

You will have to excuse the big shift that happens about 60% of the way through the paper, but I decided to change my focus and thesis a couple of days ago, and this shift is indicated by the change in writing style and the lack of footnotes. Please excuse this while you are reading, but I haven't had a chance to refine it yet. Also, I do have sources for all these sections, but I have only had time to put them in up to a certain point before sending this out. I hope that it makes some sense to you and I thank you for taking the time to read it at such a hectic time in the semester.

SINGAPORE AND THE CULTURAL CRITIQUE OF HUMAN RIGHTS: *PROBLEMS AND PROPOSITIONS*

I: Introduction:

The centrality of the Human Rights discourse in contemporary international relations is undeniable. After being in the shadows of the great ideological debate of the Cold War for almost fifty years, the Universal Declaration of Human Rights, drafted in 1948, has again come into the fore. Despite the universal underpinnings expressed throughout the Declaration – and later conventions and covenants – worldwide support remains divided. In fact, two opposing theoretical camps have been formed in the international community, one representing universalism and the other, cultural relativism. Although universalists applaud the indiscriminate applicability of Human Rights on a global scale, relativists argue that these rights represent only one of many possible socio-cultural normative doctrines and, as a result, can only be legitimately applied to the particular cultural context in which they were formulated.

There is a number of nations worldwide that not only refuse to adhere to the declaration, but also stand in direct opposition to its fundamental tenets - their reason: universality. How can this be? Are human rights not by and for *all* human beings? The answer is a resounding “NO!” from those who argue that Human Rights have been singularly crafted by the West, represent uniquely Western values, and thus, cannot apply to any other culture other than that of the West. One of the most vocal proponents of this line of thinking is Singapore. This former British colony, despite its miniscule territory and short history as an independent state, has taken a leadership role in speaking out against Human Rights propagation and its presumed universal political and ethical legitimacy in international affairs.

The central purpose of this paper is to examine the Singaporean cultural relativist critique of Human Rights. Singapore will be the primary focus of analysis due to the fact that it unequivocally espouses the relativist doctrine, is a leader of worldwide opposition to the Human Rights movement, and is unique in that it is one of the few industrialized countriesⁱ actively endorsing the pursuit of an essentially non-Western model of socio-political organization and development. I will begin by defining the pertinent terms of this paper and continue by briefly describing the central tenets of the relativist critique of Human Rights. I will then move into a detailed examination of some of the fundamental flaws associated with cultural relativism and will show how, as a result, relativism may not be the best argument for Singapore to use in order to continue and maintain its non-

Western ideological path. I will contend, however, that despite these problems, the substance of the relativist position cannot and should not be ignored and, consequently, will assess the feasibility for the Human Rights discourse to address cultural and collectivist considerations. To conclude, I will offer some final thoughts about the universal/relative debate and make some suggestions as to Singapore's future role as the voice of dissent in a world still dominated by Western rhetoric.

II: Abbreviations and Important Terms:

HR – Human Rights

CR – Cultural Relativism

UN – United Nations

UDHR – Universal Declaration of Human Rights

Vienna+5 – World Conference on Human Rights held in Vienna in 1993

PAP – People's Action Party in Singapore

The theoretical and contentious nature of this subject force me to engage in a lengthy discussion of terms and definitions in order to attempt to avoid as much confusion as possible, and preclude semantic debate in favour of the discussion of more substantive issues. I am by no means stating that the definitions used in this paper will not be provocative - quite the contrary - however, in order to make any sort of logical argument, I hope that this section will form the lexical basis required to allow for the achievement of some semblance of a common understanding.

First and foremost, the Human Rights (HR) movement posits that, "all human beings are born free and equal in dignity and rights."ⁱⁱ Because each "human being is sacred, certain things ought to be done for every human being,"ⁱⁱⁱ and thus, they are, by extension, universally and equally applicable to all. "These are moral claims which are inalienable and inherent in all human individuals by virtue of their humanity alone,"^{iv} The obvious implication is that the HR doctrine transcends regional, cultural and state boundaries and unifies humanity by way of these shared values. The HR label will be used to refer to the general principles and protocols expressed in all conventions and covenants pertaining to this area of international agreement, however, the UDHR will be the central document of focus throughout this paper.

Cultural Relativism (CR) will be used to refer to the school of thought which claims that, "there can be no essential characteristics of human nature or human rights which exist outside of discourse, history, context...agency [or culture]"^v As a result, there are no universal principles that can be applied to all human beings and morality is ultimately derived from a specific culture alone. In very broad terms, CR thought holds that, "one should try to evaluate and understand another culture [or] society on its own terms and relative to its own values and beliefs."^{vi}

On a related note, Singapore often defends their ethical and social positions in terms of Asian Values. Dr. Chan Heng Chee, the former Singaporean representative to the UN, at the Asia 2000 Foundation elaborated stating that Asian Values in Singapore emphasize, "the importance of the family, respect for authority, avoidance of conflict,

law and order, education, the individual acting in harmony with the group, [and finally] the value of the greater good over the individual.”^{vii} Although some of these values will be examined and evaluated on an individual basis, they will, for the most part, be treated as a unitary ethical doctrine.

Legitimacy is one of the most difficult terms to define so a rather broad understanding will be employed. Legitimacy will be assessed on the basis of the extent to which the institution or system both embodies the principles and desires of its constituents and acts in accordance with these principles. In other words it can be indirectly measured by the degree of constituent support for the institution or system. As a corollary, authority will be assessed in direct relation to the level of legitimacy of a particular institution or system. I do realize that these definitions are highly controversial and, in their present form, represent a systematic Western-democratic bias. For the sake of clarity their inherent ambiguity required a resolution, however imperfect the one chosen may prove to be.

III: Singapore’s CR Critique of HR:

Singapore’s critique of Human Rights applies to almost every article in the original UDHR. Although it is possible to go through the document article-by-article, such an analysis would be both time-consuming and redundant. As a result, three overarching principles will be extracted and examined in that they adequately represent the fundamental arguments Singapore has raised against the universal applicability of HR: universalism, Western bias, and violation of state sovereignty.

A: Universalism:

According to Singapore and other countries adhering to CR, universalism is the most contentious of HR assumptions. In fact, the fundamental principle of the UDHR is, “the recognition of the inherent dignity and...the equal and inalienable rights of all members of the human family [which serves as] the foundation of freedom, justice and peace in the world.”^{viii} This stance was unequivocally reinforced at the World Conference of Human Rights in Vienna in 1993 that reaffirmed that, “all human rights are universal, indivisible...interdependent and interrelated.”^{ix} Clearly, the HR movement purports to not only define and categorize human beings, but also places one universal norm above all others, establishing an international ethical hierarchy. For CR, this is both unacceptable and undesirable.

Despite a high degree international support expressed at Vienna,^x Singapore and other nations still raised the cultural card in opposition to the spirit and principles of the conference. First and foremost, the UDHR was drafted, “at a time when most Third World countries were still under colonial domination. [Those] that later incorporated... the Declaration...did so under western pressure.”^{xi} Not only does this indicate that there was a strong and justifiable sense of exclusion from the formulation and development of HR, but also, that it was being forced upon the new nations shortly following decolonisation when they lacked both the strength and experience to resist western political pressure. The absence of most nations from the development of HR as well as

the fact that many adopted the principles under duress both preclude the consolidation of a true feeling of universality.

In addition, CR points to the extreme ethical and moral diversity in both theory and practice throughout the world. Although this relies on a relatively weak argumentative logic, it does point to the fact that there is a general lack of global consensus, both between individuals and states, when it comes to the moral foundations of HR. In fact, some would go as far as to argue that in order to determine the universality of HR, “all human beings all over the world should agree about the meaning of human rights.”^{xii} Whether one adopts this criterion or restricts it to the agreement of state governments representing their people, universalism would be difficult to secure. MacDonald points out that, “cultures vary a great deal in both their values and their modes of life and [thus] there is no limit we can impose, from a theoretical point of view, on the range of such cultural variability.”^{xiii} Because uniformity is a consequence of the adoption of HR, it becomes most problematic to those cultures that currently deviate most from what has been established as a *universally desirable* code of conduct. As a result, the effects of such a dramatic shift in socio-cultural values would be most pronounced in non-Western societies.

B: ‘Westernism’:

Singapore has vehemently expressed on several occasions the inherent Western bias in all HR agreements, and, in fact, in the principles themselves. HR, in the cosmopolitan tradition, are agent-centred and are, “asserted as claims *by individuals* and *against* the power of the state.”^{xiv} This focus on the individual as the fundamental basis of society is a western construction and stands in direct opposition to the Asian Values that favour social harmony and value the whole above the individual. As a result, the very foundation of Asian society - and most non-western collectivist societies for that matter - would have to be fundamentally altered in favour of the western model if HR were to be adopted in their entirety. Jack Donnelly points out that, “the protection of individual rights against the demands of society was...not part of traditional non-western thinking.”^{xv} Divergent conceptions of central tenets are **endemic** in this debate and underscore the lack of consensus for the universality of HR.

Relativists have also, “charge[d] universalists with cultural imperialism...[and] arrogan[ce] in their belief that their own conception of rights must apply to everyone.”^{xvi} The attempt to elevate western ideals to the status of universal ideals is a pretension that has several consequences. It mistakenly conflates the subjective western vision of what is good, with objective and universal truth. Not only is this an erroneous conclusion, but also one that is highly derogatory. It serves no purpose other than the marginalization and denigration of all non-western values, and ironically stands in direct opposition to tolerance, a supposed virtue central in all modern western liberal democracies. By not tolerating the beliefs and values of other peoples, western nations run the risk of not only alienating those societies, but also betraying the very basis upon which HR and liberal rights were established.

The next point of contention raised by Singapore and the CR is that nations of the West have achieved a higher level of development. As a result, the same ethics, political systems and importance of rights cannot apply to countries not subject to the same set of circumstances. In fact, the ambassador of Singapore spoke out at Vienna+5 stating that, “only those who have forgotten the pangs of hunger will think of consoling the hungry by telling them that they should be free before they eat.”^{xvii} Although the ‘food before freedom’ argument tends to be put forward by the most repressive regimes to justify their continued authority,^{xviii} the vast developmental disparities between the industrialized world and less-developed countries must be considered when evaluating cross-cultural considerations. In fact it is argued that, “the circumstances vary widely enough among individual societies to require differing conceptions of human rights.”^{xix}

CR responds to the universalist challenge by arguing that, “all cultures are equal in status...no particular cultural form...can legitimately be regarded as superior to or more favoured than any other.”^{xx} The dichotomy between relativism and universalism in this sense is striking, in that the former is now relying upon fundamental equalities for its defence rather than the latter. This can be attributed, once again, to the differential value placed upon the society or culture in question rather than the individuals of which it is composed.

C: Violations of State Sovereignty and the Value of Society:

The real question that arises in the debate between HR and CR is whether individuals form societies or whether societies form individuals. HR presupposes an invariable human nature whose essence can be determined through reason alone. Wilson points out that, “having established the nature of a human ontology, objectivity can be claimed for value judgements [of any kind].”^{xxi} Unfortunately, there is no proof that can be used to substantiate either this theoretical conception, or the existence of an innate human nature at all. In fact, CR contends that, “existence must precede essence,”^{xxii} and that existence is defined and determined solely by one’s culture. Not only does this formulation give extreme moral importance to society in developmental terms, but also directly contradicts the essentialist construction of human nature required for the universality of HR to be a logical possibility.

The central feature of the CR doctrine is that it ascribes fundamental moral value to culture. “Because individuals are constituted by the community, the demands of social ethics override - or should override – the imperatives of conscience.”^{xxiii} Consequently, the individual and his or her ethical values are a product of, and thus cannot exist prior to, their society. Although there has been a move toward increased global interaction, the lack of a single civil society and common ethical values precludes the establishment of a universal rights regime. As a result, “the specific application of policy is therefore best left to each community to decide for itself.”^{xxiv}

Despite the fact that a given country may have several cultures within its borders, the CR critique ascribes primary cultural importance to the state and thus relies on the primacy of the principle of state sovereignty in order to thwart foreign cultural imperialism. State supremacy allows for the government to direct the cultures within its

territories, but also has a (hopefully) legitimate right to do so based upon the consent of the people residing therein. As Rosas argues, “if nations are both sovereign and equal, it is difficult to see how human beings could be equal, except within each nation-state.”^{xxv} Further, it is for this reason that Singapore and other countries argue that HR are an attempt by the West to violate their sovereignty and that allowing the individual to encroach upon the state would preclude rapid development and social progress. Therefore, “the outside world should respect the choices made by individual nation-states.”^{xxvi}

IV: Cultural Relativism: Too Relative for Its Own Good?

Although the CR critique of HR points to many of the problems inherent to purporting universal truth, it too suffers from several fundamental flaws that render its ability to act as an independent and coherent theoretical doctrine at best precarious. These flaws inevitably diminish the strength of Singapore’s position on the matter. In addition, there are some characteristics particular to the Singaporean case which further limit the extent to which cultural relativism provides an adequate justification for their blatant opposition to human rights. Although each argument is based upon a set of assumptions concerning the nature of man, I have decided, considering the goal and length of my analysis, to omit their inclusion in this discussion.^{xxvii}

A: Fundamental Flaws of CR:

The most pressing problem of the CR argument is that it undermines its own truth through contradictory propositions and ultimately, implies ethical nihilism.^{xxviii} To elaborate, because CR postulates that both culture is the ultimate source of ethical truth for its constituents, and that this holds true across all cultures, it is, essentially, proposing a new set of universal standards through which to understand and conceptualize culture, ethics, and politics. Ironically, however, it uses these standards to argue that universal ethical standards cannot and do not exist. As a result the argument is contradictory and hence, self-nullifying. As Wilson explains, “it generates a meta-narrative with totalising claims at the same time as generating a self-undermining critique of the very possibility of meta-narratives and totalising claims.”^{xxix} In short, CR uses the very same methodological and argumentative techniques that it criticizes in the HR doctrine. As a result, its independent theoretical worth and logical credibility are lost.

The second major flaw of CR centres around the fundamental assumptions used to characterize cultures themselves. Not only are cultures assumed to be homogeneous and unitary, but also they are constructed in such a way that they are singular source of ethical truth for their constituent members. In fact, “for their doctrine to be coherent... relativists seem to hold a nineteenth-century notion of culture as the basis for *all* difference and similarity between human beings.”^{xxx} (italics mine) This blatantly ignores the internal divisions and distinctions within cultures themselves – such as age, social class, gender – that can have profound effects upon the identity, actions and values of the individuals concerned. The proverbial ‘generation gap’ speaks volumes as to the differential effects of other contributing factors. In addition, the multiple levels of

association characteristic of most modern citizens – e.g. family, community, state, religious affiliation, etc. – are entirely ignored and, as a result, are ascribed no moral worth whatsoever despite the primary ethical importance such organizations may play in one's individual life. Finally, the undeniable influence of one's political and economic system on individual life, values and social organization is entirely disregarded. Ironically, the CR school of thought glosses over the differences within cultures in exactly the same manner HR proponents neglected cultural variability.

CR suffers from another contradiction, this time not in theory, but in practice. There is often the mistake made of conflating the concept of culture with that of the nation-state in the case of specific state governments. In fact, they are often treated as one and the same. Although communitarian thinkers would agree, arguing that, “shared values exist within cultures, which are roughly coterminous with nation-states”,^{xxxix} it seems problematic when one considers both multinational and multicultural states as well as the important influence of sub-national and trans-national affiliations. In addition, this allows for the possibility that the state be solely responsible for the direction of ethical value in the particular society. Although this seems logical when one considers the state as the expression of the free will of the people, logic is at best questionable when one considers repressive and inegalitarian regimes. In fact, “an undeniable truth is that many governments around the world continue to carry out abominable acts against ‘their’ populations, and relativism is the most useful available ideology which facilitates international acquiescence in state repression.”^{xxxix} As a result, the CR model relies on an overly simplified conception of culture and modern society and can result in the conservation of repressive political regimes.

Finally, CR has systematically neglected the empirical evidence that indicates that universal HR have become increasingly valued by most non-western societies. Not only did 171 of the 192 countries in the world participate in the World Conference in Vienna in 1993, but also the grand majority, accepted the major provisions of the agreement and agreed to work to reinforce the HR regime.^{xxxix} In addition, there have been many sub-national groups, especially indigenous people, which have also used the universal provisions – which are, culturally speaking, ‘foreign’ to them – to “engage in... negotiations with their governments over their constitutional claims for linguistic and territorial rights and political sovereignty.”^{xxxix} This is especially important when one considers the manner in which the majority of these peoples were politically, economically, and socially marginalized by the colonial administrations for centuries. These factual anecdotes not only indicate the possibility to use HR to retain and develop one's culture, but also that HR and culture are by no means, necessarily antagonistic.

B: Singapore's Particularity:

NB – This section marks where I completely changed my thesis and focus the other day, so I apologize if the writing style is the best, I haven't had too much of a chance to refine it yet. The following sections are also lacking their endnote marks, again, because I haven't had a chance to insert them, but they are here on my desk on paper and will be added soon. I do hope that you get the general idea of what I'm trying to get across despite this

Although CR has several fundamental flaws and oversights when it comes to its argumentative strength, when applied to Singapore's situation, its validity all but disintegrates. The first and most pressing problem is the issue of development. Singapore ranks 24th in the world in the UN's Human development Report 2000^{xxxv}, yet it still argues that its people need food before rights. One of the most economically and socially prosperous countries in the world using the same argument as the poorest of nations – in which literally thousands of people starve to death on a yearly basis – is both illogical and disconcerting. In fact, it does nothing more than belittle the plight of poverty. Although it has been argued that Singapore can serve as an example of the potential economic success of such a stance, there has been no evidence gathered to substantiate any relationship between political repression and economic development, let alone proof of a causal link.

On the surface, it may seem as though, as the government would suggest, that Singapore is a country that represents a single cultural unit. Nothing could be further from the truth. Aside from the diverse ethnic make-up of the country – composed of people of Chinese, Malay, Indian, and European descent^{xxxvi} - Singapore is both linguistically and religiously diverse. Clearly, there is no real evidence that supports the contention that the state is coterminous with a single or dominant culture. Interestingly, however, the PAP dominated government, which has been in power since 1959, has attempted to create a uniform and homogeneous culture from the top-down by launching a series of cultural campaigns geared to assimilate the people of Singapore into a uniform, government-sanctioned model. Although most states do tend to support the creation of a national identity in the civic sense, the PAP government has attempted, on several occasions to go beyond the political in an attempt to institute a new socio-political culture through government mandate. The two central initiatives were the “Speak Mandarin Campaign” and the establishment of the Institute of East Asian Philosophies, both of which attempted to instil Confucian values imported from the North into an ethnically diverse cosmopolis. Ironically, the government's desired national identity was far from representative of any of the major cultural groups historically linked to the area (only 1% spoke Mandarin at home and less were religiously adherents of Confucianism)

Although both initiatives ended in failure, the flagrant attempts of the government to both dictate and define culture through a systematic program of assimilation is astounding. This policy stance not only raises questions as to the extent to which the government of Singapore actually represents the values of the state's constituent cultures, but also, the very legitimacy of the government's authority. Obviously, the Singaporean administration is engaging in a subversive, yet highly systematic attempt at cultural discrimination within its own borders. This is in complete violation of any of the caveats proclaimed in public that call for intercultural respect from the nations of the west. As a result, the moral and practical force of the CR critique is entirely lost. The distinction drawn by the actions of the Singaporean government between cultures that can be defended using the relativist argument and those that cannot is arbitrary and unjustifiable, both from a CR and HR point of view.

In order to assess the potential reasons behind such blatant inconsistencies, one must examine the nature of Singapore's political system. Although, constitutionally speaking, Singapore is a democratic country there are several constraints on the traditional mechanisms of the democratic model that decisively act in favour of the government's maintenance of the status quo. First, despite the use of regular elections and the legal permissibility of opposing political parties, as Lawson points out, these alternative parties are systematically excluded and marginalized by way of several government measures, including a lack of government funding, only 9 days to prepare for an election, the imprisonment of potential political 'dissidents' without a trial, and several government sponsored 'defamation of character civil suits' geared toward depleting the financial resources of potential political adversaries. Although it would invalidate the constitution and discredit the government's authority if it were to make political opposition illegal, through the abovementioned measures, the government has weakened political opposition to the point of being virtually entirely ineffective. Although this argument does use very western notions of legitimacy and democracy, if the Singaporean government maintains that it legitimately represents the free will of its people in both principle and spirit, it must subscribe fully to the democratic institutions that can adequately substantiate such a claim. This is not to say that the citizens of Singapore do not have the democratic right to elect PAP, nor that they cannot allow for an authoritarian government to rule, quite to the contrary, however, they should be free to decide both the type of political system used in their country as well as the policies and mandates it is to enact.

The purpose of this section is by no means to argue for or against the relative strengths of democracy in Singapore, but rather to underscore and illustrate the effects the socio-political system have on policy. To elaborate, I hope to have pointed out that Singapore's political system, despite its democratic label, discriminates both against the cultures as well as potential political opposition within its borders. Consequently, it may be possible that the government lacks the legitimacy necessary to speak for the people of Singapore in terms of cultural and ethical objectivity. Therefore, it may be that the true principles of the people of Singapore are divergent from those expressed and enacted by the PAP government. If this is the case, then the true reason for the use of CR in Singapore is not for the protection of the Asian cultural heritage or its correlate values, but more so represents a pragmatic political move on the part of the PAP – a measure to maintain and enhance their own power rather than that of their people.

V: Where do We Go From Here?

As I have illustrated, the CR critique successfully points to several of the limitations and oversights of the current HR regime, most notably, its fundamental western socio-cultural bias. However, despite the importance of these substantive issues, the argument itself is also subject to some of the same major flaws revealed in the universalist paradigm. Especially when one applies the CR logic to Singaporean circumstances, the argument becomes less and less convincing, eventually leading to the question of whether culture plays as important role as the PAP government would have you believe. Despite the theoretical shortcomings of both approaches, I think it would be both counter-productive and undesirable to simply disregard the potential benefit of each.

However, the central problem of this entire debate remains: Which one is right? It is not my goal nor, in my opinion, within my capacity to argue categorically one way or another. In fact, I would go so far as to argue that neither one can or will ever be proven beyond a shadow of a doubt. Therefore I propose the continuation of the discourse between the two schools in order to come closer to common conception of rights, one based upon consent and shared, or at least mutually respected, values.

A: Third Generation Human Rights:

This challenge to both the relativist and universalist school is formidable, and has been in the works essentially since 1978, when so-called third generation human rights were first defined by Dr Vasak at the International Human Rights Institute in Strasbourg as, “those born of the obvious brotherhood of men and of their indispensable solidarity; rights which would unite men in a finite world.”^{xxxvii} Third generation HR, most ardently advocated by the governments and peoples of the non-western world, encompassed collective rights to development, to peace, to communication, to difference, to national self-determination, and to a clean environment. What differentiates this new class of rights most from both first and second generation HR is that, “they can only be realized through the concerted effort of all the actors on the social scene.”^{xxxviii} Thus, it no longer is simply a strategic interplay between the state and the individual, but rather a multilevel game of overlapping associations that operate in harmony to achieve a higher and common purpose.

Although one could argue that respect for aggregate individual rights could equally ensure adherence to the proposed third generation collective rights proposals, VanderWal points out that the rights must be understood as being, “of a non-reducible collective nature...that is, they cannot be analyzed adequately and without loss of meaning in terms of individual rights.”^{xxxix} Because, as Singapore and other non-western states have argued, individuals cannot be *fully* understood in the absence of their social context, individual rights, without *any* reference to the correlate social group within which *all* individuals operate would be both futile and ineffective. Consequently, codification of these rights would require the extension of a separate branch of the HR doctrine, on equal level with the political and social values currently enshrined in the UDHR.

Evidently, third generation human rights speak to many of the holes left in the original human rights regime that I identified in section II of this paper. First, it would serve to underscore and potentially reify the notion of culture in international law and, as a result, include the basic social values characteristic of most non-western cultures in an area from which they have historically been excluded. Although some collective rights are currently recognized in international law - most notably state sovereignty - reference to sub-national, national, and super-national groups would underscore their importance and influence in both western and non-western cultures and further, subject them to the same duties required of states in relations to individuals. This last effect, although not often associated to third generation human rights, would, for the most part, preclude many of the ‘cultural tyranny’ scenarios raised by opponents of such an extension of the human rights literature. There would, consequently, be less of a western bias in the

human rights regime, and thus, would afford HR a more legitimate basis upon which the general HR mandate could both be developed and expanded. As a result, further protection could ensue for nations and minorities, historically subject to the many forms of cultural imperialism and discrimination. Although third generation human rights may not offer a resolution *per se* to the antagonism between universalists and relativists, the successful incorporation of collective rights into the regime may at the very least, strike a compromise between the two schools of thought and lead to a more general sense of solidarity and cooperation on the part of the people of the world, both western and non-western alike.

B: Problems:

Despite the potential benefits of the fusion of collective and individual rights, there are several problems that would face the spirit of such a move, as well as its feasibility. The most fundamental problem concerns, once again, terms and definitions. If collective rights are to be given to cultural agents, there must be a way in which these groups can be defined, identified, and differentiated. The vagueness and subjectivity of terms such as nation, culture, union, and group would inevitably lead to debate, disagreement, and potential deadlock in terms of both the effective implementation and institution of third generation HR. The issue is that, “they lack a precise object and their realization is dependent upon prevailing...circumstances.”^{x1} In fact, the more pressing problem involves not so much what the definitions of these agents may be, but who has the final authority to make these decisions. In the absence of a common central authority, such a question is extremely difficult to answer.

This brings me to the second major obstacle: enforcement. Aside from the obvious ineffective and arguably illegitimate enforceability of all human rights – mainly due to the inviolable principle of state sovereignty – it becomes more problematic when one considers the ability to enforce the right to development, to world peace, and to a clean environment. Although I think everyone would undeniably agree that these are values in and of themselves, I find it highly unrealistic to expect that the current state of global society would be able to effectively enforce a new category of human rights, especially when one considers that those drafted over 50 years ago are still highly ineffective in any real capacity. This too can be attributed to the lack of a central enforcement institution that can legitimately ensure compliance with the provisions of the UDHR and the later Additional Protocols, namely those pertaining to collective rights.

In examining these problems, the first major question that popped into my head was, why not establish a central authority. The reason: state sovereignty. This 350 year-old principle is the fundamental collective right and represents the biggest obstacle to the institution of an empowered and legitimate central authority capable of enforcing the principles of this hybridized human rights regime. Although the abovementioned proposal outlines the possibility of developing a triad of reciprocal rights and duties between states, individuals, and collectives, there will inevitably be conflicts and antagonisms between them, raising the question as to which one will inevitably take precedence. If one takes established practise in international affairs as a cue, the answer is obviously state sovereignty. As a result, an established hierarchy of the three key

actors would be established in such a conceptualization, thus precluding any possible level of real equality between the three actors. Therefore, there would inevitably be the possibility that the state could play its trump card vis-à-vis the individual and the nation, negating the very purpose of the rights regime itself.

C: In the Meantime...

NB – This section actually says allot of what I want to say in the conclusion so when I write the conclusion, I may decide to just merge the two...

Although the institution of third generation human rights may help to alleviate many of the concerns of cultural relativists and non-western nations vis-à-vis the HR regime, due to the abovementioned problems, it is unlikely that such a drastic reformulation of the status quo will come about any time soon. Some progress has already been made in this area, including reference to collective rights in the 1993 Human Rights World Conference, most important of which was the inclusion of the stipulation, “While the significance of national and regional particularities and various historical, cultural, and religious backgrounds must be borne in mind...”^{xlii} However the formulation of the sentence itself is indicative of the fact that collective and cultural considerations still take the proverbial back-seat to already established human rights protocols. As a result, there is a strong need for the discourse between collective and individual rights to continue, so that, at the very least, the nations and people of the world may come to a consensual decision as to the best form the regime can take, given the prevailing values at the time. It should be noted that HR are the product of a long evolutionary history, closely linked to the historical circumstances surrounding the Second World War. It may, as a result, be preferable not to oppose the further evolution of the regime in order to better represent the true plurality of the current international arena, rather than appealing to an invariable and a-temporal set of ‘universal’ principles developed in 1948. If the HR regime cannot adapt to the changing circumstances of a changing world, nor meet the needs and approval of those whom they were made to serve, namely *humans*, then perhaps it needs to be completely re-conceptualized.

NB – This section, if I keep it independent of the conclusion, is not finished. In the 50year reappraisal of HR book put out by the UN in 1998, there are a few more proposals for immediate action that I would, at the very least, like to mention.

VI: Conclusion:

The conclusion still needs to be written, but I require for the rest to be finished before I can tie it all together. I will write down, however, the central arguments I hope to have defended throughout the paper

- a) For the Relativist/Universalist Debate:
 - to affirm the problems in the current HR protocols that neglect both culture, collective rights and non-western values
 - I want the back-and-forth to illustrate the current lack of consensus in the HR regime as is as well as show the problems ass’d with each
 - to argue that the regime can potentially ‘correct’ the abovementioned problems and address collective rights through the inclusion of 3rd generation HR

-due to the very nature of 3rd gen. it would also ensure legitimacy because it *requires* the collective participation of all

BUT again with this there are problems too – especially its idealism (very similar to some of the protocols ass'd with the League of Nations system)

-basically, central suggestion for the future would be the continuation of the discourse between the groups and find a legitimate and workable consensus, as a result, hopefully we may be able to reinforce the regime, its provisions as well as set up something to do with enforcement

b) For Singapore

-main point is to show how their particular use of the CR position is problematic and in many ways doesn't make much sense

HOWEVER their position as a leader defending collective rights is welcomed and needed
THUS they should continue in this capacity, but perhaps limit their arguments to their 'national' culture as opposed to appealing to a larger whole

→main point: as a result, they could tie this into the established collective right of state sovereignty and it would strengthen their position

BUT I want the caution to come out of this concerning the legitimacy of the Singaporean state and illustrate that it may be for the preservation of the state rather than the people that this is being pursued

BUT it is good that they are being open about their opposition rather than subscribing to the regimes principles in theory, but disobeying them in practise

(e.g. USA and death penalty, Canada/Australia/NZ – indigenous peoples (is improving now but was horrible and inhumane for a LONG time))

ⁱ The United Nations Development Report 2000 ranked Singapore the 24th best country in the world in which to live according to the Human Development Index - a series of factors such as per capita income, life expectancy, birth rate, literacy, etc. Although this is by no means an objective measure of a country's development, it does show that relatively speaking, Singapore is in the top 15% of countries of the world in terms of quality of life based again, on the aforementioned factors. UNDR p.149 & 157.

ⁱⁱ Mayor UDHR p. 12

ⁱⁱⁱ Perry Are HR universal p. 461

^{iv} Levin HR p. 15

^v Wilson p. 5

^{vi} Ethnocentrism Vs Relativism (internet) pg 1

^{vii} Wilkinson, ed. P. 57

^{viii} UDHR Mayor p. 11

^{ix} Nowak p. 170

^x Vienna+5 was supported by 171 out of 192 countries in the world. ()

^{xi} Baehr p. 10

^{xii} Ibid p. 11

^{xiii} Mac Donald p. 131

^{xiv} Mendus p. 12

^{xv} Baehr p. 12

^{xvi} Christie p. 206

^{xvii} Statement on 16 June 1993 Vienna +5 () p. 143 note 22

^{xviii} Baehr p. 15-16

^{xix} Christie p. 206

^{xx} Mac Donald p. 131

^{xxi} Wilsonp. 4

^{xxii} JP Sartre p. 26

^{xxiii} Brown p. 62 (see CC paper)

^{xxiv} Chritie p. 206

^{xxv} Rosas p. 64

^{xxvi} Christie p. 206

^{xxvii} It should be noted that I will not discuss the relative merit, or lack thereof, of the arguments concerning human nature which both HR and CR theorists alike have postulated. Unfortunately, this debate, although fascinating, is beyond both the scope of this paper and any measure of knowledge I currently (or ever will) have. If you would like further information on this particular topic or would like to read further, please consult one of the many book and articles published on the subject.

^{xxviii} See Gellner in Hollis & Lukes (see p. 26)

^{xxix} Wilson p. 8

^{xxx} Wilson p. 9

^{xxxi} see Patomaki From Normative Utopias to Political Dialectics p. 56

^{xxxii} Wilson p. 9

^{xxxiii} see Boyle

^{xxxiv} Wilson p. 9

^{xxxv} Human Development Report p. 149

^{xxxvi} World Book p. 651

^{xxxvii} UNESCO p. 77

^{xxxviii} UNESCO p. 77

^{xxxix} UNESCO p. 88

^{xl} UNESCO p. 79

^{xli} Vienn +5 p. 170