**Article:**

**A Cross-Cultural Understanding of Human Rights in International Legal Discourse**

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**Abstract**

This article questions the orthodox human rights narrative offered thus far and presents an inclusive global human rights narrative informed by the human rights values of both Western and non-Western civilisations and the contribution made by the States from both the Global North and the Global South to the development of the current international human rights regime. It debunks the theories of 'Asian values', 'cultural relativism' and identifies commonalities across different civilisations and cross-fertilisation that has taken place between different civilisations. Establishing connections between civilisations, this study brings to bear an informed and unbiased global human rights narrative to scholarly consciousness by unpacking the complexities alongside rigorous analysis of the competing human rights narratives.

Introduction

The political architecture that was put in place in the immediate aftermath of the Second World War had a grand vision of ushering the world into a rules-based international order. The United Nations was established in 1945 as part of this grand vision and its constituent document – the Charter of the United Nations – articulated global values and outlined the cardinal principles of international law. The United Nations as an institution was founded on three main pillars, namely, the maintenance of international peace and security, human rights, and development. In its drive to achieve its mission objectives, the United Nations embarked on an ambitious programme of action to promote and protect human rights.

Consequently, the United Nations adopted the Universal Declaration of Human Rights in 1948, and the rights enunciated in this historic declaration were later fleshed out, elaborated, and expounded through a series of international human rights treaties, including the 1966 Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights. However, multiple factors are undermining the rights regimes today, globally and domestically. The rise of populism and nationalism across the globe is posing an unprecedented challenge to the UN rights regime.

Democratic governments themselves, including the original architects of the liberal system, have become direct and indirect enablers in the erosion of the universality of human rights by treating human rights as a tool of foreign policy. While they have been accused of selectivity and double standards about human rights, China has proposed an alternative path to politicians around the world, characterised by the emphasis placed on individual economic rights over civil and political rights.

While some commentators, including both scholars and politicians alike, have claimed that human rights are a Western gift to the world, autocratic world leaders, and their supporters on the other end of the spectrum have found it easy to challenge the notion of human rights as a

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Western neo-colonial or neo-conservative agenda. Some Asian politicians and scholars alike do not see human rights as a Western concept advocate for something called "Asian values" instead.

However, this undermines the contribution of the rich intellectual heritage of other non-Western civilisations, including Asia, to the emergence of current global human rights values based on, among other things, plurality and tolerance. The false "Asian values" narrative unwittingly feeds into the narrative that pitches 'Western liberal democracy' against 'Eastern autocracy' – otherwise known as the theory of "clash of civilisations."

The questions arising here are: (1) should we adhere to the dominant narrative of human rights? (2) Do Non-Western civilisations have human rights values embedded in them? (3) If so, what contribution have they made to the development and advancement of human rights?

Additionally, even if human rights are regarded as quintessentially Western values one must ask: where do these Western values come from? What is the 'West' and what makes the 'West'? Are what we call 'Western values'- individualism, liberalism, constitutionalism, human rights, equality, liberty, the rule of law, democracy, and free markets - solely Western values? Did they originate in the West?

We also must get to the crux of what we mean by human rights in the global landscape. What are the core values that guide the application and operation of human rights? Do all human rights, including civil and political rights as well as economic, social and cultural rights, environmental and other group or collective rights, have their origins in the West? What are the politics behind the different narratives of human rights and how do we move forward in our search for universal values with whom states from all cultural traditions can identify themselves and take ownership of the UN human rights agenda?

These are the questions that this article aims to explore. This may be seen as disruptive thinking. If so, let it be. One can agree with what a major Russell Group British university says about itself – it is proud to promote disruptive thinking and a multidisciplinary approach to generating knowledge.[2] The aim of this paper to unearth the origins of human rights values in different civilisations, assess the narrower understanding of the history of human rights and standardized accounts of the events of the past, and question the dominant narratives pushed thus far. The objective is to unpack the dominant narrative by demonstrating who the authors of the narrative are, what their sources are, who their audience is, what are they emphasising in their narrative, what are they leaving out, and what their narrative's purpose is.

The values of Western civilisations and their contribution to the development of human rights, the rule of law and democracy have been asserted in a wide range of literature. In contrast, few studies have been conducted on the values of non-Western civilisations and their contributions to the development of human rights in the wider sense of the term. Western scholars are not usually familiar with the vast body of scholarship in non-Western civilisations; nor do they go far back in history to understand and appreciate the contributions of other civilisations. Since this intellectual gap renders the work of such scholars limited in scope, this article aims to hlp narrow the gap.

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[2] UCL's "Disruptive Thinking Since 1826" in 'Double award win for UCL's Disruptive Thinking brand campaign'. Available at https://www.ucl.ac.uk/news/2020/may/double-award-win-ucls-disruptive-thinking-brand-campaign (accessed 12 March 2025).

Origins of the Idea of Human Rights

Modern conceptions of human rights stem from the collective wisdom of all major civilisations and religious traditions of the world.  They develop out of the history of the struggle to check the excesses of the governments of the day. James Madison acclaimed "Father of the Constitution" for his pivotal role in drafting and promoting the Constitution of the United States and the Bill of Rights, said that "If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary."[3]

Indeed, many people who have governed countries in the past have not been angels – far from it, they have committed atrocities against their own people. Therefore, throughout history there has been an attempt in different civilisations and religious traditions to place checks on the governments and outline the norms by which they should govern. These norms ultimately gave rise to the early conceptions of human rights, which are largely a code of conduct for governments.

The struggle since time immemorial has been between the 'haves' and the 'have-nots', i.e., those in political and economic power, 'the establishment', on the one hand, and those without power, 'the disenfranchised and dispossessed', on the other. Atrocities committed by the rulers within the Western world itself and the atrocities committed by Western rulers elsewhere and especially in colonial territories were contributory factors to the birth of modern conceptions of human rights.

Antislavery movements, anticolonial struggles, struggles against religious, racial, and ethnic persecutions, the Holocaust, campaigns for the protection of minorities especially in Europe and America, the struggle for women's rights, including universal suffrage, and antiapartheid and other antiracist struggles have had a major contribution to the evolution of the modern concept and corpus of human rights. The desire to free up the individual from the dominion of others is at the core of the idea of the rule of law, democracy, and human rights.

Medieval political thinkers in England such as Bracton championed the idea that kings were subject to the law, stating that: "Nothing is more fitting for a sovereign than to live by the laws" and "for there is no rex, where will rules, rather than lex."[4] It was against the pretensions of Stuart kings to absolute rule, that English thinkers such as John Locke developed the modern doctrine of government under the rule of law, emphasising that the state must always remain subservient to those who gave it life.[5] This was based on the idea of personal liberty under which the individuals enjoyed all the natural freedoms inherent in them as human beings other than those powers surrendered by them to the community or the state so that the remainder may be more securely enjoyed by them.

The Universal Declaration of Human Rights adopted by the UN General Assembly in 1948 embodies the elements of restrictions on the powers of the government, adherence to the rule of law, and the promotion of democracy in the form of human rights. Limited government is

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[3] Library of Congress, *Federalist Papers: Primary Documents in American History* (From the *New York Packet,* 8 February 1788: https://guides.loc.gov/federalist-papers/text-51-60.
[4] Henry Bracton, *On the Laws and Customs of England* (Samuel Thorne, Trans.) (The Belknap Press of Harvard University Press, 1968), p.33 and 306.
[5] John Locke (edited by Mark Goldie), *Second Treatise of Government and A Letter Concerning Toleration* (Oxford World's Classics, Oxford University Press, 2016).

the underlying idea behind these principles and the Universal Declaration. The aim is to preclude governments from exercising arbitrary powers to any significant degree by securing an agreement for a body of specific rights that governments would agree to apply against themselves as restrictions on their own conduct. The idea is that by restricting government, individuals can exercise their powers for the pursuit of their happiness.

International concern about potential violations of human rights goes back to the Reformation of the 16th century. As stated by Moses Moskowitz, it "may be traced as far back as the stipulations of religious liberty incorporated in various treaties in the period following the Reformation, as elements in the settlement of religious wars."[6] Protection for members of religious and national minorities was included in the treaties concluded at the Congress of Vienna in 1815. Likewise, when the Ottoman Empire was disintegrating in the latter part of the nineteenth century several treaties were concluded to ensure religious freedom for Christians and Jews within the Empire.

However, the study of the history of human rights and the politics of human rights has long been a battleground of narratives. The characterisation of human rights as a "Western agenda" is partly also due to the use of human rights as a political and economic tool of diplomacy in pursuit of foreign policy goals by powerful Western States during much of the Cold War period within and outside of the UN Commission on Human Rights.

Since Western countries have often implied, perhaps out of a sense of cultural superiority, that the human rights agenda is a project aimed at civilising non-Western societies rather than benefiting their own, Western domestic situations, it has been easy for some people to regard human rights as a "Western agenda." Another narrative presented is that human rights are not applicable to other non-Western contexts such as Asia and Africa. The argument advanced is that human rights norms are only appropriate for the Western culture out of which such norms have emerged.

Although it is not factually correct, as stated by Ed Bates, to credit any one culture, religion, or region of the world with the origins of human rights and an attempt to do so would be politically charged and would risk privileging a particular world view of human rights,[7] it is this politically charged narrative that goes on to state that cultural differences should be taken into account in the promotion and protection of human rights since standards and values are relative to the culture from which they derive.

Even though celebrated international legal luminaries such as Thomas Franck and Charles Henry Alexandrowicz have suggested that the West has no monopoly on the evolution and the desire for personal liberty,[8] those who do not display a deeper appreciation of the values of the belief systems of the East and especially the emphasis on personal liberty in Hinduism and Buddhism, the faiths influencing the lives of nearly three billion people in the world, including in India, China, Japan, Korea, Sri Lanka, Thailand, Nepal etc., have claimed that the emphasis

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[6] Moses Moskowitz, *Human Rights and World Order: The Struggle for Human Rights within the United Nations* (Oceana Publications, New York, 1958), p.14.

7 Ed Bates, 'History', in Daniel Moeckli et al. (eds.), *International Human Rights Law* (Oxford University Press, 4th edn., 2022), p.4.

[8] Thomas M. Franck, 'Is Personal Freedom a Western Value?' *American Journal of International Law*, vol. 91(4), October 1997, pp.593-627; CH Alexandrowicz, 'Kautilyan Principles and the Law of Nations', 41 *British Yearbook of International Law* (1965), pp 301 ff.; CH Alexandrowicz, 'The Afro-Asian World and the Law of Nations', 123 *Recueil des Cours* (1968-I), pp 121–210.

on the individual is a Western value while non-Western values place emphasis on human dignity and the rights of the community.[9]

Since Western countries have kept the world advancing through discoveries, innovation, and scientific and technological advancement, scholars from the West have advanced the idea that Western countries developed human rights too and are leading the global human rights agenda. By advancing this narrative they are implying that the idea of human rights designed to protect the individual is quintessentially Western. This narrative, however, denies non-Western civilisations any influence in the development of the idea of human rights.

Next, is a human rights narrative that emphasizes civil and political rights. By doing so, this narrative denies those countries a human rights record that place emphasis on the so-called second-generation rights such as the economic, social and cultural rights and the third-generation or collective or group rights such as the right to development and environmental rights.

Although various resolutions and declarations of the UN state that all human rights are universal, indivisible and interdependent and interrelated and the international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis,[10] the narrative of human rights presented by Western countries is to regard mainly civil and political rights as human rights and somewhat ignore the progress made by non-Western countries in realising the economic, social and cultural rights and the accomplishments in poverty reduction.

A problem arises when people see the non-Western world through the lens of the West and claim that the West is best and the Western way of thinking and doing things is the right way for everybody. For instance, as stated by Kim Nott, when Europeans encountered the Hindu ideas about the divine, and with Hindu rituals and social life "they saw it all through the lens of their own religion and culture, compared it with their own experience, often drawing unfavourable conclusions."[11]

Most of them did not necessarily see the positive aspects of governance in non-Western societies. Those who did, highlighted these positive aspects in their writing. For instance, the Marquis of Zetland[12] has referred to some of these in his writing about the democratic culture in early Buddhist societies: "And it may come as a surprise to many to learn that in the Assemblies of the Buddhists in India 2,000 or more years ago are to be found the rudiments of our own parliamentary practice of the day."[13]

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[9] Jack Donnelly, 'Human Rights and Human Dignity: An Analytic Critique of the Non-Western Conceptions of Human Rights' (1982) 76 *American Political Science Review* 303, at p.303; Jack Donnelly, 'Human Rights and Asian Values: A Defense of "Western" Universalism', in Joanne R. Bauer and Daniel A. Bell (ed.), *The East Asian Challenge for Human Rights* (Cambridge University Press, 1999), pp.60-87 at 69; Peter Baehr, *Human Rights: Universality in Practice* (Palgrave, Hampshire, 2001), p. 13.

[10] For instance, see paragraph 5 of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights held in Vienna in June 1993: Available at: https://www.ohchr.org/en/instruments-mechanisms/instruments/vienna-declaration-and-programme-action

[11] Kim Knott, *Hinduism: A Very Short Introduction* (Oxford University Press, Oxford, 2nd edition, 2016), p. xiv.

[12] Marquess of Zetland is a title in the Peerage of the United Kingdom. It was created on 22 August 1892 for the former Lord Lieutenant of Ireland, Lawrence Dundas, 3rd Earl of Zetland. This term is an archaic form of Shetland.

[13] As quoted by G.T. Garratt in 'The Legacy of India' (1937), p. xi and reproduced in Jawaharlal Nehru, *The Discovery of India* (Centenary Edition, Oxford University Press, New Delhi, 1989), p. 256.

Human rights are the result of cumulative historical processes going back to ancient times. Although one would not find the phrase 'human rights' as such in any of the religious scriptures of Judaism, Christianity, Islam, Hinduism or Buddhism, the history of the ideas that have informed human rights can be traced back to the scriptures of all major faiths. Some of the philosophical foundations of human rights and humanitarian law such as tolerance, universality, just war, and social and economic justice have their roots in the belief systems of many ancient civilisations.

The people who drafted the Universal Declaration of Human Rights that set the modern human rights agenda, in fact acknowledged that the principles underlying the Declaration were present in many cultural and religious traditions, though not always expressed in terms of rights. Informed commentators maintained that the delegates from the Western countries were not pivotal to the drafting process of the Universal Declaration of Human Rights. Instead, the delegates from new and more fragile democracies played the pivotal role.[14]

The significant contributions made by the political and legal culture of leading Western countries such as Great Britain, France, and the United States to the development of the notion of human rights, its incorporation into the Charter of the UN and the adoption of the foundational international human rights instrument – the Universal Declaration of Human Rights can never be underestimated. However, the contributions made by the Global South to the development of human rights must be recognised and valued as well.

Human Rights as a Civiliser of both Western and non-Western worlds

While Western countries resisted the development of certain human rights especially those relating to racial discrimination, apartheid, the right to self-determination of the people in colonial territories[15] and the right to development, the Global South fought in the UN General Assembly from its early days, in the International Court of Justice and in the UN Security Council to bring the advancement of human rights to where it is today and especially to eliminate discrimination, racial or otherwise, to abolish apartheid and to promote equality.

The Global South, under the auspices of the United Nations led the campaign to strengthen the regime of human rights , including the recognition of the right to petition the UN bodies for violations of human rights, the establishment of the institution of UN special rapporteurs of human rights to monitor human rights violations, conclusion of the Convention on the Elimination of all Forms of Racial Discrimination and the Genocide and Apartheid Conventions, and recognition of the right of self-determination, the right to development and the right to a clean, healthy and sustainable environment as human rights.

Nevertheless, most of the textbooks of public international law and the manuals for teaching international human rights law have given short shrift to the role played by the States of the Global South to the advancement of human rights and to the contribution of the scriptures of non-Christian faiths to the development of the ideas that have helped shape the modern notions of human rights, fairness, and justice. Thus, the narrative that human rights are a Western gift

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[14] For instance, see Hans Ingvar Roth, 'P.C. Chang and Charles Malik: The Two Philosophers of the Universal Declaration of Human Rights' *Human Rights Quarterly* (Volume 45, Number 4, November 2023), pp. 545-567.
[15] See Tom Sparks, *Delf-Determination in the International Legal System: Whose Claim, to What Right*? (Hart Publishing, Oxford, 2023).

to the world has lived on while the progress made within the United Nations on human rights, especially since the mid-1960s, is largely a project of the Global South.

It should be noted that the Universal Declaration itself is a significant departure from the long-held Western ideas and practices that were racist, inequalitarian, intolerant to the people of other faiths, and discriminatory against women. It is plausible to argue that human rights values are global values informed and inspired by the values of different civilisations and the so-called 'Western' values themselves have been enriched and influenced by Eastern values. Human rights are the common intellectual heritage of mankind. The basic messages of Judaism, Christianity, Islam, Hinduism and Buddhism, from where the embryonic human rights values emanated, are hardly distinguishable from each other.

According to Josephine Quinn, the idea of separate and often mutually opposed "civilizations" was developed in the Victorian period and ignored the millennia of interaction between the people of Europe, Asia, and Africa.[16] In her view, the idea of a "Western civilisation" is an invention of the 19th century, just like railway and the telegraph were. Stating that "Western civilisation" would not exist without its Islamic, African, Indian and Chinese influences, she goes on to write that "What are called Western values – freedom, rationality, justice and tolerance – are not only or originally western and the West itself is in large part a product of long-standing links with a much larger network of societies, to south and north as well as east."[17]

The idea of classifying the world into different civilizational jackets – "Western civilisation", "Islamic civilisation", "Buddhist civilisation", and "Hindu Civilisation"- is a recent phenomenon promoted by the likes of Samuel Huntington[18] and largely an artificial classification in this globalised world. The former Chancellor of the University of Oxford, Chris Patten argues that the values listed as 'Western values' by Huntington "often have little resonance in Western cultures and political histories." Patten goes on to expound:

> "What respect for individualism, liberalism, constitutionalism, the rule of law and democracy do we find in Europe's twentieth-century encounters with Fascism and Communism? Not much resonance there. What respect for human rights and equality was there in America's southern states before the victory of the civil-rights movement? What free markets do we discover in much of Europe for the century [i.e., the twentieth century]? What separation of church and State can we see in liberal Britain?"[19]

These are the words of a leading British intellectual, who describes himself as a liberal Tory in his writings. What is more, many of the leading Western countries themselves are becoming a cross-cultural and cross-civilisational community as they have become a melting pot of people from diverse backgrounds and cultures. For instance, Anne-Marie Slaughter writes that, "For 200 years, roughly 80 per cent of the American population had European origins. … Today, however, the "old country" is equally likely to be in Latin America, Africa or Asia. … Look at college campuses across the US. The 2020 census was the first in which less than half of children under 18 identified as white. By 2027, Americans under 30 will be a plurality nation,

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[16] Ibid.
[17] Ibid., p.10.
[18] See Samuel P. Huntingdon, *The Clash of Civilizations and the Remaking of World Order* (Simon & Schuster, London; Reissue edition (2002).
[19] Chris Patten, *East and West* (Macmillan, London, 1998), pp.320-321.

with no majority ethnic or racial group."[20] Therefore, the division of the world in terms of the West and the East along racial, religious or ethnic lines and the talk of the "clash of civilisations" is becoming an idea of a bygone era.

It is not uncommon to encounter a short-sighted human rights narrative that claims that the international human rights agenda has had a civilising effect on non-Western states. However, this is only one side of the story. The international human rights agenda has helped civilise Western states too. It was partly due to the right to equality enshrined in the Universal Declaration a trend was set in motion in many Western and non-Western countries alike to enact new laws to grant equal rights to women or repeal or amend the old laws that had provisions discriminatory against women who had been subject to ancient laws, customs and practices in many Western and non-Western societies. For instance, within a matter of two decades of the adoption Universal Declaration more than one hundred countries had given women voting rights.

Commenting on the role of non-Western countries in the advancement of human rights, William Schabas states: "If the fight against racial discrimination is seen as a central theme in human rights rather than something on its periphery, then international human rights have been driven forward as much if not more by the South than by North."[21] Many of the standard-setting resolutions of the General Assembly in the immediate aftermath of the establishment of the UN were designed to deal with racism and apartheid.

The first human rights treaty adopted by the General Assembly was the 1948 Convention on the Prevention and Punishment of the Crime of Genocide and the first human rights treaty with a mechanism for monitoring compliance was the International Convention on the Elimination of All Forms of Racial Discrimination of 1965 were proposed by the States of the Global South, not the Global North. The 1965 Convention on the Elimination of All Forms of Racism required and inspired the enactment of national race relations and equality laws in many Western countries. It also allowed states to take affirmative action or measures of positive discrimination for the advancement of certain racial or ethnic groups of individuals requiring such protection. Whether it is the civil rights movement in the U.S. or the anti-racism campaign in the UK they drew inspiration from the developments in the UN against racial discrimination.

Consequently, major civil rights and race relations laws were enacted in these and other Western countries. For instance, the Civil Rights Act of 1964 and Voting Rights Act of 1965, the two most significant pieces of civil rights legislation since Reconstruction were passed within two years of each other, outlawing discrimination based on race, colour, religion, sex, or national origin. These two landmark laws banned discrimination in public accommodations, public education, and employment, and prohibited race-based restrictions on voting. Prior to this, as Richard Haass, who was president of the Council on Foreign Relations, a leading think tank in the United States, for twenty years between 2003 and 2023, has pointed out, whether it was the American "Bill of Rights" or other amendments, they did not address the most serious flaws of the American Constitution which did not extend the rights listed in them to enslaved people, women, indigenous peoples, and the poor.[22]

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[20] Anne-Marie Slaughter, 'For business, DEI should be an economic priority', The Financial Times (London), 28 August 2024: https://www.ft.com/content/9aa506a9-0ff2-49f6-8e91-17d2504f1b5c
[21] William A. Schabas, *The International Legal Order's Colour Line: Racism, Racial Discrimination, and the Making of International Law* (Oxford University Press, 2023), p.13.
[22] Richard Haass, *The Bill of Obligations: The Ten Habits of Good Citizens* (Penguin, Random House, 2023), p. 10.

The American Declaration of Independence, like the French Declaration of Human Rights adopted after the French Revolution, speaks of men, not people, with the disconnect between the words and the reality in the United States at the time. It did not include provisions on slavery, limited the rights of women and ignored the appalling treatment of the Indigenous people. This exclusive approach also contributed to subsequent discrimination against multiple waves of immigrants until much later in American history.

Likewise, thanks partly to the campaign by civil rights activists such as Dr Paul Stephenson, Guy Bailey, and Roy Hackett, who had interacted with people driving the agenda against racial discrimination at United Nations conferences for policy development in race relations, the UK parliament enacted laws to ban racial discrimination. Dr Stephenson, who began his journey as the first black social worker employed by the city of Bristol, spearheaded the historic bus boycott campaign, rallying thousands of Bristolians to stand together against the Bristol Omnibus Company's refusal to hire Black and Asian drivers. This campaign paved the way for the nation's first Race Relations Act of 1965.[23] This was followed by another Act in 1968 which criminalised discrimination in housing, training and education and in the provision of goods and services.

The role played by the Global South against apartheid, colonialism, racism and other forms of discrimination before the International Court of Justice in cases such as South-West Africa cases (*Ethiopia v. Union of South Africa*; *Liberia v. South Africa*) and *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South-West Africa) notwithstanding Security Council Resolution 276 (1970)* was of immense importance in advancing human rights.[24] However, as observed by William Schabas, "Histories of international human rights often overlook the significance of anti-apartheid struggle. They adopt a narrative that tends to exaggerate the progressive contribution of European and other Western States."

In the absence of global ownership of the human rights project, many people in the Global South have perceived this project as an attack on their culture and traditions and therefore needing reform and transformation. With the push for EDI – equality, diversity and inclusivity – in various walks of life in the Western world, the expectation of political correctness, the rise in wokeism, the waves of migration and the increase in immigration, some commentators, whether politicians or scholars in the Western world, have started to perceive human rights as an attack on their lifestyle and on their personal liberty. Therefore, a balancing act is needed to chart the future for everybody.

When the United Nations human rights agenda was gaining momentum and the United Nations was trying to play a constructive role in its early years as an efficient international institution predicated upon human rights principles and capable of mediating international conflicts, the onset of the Cold War affected the progress on both fronts. Engulfed in Cold War politics, both the UN and its human rights agenda became a battleground for the expansion of the sphere of

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[23] BBC News: 'Civil rights campaigner Dr Paul Stephenson dies age 87', https://www.bbc.co.uk/news/articles/cx2n01ew3d5o, 4 November 2024 (accessed 5 November 2024).
[24] See for a helpful summary of the struggle of the Global South against conservative tendencies in these cases Schabas, pp. 230-236. See also Richard Falk, 'The South-West Africa Cases: An Appraisal' (1967) 21 *International Organisation* 1; Victor Kattan, 'Decolonising the International Court of Justice: The Experience of Judge Sir Muhammad Zafrulla Khan in the South -West Africa Cases' (2015) 5 *Asian Journal of International Law* 310; Leslie C. Green, 'South-West Africa and the World Court' (1966-1967) 22 *International Journal* 39.

economic and political influence between the Western countries led by the U.S. and the Communist countries led by the Soviet Union. A similar situation is now emerging concerning the battle between China and the U.S.

Conclusions

Stephen Green writes in his book *The Human Odessey: East, West and the Search for Universal Values* that the point of the human odyssey is: "the more we learn about one another, the more we discover the commonalities of human experience … For we discover ourselves fully only as we discover the other."[25]  He goes on to state that "Viewed geopolitically, the main question is whether or not and how the world views of the two most important and influential powers on the Eurasian stage – China and America (the one fundamentally Confucian, the other essentially individualist) – can be constructively synthesized."[26] As suggested by Henry Rosemont,

> "the Western philosophical tradition will have to incorporate in the future more of the views of non-Western philosophies than it has in the past. If our own modern ethical, social, and political philosophies, in which the concept of rights is central, are outgrowths of a culture encompassing no more than 25% of the human race, and if there are other rational ethical and political philosophies which more or less reflect the presuppositions and assumptions of the other 75%, then those assumptions and presuppositions should be incorporated, if at all humanly possible, into any ethical and/or political philosophy which claimed to be universal,"[27]

Therefore, it is not only possible but necessary to reach a painstaking consensus on matters of shared interests such as human rights and responsibilities. We will have done a good service to the cause of universality of human rights if we can demonstrate with evidence that every civilisation, whether Eastern or Western or African or Latin American, has had a role to play in its evolution, has a stake in human rights and should thus claim ownership of it. We all should stand back from Hinduism, Buddhism, Judaism, Jainism, Christianity, and Islam, and from Western versus Eastern narratives and see the concept of human rights and its origins from a broader cross-cultural and cross-religious perspective. Different cultures and traditions can come together to advance the common agenda of humanity and human rights.

As demonstrated above, the Western tradition is not the only natural habitat of human rights values. To a lesser degree but to a significant extent nonetheless, other non-Western traditions too have served as fertile grounds for pluralism, tolerance, social harmony and humanity. The credibility of human rights rests on the public perception that they are universal values and ideals drawn from all major civilisations of the world. Our aim should be to establish connections between civilisations that are needed to chart the world of the future since human nature unites us all and transforms knowledge into wisdom.

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[25] Stephen Green, *The Human Odyssey: East, West and the Search for Universal Values* (Society for Promoting Christian Knowledge, London, 2019), p. 2.

[26] Ibid., pp.2-3.

[27] Henry Rosemont, *Against Individualism: A Confucian Rethinking of the Foundations of Morality, Politics, Family, and Religion* (Lanham: Lexington Books, Paperback, 2016), p.37.