

Intercultural Approach for the Asia Pacific — Human Rights Stories —

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〈Abstract〉

As the contemporary world has become increasingly interconnected and the society in each state has become increasingly multicultural, multilingual and multi-faith-oriented, the myth of nation state, political homogeneity of the population, has declined.

Asia Pacific, particularly the East Asia seems to lag behind this global trend mainly due to the legacy of the San Francisco Peace Treaty. The San Francisco System, created in the midst of the Korean War with emerging Communist China characterized as a bilateral-networks-based asymmetrical framework with US dominance, has eventually prevented China, Korea and Japan from developing the regional network.

However, in the contemporary Asia Pacific, after half a century of relative stability under U.S. domination, the geopolitical order is undergoing a fundamental transformation process due to a gradually declining U.S. presence, an emerging China and South Korea, stagnant Japan and unpredictable North Korea.

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The San Francisco System does not match the contemporary geopolitical situation in the Asia Pacific and we need a new regional political order.

However, as Charles Taylor reiterates, we need not only specific policies but also the articulated stories of what we are doing for transforming the San Francisco System.

In my account, we need to develop a set of new stories to transform the regional political order in the Asia Pacific, based on the universal norms such as human rights and rule of law. Hence, the underlying new stories must be grounded in the common stories of human rights and the rule of law in the region.

Practical projects such as developing the regional human rights protection mechanism in parallel with the joint research in exploring the human rights pioneers in the Asia Pacific and tracing the history of their interaction will contribute to making the post San Francisco System.

Keywords

San Francisco System, Asia Pacific, Interculturalism, regional human rights mechanism, human rights pioneer

I . Introduction

As the contemporary world has become increasingly interconnected, states, a major actor in the traditional international paradigm, have become more and more interdependent. As the society in each state has become increasingly multicultural, multilingual and multi-faith-oriented, the myth of nation state, political homogeneity of the population, has declined. In drastically interconnected world, multilayered governance system has

emerged together with several non-traditional mechanisms for human rights protection and multiple channels for much wider participation of people in decision-making process. Accordingly, the traditional perception of international legal theory in which states were conceived as having sovereignty over the people in their boundaries are now facing fundamental challenge.

However, Asia Pacific, particularly the East Asia seems to lag behind the global multicultural trend mainly due to its historical circumstance.

In this paper, I introduce Taylor's interculturalism as a plausible framework for addressing the Asia Pacific specific historical situation and propose a regional project of incrementally developing regional human rights protection mechanisms in parallel with continuous intercultural exchange as one of promising ways for breaking out their prisoners' dilemma.

II. Challenge for the contemporary Asia Pacific

The post-war political order in the Asia Pacific region largely was determined by the San Francisco Peace Treaty, consisting of a complex amalgam of treaties and administrative agreements.

Kent E. Calder characterizes the distinctive features of "the San Francisco System" as follows¹⁾:

1) A dense network of formal security alliances, mainly bilateral, between the United States and key nations of the Pacific.

2) A 'hub-and spokes' network of bilateral ties radiating from Washington. Apart from ANZUS,²⁾ the San Francisco System did not create

1) Kent E. Calder, "Securing security through prosperity: the San Francisco System in comparative perspective," *the Pacific Review*, Vol.17, No.1(March 2004), pp.138-139.

a multilateral security structure.

3) A highly asymmetrical structure, in both security and economic dimensions, The System offered military protection and economic access to non-US participants, while failing to impose analogous collective defense obligations upon them.

4) Special precedence to Japan —ironically, the defeated power— in terms of both economic opportunities and security obligations.

5) Remarkably narrow consent and participation by the nations of the western Pacific. Ultimately the only Asian nations that categorically supported the treaty itself were Pakistan and Ceylon - neither of which had been significantly involved in the war against Japan.

6) Extensive economic benefits to security allies of the United States, although not in the form of the direct reparations from Japan for which most of the Allies had originally hoped. These incentives were partially embodied in bilateral treaties of commerce and navigation, offering open access to the US market for Asian firms, yet reciprocity was rarely enforced.

Calder attributed the origin of this highly asymmetric System to the unusual historical circumstances in late 1940's and 1950's in the region.

The San Francisco System was born amidst the early Korean War, in the shadow of the 1949 'Fall of China', and China's own sudden military entry into the Korean War late in November 1950. Stabilizing non-Communist Asia in the face of China's ideological challenge and military onslaughts, while simultaneously weaning Asia from China's economic attraction, were crucial priorities for the United States.³⁾

2) The Australia, New Zealand, United States Security Treaty concluded at San Francisco on 1 September 1951, and entered into force on 29 April 1952.

3) K. E. Calder, *Securing security through prosperity*, p.143.

In addition to the above 6 features, Calder also highlights the ambiguity of territorial boundaries as another major element of the San Francisco System.

Kimie Hara, based on the thorough research on the historical documents, also demonstrates that the regional territorial disputes including the “Northern Territories”/Southern Kuriles, Takeshima/Tokdo, Senkaku/Diaoyu, the Spratly/Nansha islands problems were created by the San Francisco Peace Treaty which left these issues unresolved purposely, aiming at securing Japan in the Western bloc.⁴⁾

The San Francisco System, in Calder’s account, was created by three major factors: American affluence, the specter of China, and a catalytic process of Pacific regional institution building at the height of the Korean War.⁵⁾

Although John Foster Duller, Special Advisor to Secretary of State Dean Acheson and principal architect of the San Francisco System, liked the idea of regional collective-security framework, similar to the one in Europe,⁶⁾ the historical circumstance created a bilateral-networks-based asymmetrical framework which has eventually prevented Japan from developing the multilateral network with the neighbor states and joining the more global network including the one with Europe and the other parts of the world.

Today in the Asia Pacific, after half a century of relative stability under U.S. domination, the geopolitical order is undergoing a fundamental transformation process due to a gradually declining U.S. presence, an emerging China and South Korea, stagnant Japan and unpredictable North Korea.

Although all parties agree that an alternative new order should be developed based on the principles of equal partnership, respect of human

4) Kimie Hara, *Cold War Frontiers in the Asia-Pacific*, Routledge, 2007, pp.186-188.

5) K. E. Calder, *Securing security through prosperity*, p.144.

6) K. E. Calder, *Securing security through prosperity*, p.140.

rights, and the rule of law, so far nobody has succeeded in drawing a blueprint acceptable to all. Instead, we are observing an intensifying nationalistic sentiments around the territorial and historical issues in the region.

In my account, the current political situation in the Asia-Pacific can be best described as a classic case of prisoner's dilemma as demonstrated in negotiation about the Trans-Pacific Partnership(TPP) and Asian Infrastructure Investment Bank(AIIB). It is lack of long-term perspective of cooperation between major actors that hamper the more future-oriented dialogue.

How could we develop a new regional political order in the Asia Pacific?

My proposition is that Charles Taylor's interculturalism could be a plausible framework for addressing the above-mentioned issue.

Taylor stresses that we need not only specific policies but also articulated stories of what we are doing for transforming a society. Such stories are the commonly held narratives which constitute the background of social imaginaries that enable common practices and a widely shared sense of legitimacy within a certain society.⁷⁾

In my account, the conventional story behind "the San Francisco System" does not match the contemporary geopolitical situation in the Asia Pacific and we need a new story for developing the new regional political order.

III. Taylor's Interculturalism for the Asia Pacific

Interculturalism is a new political ideology which has been taking over multiculturalism recently. White Paper on Intercultural Dialogue, "Living

7) Charles Taylor, "Interculturalism or multiculturalism," *Philosophy and Social Criticism*, Vol.38, No.4-5, May/June, 2012, pp.415-416.

Together As Equals in Dignity” launched by the Council of Europe on May 7th 2008,⁸⁾ concluded that old approaches to the management of cultural diversity such as multiculturalism were no longer adequate to societies in which the degree of that diversity (rather than its existence) was unprecedented and ever-growing.⁹⁾

However, as examined and clarified by Meer and Modood,¹⁰⁾ the major elements of interculturalism, encouraging communication, recognizing dynamic identities, promoting unity and critiquing illiberal cultural practices, are also fundamental features of multiculturalism and there seems to be not so much difference between the two as a set of concrete policies for integration and management of ethnocultural diversity.

So, what is the major difference between interculturalism and multiculturalism?

Taylor holds that the difference between interculturalism and multiculturalism lies on their stories.¹¹⁾ Stories mean commonly held narratives which provide meaning and values for life/death and constitute the background of social imaginaries which make possible common practices and widely shared sense of legitimacy in certain society.

Taylor reiterates that we need not only specific policies but also the articulated stories of what we are doing for transforming the society.¹²⁾

Taylor contrasts interculturalism in Quebec with multiculturalism in English Canada as follows:

8) Council of Europe, White Paper on Intercultural Dialogue “*Living Together As Equals in Dignity*”, Strasbourg, June 2008.

9) Ibid., p.9.

10) Nasar Meer & Tariq Modood, “How does Interculturalism contrast with Multiculturalism?”, *Journal of Intercultural Studies*, Vol.33, No.2, April 2012, pp.175-196.

11) Ibid., p.413.

12) C. Taylor, Interculturalism or multiculturalism, pp.415-416.

The 'multi' story decentres the traditional ethno-historical identity and refuses to put any other in its place. All such identities coexist in the society, but none is officialized. The 'inter' story starts from the reigning historical identity but sees it evolving in a process in which all citizens, of whatever identity, have a voice, and no-one's input has a privileged status.¹³⁾

In my account, interculturalism is a way of approach for managing cultural and religious diversity through explicitly addressing the de-facto inequality from the perspective of each ethnic master-narrative in the given society and ensuring all parties equal participation in the process of making the new collective identity.

So, what is the relevance of Taylor's intercultural approach for the Asia Pacific?

In my account, the story behind "the San Francisco System", characterized as a unipolar dominance by the U.S. with weak multilateral security structures, does not match the contemporary geopolitical situation in the Asia Pacific and we need a new story for the new regional political order.

The main story behind "the San Francisco System" was briefly that U.S., as a leader of liberal democratic states collectively named the "United Nations", was forced to fight and finally overcame totalitarian states including Japan in 1945, and transplanted authentic liberal democracy there. The U.S. subsequently fought totalitarian communist states, Russia and China, and maintained peace and prosperity in the region using her military power based in Japan and Korea.

However, China nowadays is the second largest actor in the globally integrated market economy, not like Russia during the cold war period. Both Korea and Japan have developed the most advanced and prosperous economies with robust liberal democracy in the region. Fundamentally,

13) C. Taylor, *Interculturalism or multiculturalism*, p.418.

China, Korea and Japan aspire to gain more autonomy and are no longer satisfied with the paternalistic role which Uncle Sam has played until recently. Rising nationalistic sentiments and consequent historical and territorial disputes in the region are, in this sense, quite natural expressions of those states and their people, a reflection of their growing economic and political powers.

The ideological perception of China, a single-party state, as non-liberal democratic society by U.S. and probably Japan also worsens the situation.

How should we overcome this dilemma?

Taylor insists that the intercultural story also suits the situation of many European countries because (1) they have a long-standing historic identity shared by the majority of their citizens and (2) their identity frequently centers around a language which is not spoken elsewhere and is under pressure from larger 'globalized' languages¹⁴⁾ and suggests that collaborative enterprises by majority mainstream leaders and the minorities to work out new ways of resolving conflicts will ease fears, leading up to enactments of the intercultural scenario.¹⁵⁾

Likewise, in the Asia Pacific, regional collaborative projects for conflict resolution may facilitate the reformulation of their master narratives.

IV. A proposal through intercultural approach

In the East Asia encompassing China, Taiwan, South/North Korea, Mongolia and Japan, there is no regional human rights protection mechanism, whereas in Europe, North/South American continents, Africa and South-East Asia, there are the European Court of Human Rights, the

14) Ibid, p.420.

15) C. Taylor, *Interculturalism or multiculturalism*, p.421.

Inter-American Commission on Human Rights, the African Court on Human and People's Rights and the ASEAN Intergovernmental Commission on Human Rights respectively.

Asia Pacific overlaps with North/South American continents and South-East Asia geologically as well as politically and shares common history of interaction in several spheres as the structure and the experience of APEC¹⁶⁾ arguably demonstrates.

Hence, as a matter of course, it might be viable and plausible to develop regional human rights protection mechanism such as regional individual complaint mechanism in the Asia Pacific in collaboration with the Inter-American Commission on Human Rights and the ASEAN Intergovernmental Commission on Human Rights.

In this connection, Akiko Ejima,¹⁷⁾ as a result of her research on the impact of regional individual complaint mechanism based on the European Convention on Human Rights upon the human rights situation in the Britain, concludes that human rights precedents accumulated at the European Court of Human Rights about the European Convention on Human Rights through individual complaint mechanism has contributed to confidence building and strengthening legitimacy of the Convention among the member states and made it easier for them to understand and apply the Convention in national courts. Ejima also reports that the human rights policies of the European Parliament, the European Union, and the Organization for Security and Co-operation in Europe(OSCE) have contributed to laying the foundation of effective implementation of the European Convention on Human Rights. Ejima emphasizes that the creation

16) The member economies of APEC are Australia, Brunei Darussalam, Canada, Chile, People's Republic of China, Hong Kong, China, Indonesia, Japan, Republic of Korea, Malaysia, Mexico, New Zealand, Papua New Guinea, Peru, the Philippines, Russia, Singapore, Chinese Taipei, Thailand , the United States.

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of the Asian regional human rights convention alone would not be sufficient enough to enable the effective implementation of the rights.¹⁸⁾

In my research workshops, it also turned out that international individual complaints mechanism needs to be closely linked to and work with national human rights organizations like human rights ombudsperson and human rights committees. For instance, when survivor and/or their representative prepares a complaint to certain international human rights body such as the Committee on the Elimination of Discrimination against Women (CEDAW), it is essential to involve the national ombudsperson and lawyer, and also it is necessary to collaborate with the women's organizations to get survivor's testimony at national level. Also, consultation with the ombudsperson and relevant lawyers is important to screen and select the cases which are admissible for the relevant international human rights body. In other words, national human rights organizations and regional individual complaints mechanism complement each other, and intraregional network of national human rights organizations and relevant NGOs can be a solid foundation for the Asia Pacific regional human rights protection mechanism.¹⁹⁾

In short, the creation of regional human rights protection complements to and strengthens the national structure to protect human rights and in order to make human rights protection effective, the foundation needs to be laid at national and regional levels simultaneously.

The foundation means not only judicial structure and its human resource but also the public mind-set supportive and favorable to human rights as an underlying culture for society and for this end, human rights education must be integrated with intercultural education.²⁰⁾

18) Akiko Ejima, *A new phase of human rights protection (Jinken hoshou no shinkyokumen)*, Nippon Hyouronsha, 2002 (in Japanese).

19) About details of my research workshops, refer to Akihiko Morita, *Guidebook on the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (CRC/OP3)*, Houbun-sha, April 2013 (in Japanese).

Hence, the projects of continuous and incremental intercultural exchange must be promoted in parallel with regional human rights protection structure building.

As a concrete project, it might be worthwhile conducting joint research in the Asia Pacific in exploring the human rights pioneers in the region and tracing the history of their interaction for strengthening the foundation of human rights culture in the region.

For instance, a Japanese pioneer of human rights, Toyohiko Kagawa (1888-1960) presented 9 rights of children in 1927, which includes the rights to choose parents and be treated as an individual person.²¹⁾

Interestingly, the right to choose parents is the title of the first chapter of “*The Century of the Child*” (1900) by Ellen Key (1849-1926), an early Swedish advocate of a child-centered approach to education and parenting, which was translated into Japanese in 1906 and there is indicative evidence that Kagawa read Key’s book.

Another finding is that the right to be treated as an individual person is exactly the same as the first provision of ‘Commitments for Children’, presented by Bang Jung Whan (1899-1931), a Korean writer and child rights activist. In fact, Bang Jung Whan stayed in Japan from 1920 until 1922, and he launched a children’s movement, announcing the ‘Day of Eorini’ on May 1st, 1922. ‘Eorini’ is a Korean term meaning child or youth, which he used to

20) Association for Historical Dialogue & Research, *Policy paper: Rethinking Education in Cyprus*, K&L Lithofit Ltd., 2013.

21) Kagawa presented 6 child rights in Fukagawa, Tokyo in June 9th, 1924, three months before the adoption of the Geneva Declaration of the Rights of the Child, the first official document of the rights of the child, at the General Assembly of the League of Nations in September 26th. Toyohiko Kagawa, *Kodomo no Kenri (children’s rights)*, the dictation of his lecture at the seminar for child protection at Sarue-ura, Fukagawa, Tokyo in June 9th, 1924 (attachment of “Introduction to the theory of children’s rights”, Toyohiko Kagawa memorial/Matsuzawa Museum, 1993).

indicate for the first time children as individual persons with full human rights like adults. It is likely that Kagawa might have learned the provision from Bang Jung Whan either directly or indirectly.

Another interesting finding is that Naofumi Tamura(1858-1934), a Japanese pastor and a graduate of Princeton University, who presented the very perception of children as holder of rights in 1911 well before Kagawa,²²⁾ came up with this revolutionary idea through observing and reflecting the gradual change of the theological view of children among U.S. Christian communities at the time.²³⁾

It is my firm conviction that the more carefully we scrutinize and examine the history of the pioneers of children's rights, the more fully we become aware of the fact that the concept of human rights is not merely a Western norm, but rather one developed through interactions and mutual learning beyond the national borders.

Hence, discovering pioneers of human rights across the Asia Pacific and tracing the history of their interactions, including the one with U.S., could contribute to developing a solid foundation for the Asia Pacific regional human rights protection mechanism.

V. Conclusion

We need to develop a set of new stories to transform the regional political order and the new regional order in the Asia Pacific must be based on the universal norms such as human rights and rule of law. Hence, the underlying new stories likewise must be grounded in the common stories of

22) Naofumi Tamura, *Rights of the Child*, Keiseisha-shoten, 1911. This book was said to be translated into Hangul, refer to Naofumi Tamura, *Child-centered Christianity*, the publishing department of Taishō kindergarten, 1926, p.58.

23) Naofumi Tamura, *Child-centered Christianity*, pp.82-85.

human rights and the rule of law in the region.

Practical projects such as regional human rights protection mechanism in parallel with intercultural exchange could incrementally and eventually contribute to such a new story making.