cold War antagonists. Today, however, the fiercest battles seem to be taking place within western societies.

Which prompts me to advance a tentative suggestion — and I hope you will correct me if I am mistaken. But it seems to me that the old debate about human rights being “western” has been superseded by a different debate. It seems to me that, for many non-western peoples, the fact that some ideas about rights may have originated or found expression in the West is less important than whether they are good ideas. Today, when “western” is used as an epithet in reference to human rights, it is more often directed at the efforts of international organizations, western nations and NGOs to force their own agendas on unwilling recipients.

Meanwhile, ironically, many in the West seem to be turning their backs on the religious and philosophical inheritance that enabled western nations over time to end slavery, raise the status of women, abolish torture, combat racism, promote religious tolerance, defend freedom of thought and expression, and advance personal liberty.

As Pak Yahya pointed out in his inspiring speech at the opening of this conference, there is a fateful competition being played out on the world stage today — it is a contest between the values of secularizing elites and the values of most of the world's population, some four fifths of whom are

religious believers. The secular elites may seem to be gaining in this competition, but there is still time to shift probabilities in a better direction.

For all those reasons, it seems clear that the moment is overdue to take up the business that the founders of the post-World War II human rights project left unfinished. Which brings us to the subject of this afternoon's panel. Who will step up to carry that project forward? Where are the men and women with the ability, the ideas, and the determination to lead that effort to identify and refresh commitment to a set of shared civilizational principles?

#### WHITHER THE QUEST FOR SHARED CIVILIZATIONAL VALUES?

If one looks around the world today for places where support for the idea of universal principles is strongest, the most powerful nations will not be at the top of the list. Even countries with vigorous national rights traditions are often hesitant when international human rights compete with other concerns. As at the San Francisco conference in 1945, the most intense interest in the idea of universal human rights today seems to be among nations and political groups that by themselves do not exert the most power on the world stage — but who understand that without commitment to a few basic principles, nothing is left but the will of the stronger.

As Pak Yahya outlined this morning, the distinctive Indo-Islamic Ashoka tradition is highly relevant to the challenge of strengthening an international order founded on universal ethics and humanitarian principles. As part of a “shared civilizational legacy that belongs to the religiously and ethnically diverse nations of the Indo-Pacific,” the Ashoka tradition contains rich resources for promoting unity amid diversity, for respecting differences, and for fostering harmony among groups.

The existence of that tradition is in itself evidence that the concept of universally valid principles enjoys broad resonance among very different cultures and religions.

Of particular interest in that connection is the project currently underway under the auspices of the Center for Shared Civilizational Values. Founded by the world's largest Muslim organization (the Indonesia-based Nahdlatul Ulama), this Center has taken up the unfinished business of the UNESCO commission on the foundations of human rights. And joining with Nahdlatul Ulama in that enterprise is the world's largest network of political parties (Centrist Democrat International), which is composed mostly of European and Latin American centrist parties. In 2020, both of these organizations called for renewed global support of the human rights principles in the UDHR.

So, if a guest with an “outside view” may be permitted to speculate, perhaps it is not fanciful to imagine that renewal of the human rights project might take rise, as it did in 1945, outside the current centers of global power. Perhaps a coalition of so-called smaller nations might again play a leading role in the diffusion of a sound understanding of human rights and in the inculturation of truly shared civilizational principles — just as they did 75 years ago in the aftermath of World War II.