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INDONESIA'S DEMOCRACY UNDER JOKO "JOKOWI" WIDODO LEADERSHIPS: CONSTRUCTING HUMAN RIGHTS IN GLOBALIZATION (2014-2019)

Hendra Manurung

International Relations Department, President University, Jl. Ki Hadjar Dewantara Cikarang Bekasi 17550

h_manurung2002@president.ac.id

Abstract

On 20 October 2014, Joko "Jokowi: Widodo was inaugurated as 7th Indonesia President in the Parliament House, Senayan, to lead the world biggest Muslim country for 5 (five) years presidency (2014-2019). President Joko Widodo's record during his first year in office was mixed. His administration signaled it would more actively defend the rights of beleaguered religious minorities, victimized by both Islamist militants, and discriminatory laws, but made few concrete policy changes. He granted clemency in May 2015 to five of Papua's political prisoners and released another one in October, but at the same time had not freed the approximately 70 (seventy) Papuans and 29 (twenty nine) Ambones which still imprisoned for peaceful advocacy of independence. He announced lifting of decades-old restrictions on foreign media access to Papua, but then did not follow through, allowing senior government officials to effectively defy the new policy without consequences. While in August 2015, Joko Widodo announced that Jakarta will create a reconciliation commission in addressing human rights violations of the past 50 years and still left out the details (1965-2015). This research attempts to describe analytically how Indonesia Human Rights policy affects and providing solution to overcome national human rights issues.

Keywords: *minorities, discrimination, human rights, national policy, leaderships*

Abstrak

Pada tanggal 20 Oktober 2014, Joko "Jokowi: Widodo dilantik sebagai Presiden Indonesia ke-7 di Gedung Parlemen, Senayan, untuk memimpin negara Muslim terbesar di dunia selama 5 (lima) tahun kepresidenan (2014-2019). Catatan terkait Presiden Joko Widodo selama tahun pertamanya menjabat beragam. Pemerintahannya mengisyaratkan akan lebih aktif membela hak-hak minoritas agama yang terdiskriminasikan, yang menjadi korban baik oleh militan Islam, dan undang-undang yang diskriminatif, namun hanya sedikit membuat perubahan kebijakan konkret. Dia memberikan grasi pada bulan Mei 2015 kepada lima tahanan politik Papua dan membebaskan satu lagi di bulan Oktober, namun pada saat bersamaan belum membebaskan sekitar 70 (tujuh puluh) orang Papua dan 29 (dua puluh sembilan) warga Ambon yang masih dipenjarakan karena advokasi kemerdekaan secara damai. Dia mengumumkan pencabutan pembatasan akses media asing yang telah berlangsung puluhan tahun ke Papua, namun kemudian tidak menindaklanjuti, yang memungkinkan pejabat pemerintah senior untuk secara efektif menentang kebijakan baru tersebut tanpa konsekuensi. Sementara pada bulan Agustus 2015, Joko Widodo mengumumkan bahwa Jakarta akan membuat komisi rekonsiliasi dalam menangani pelanggaran hak asasi manusia dalam 50 tahun terakhir dan masih mengabaikan rinciannya (1965-2015). Penelitian ini mencoba untuk menggambarkan secara analitis bagaimana kebijakan Hak Asasi Manusia Indonesia mempengaruhi dan memberikan solusi untuk mengatasi masalah hak asasi manusia nasional.

Kata Kunci: *minoritas, diskriminasi, hak asasi manusia, kebijakan nasional, kepemimpinan*

1. Introduction

A seismic shift in the balance of global economic and political power is currently underway as the rise of China, India, and Indonesia has increased not only their regional, but also their global influence and leverage status. For China, its national leaderships and peaceful rise policy for more than 10 (ten) years has challenged the United States superiority dominant in International Politics. While, for India, its tireless efforts to overcome its long history of thwarted ambitions and elevate its global power and prestige now seems tantalizingly within reach as it is rapidly acquiring the power capabilities to influence massive developments both in the South Asian region and throughout the globe. For Indonesia, its geostrategic position as world biggest archipelagic state, democracy, economics development, pluralist society has increased its international power and nation-branding to influence Southeast Asia and international leaders.

Human rights are moral principles or norms (Nickel 2013), which describe certain standards of human behavior, and are regularly protected as legal rights in municipal and international law. They are commonly understood as inalienable fundamental rights "to which a person is inherently entitled simply because she or he is a human being", and which are "inherent in all human beings" (Weston 2014) regardless of their nation, location, language, religion, ethnic origin or any other status (The U.N High Commissioner of Human Rights 2016).

They are applicable everywhere and at every time in the sense of being universal (Nickel 2013), and they are egalitarian in the sense of being the same for everyone (The U.N High Commissioner of Human Rights 2016). They require empathy and the rule of law and impose an obligation on persons to respect the human rights of others (Nickel 2013). They should not be taken away except as a result of due process based on specific circumstances (The U.N High Commissioner of Human Rights 2016); for example, human rights may include freedom from unlawful imprisonment, torture, and execution (Webster 2016).

The doctrine of human rights has been highly influential within international law, global and regional institutions (The U.N High Commissioner of Human Rights 2016). Policy implementation by states and non-governmental organizations will form a substantial public policy worldwide.

The idea of human rights (Beitz 2009) suggests that "if the public discourse of peacetime global society can be said to have a common moral language, it is that of human rights". The strong claims made by the doctrine of human rights continue to provoke considerable skepticism and debates about the content, nature and justifications of human rights to this day. The precise meaning of the term right is controversial and is the subject of continued philosophical debate (Shaw 2008); while there is consensus that human rights encompasses a wide variety of rights (Weston 2014) such as the right to a fair trial, protection against enslavement, prohibition of genocide, free speech, or a right to education, there is disagreement about which of these particular rights should be included within the general framework of human rights (Nickel 2013). Some thinkers suggest that human rights should be a minimum requirement to avoid the worst-case abuses, while others see it as a higher standard.

Many of the basic ideas that animated the human rights movement developed in the aftermath of the Second World War and the atrocities of The Holocaust (1939-1945), culminating in the adoption of the Universal Declaration of Human Rights in Paris by the United Nations General Assembly in 1948. Ancient peoples did not have the same modern day conception of universal human rights (Freeman 2002).

The true forerunner of human rights discourse was the concept of natural rights which appeared as part of the medieval natural law tradition that became prominent during the

European Enlightenment with such philosophers as John Locke, Francis Hutcheson, and Jean-Jacques Burlamaqui, and which featured prominently in the political discourse of the American Revolution and the French Revolution. From this foundation, the modern human rights arguments emerged over the latter half of the 20th century (Samuel 2010), possibly as a reaction to slavery, torture, genocide, and war crimes, as a realization of inherent human vulnerability and as being a precondition for the possibility of a just society (Weston 2014).

In Indonesia, during the current democratic system, values and interests of temporary political ethics political actors tend to ignore political competition sensible and uphold moral values (Manurung 2016). What a nightmare when some political actors only determine with a sum of money as well as they have a price and political costs that must be paid. Through the freedom of mass media, the public is increasingly performed by democracy laden moral ethics dealing with the world of materialism power in all aspects of economic, legal, political, social, cultural, education, even in the religious sphere.

Thus, government needs to defend the public interest and the rights of the people in the realization of pluralist democracy and must be prioritized by the government of Joko Widodo, as the ethical basis of public policy. This needs to be done, given the dominance of capital strength, money and power that has changed the political ethical values of society, and particularly the adoption of public policies based on people interests from Sabang to Miangas relating to how efforts to realize the diversity of the community at the grass root level.

On 3 October 2011, Indonesia is fully agree with the view that development is about global partnership in providing access to opportunities towards the constant improvement of human wellbeing in such a way as to guarantee citizens' freedom from want and the fear of deprivation and to allow them to live in dignity, as proposed by Indonesia Delegation at the Social Forum on the Promotion and Effective Realization of the Right Development of 18th Session of the Human Rights Council (Government Official Statement by Indonesian Delegation at Social Forum on the Promotion and Effective Realization of the Right Development of 18th Session of the Human Rights Council 2016).

Indonesia pledged its staunch commitment to the full enjoyment and effective realization of the right to development. Indonesia also believe that the denial of people's right to development, or the establishment of conditions which curtail its progress, are important triggers of violence and unrest. It is evident, as is clearly demonstrated by the endemic conflicts in parts of sub-Saharan Africa, and more recently by the violent uprisings in the Middle East and North Africa, as well as by the public discontent and indignation felt in several developed countries. Therefore, it is pertinent to place the right to development at the heart of development policies and programs in developing countries as well as to internalize it among marginalized segments of society in developed countries.

On 13 June 2016, under President Joko Widodo leadership, Indonesia adopted the Sustainable Development Goals and Paris Agreement which brought new hope for sustainable development and sustenance of mankind (Government Official Statement by Indonesian Delegation at Social Forum on the Promotion and Effective Realization of the Right Development of 18th Session of the Human Rights Council 2016). However, Indonesia still continues its active contribution in the process leading to the adoption of the SDGs as well as strong commitment to implement it.

Indonesia views that it is pertinent to place the right to development at the heart of development policies and programs in developing countries as well as to internalize Sustainable Development Goals and Paris Agreement among marginalized segments of society in developed countries.

Indonesia proposed draft intervention to the United Nations of Human Rights, as stated in Goal No. 17 (Government Official Statement by Indonesian Delegation at Social Forum on the Promotion and Effective Realization of the Right Development of 18th Session

of the Human Rights Council 2016) which the UN SDGs can only be materialized with commitment from each country at all level to global partnership and cooperation. Indonesia conceive the nature of different economic sizes and levels of development between countries, but Indonesia believe that in this complex and interlinked world, a successful global development agenda in only possible through cooperation and partnership between and within countries. Such partnership and cooperation will beneficial to close the gap on global welfare and eventually will spur the effective implementation on the right to development.

Moreover, drawing from U.N MDGs implementation, Indonesia has mainstreamed Post-2015 MDG's Agenda into its national development planning through populist policy in reducing public spending on fuel subsidy and enhances budget allocation for social development programs, such as "Indonesia Health Card (*Kartu Indonesia Sehat*)" and "Indonesia Smart Card (*Kartu Indonesia Pintar*)", to give poor households better access to social healthcare and education.

A commonly held notion among Western liberals is that Asian, African, and Arab perspectives on human rights are the greatest challenge to universality. It is the implication being that once the international human rights community reckons with the countries of these outlier regions, which will have eliminated the obstacle to universal human rights. This idea is mistaken. It ignores both the fact that even within the West, particularly in the United States of America (USA), there are significant numbers of people who hold ideas of human rights that are in tension with the dominant liberal interpretation of international human rights, and the fact that within Asia, Africa, and the Arab world there are strong traditions that are consistent with it.

Sweeping characterizations of regions or civilizations have been widely discredited since Samuel Huntington's publication of *The Clash of Civilizations* (Huntington 1996). Thus, the analysis has been accompanied by an "us" versus "them" rhetoric that reflects an unconscious but persistent failure to acknowledge that regions consist of diverse cultures and that all societies bear multiple and conflicting ethical perspectives. Careful scholars know that any reference to an "Asian" perspective, for example, signals an ideological purpose: namely cultural nationalism, and likely a defensive reaction to Western pressure. To equate a region or society's human rights perspective with cultural nationalism is to neglect the efforts of many brave, highly committed people around the world struggling to promote support for human rights and take a stand against abuses in the settings they call home.

The writer argues that conflicting interests over the meaning of human rights and the priority to accord to them occurring within the context as well as across regions, reflecting how national culture uniqueness can affect policy makers. There is not only a need but also at a substantial basis. Therefore, for resisting the temptation to perceive debatable conflicts as occurring primarily across North-South or East-West lines.

The empirical part of this research is devoted to a consideration of the Human Rights debates within three non-Western regions, i.e.: Asia, the Arab world, and Africa, and in the United States. The writer contrasts the caricatured version of the debates, which emanates from cultural nationalist agendas, with the debates among local activists and intellectuals. Two observations emerge: First, that genuine disagreement takes place not so much over human rights principles, but in their implementation and prioritization; Second, that Western human rights scholars must take their cue from scholars, researchers and activists in other parts of the world and shifting their focus from a preoccupation with cultural relativism to the project of cultural legitimate.

Joko Widodo's outspoken support for the death penalty and his decision to make execution of convicted drug traffickers a symbol of his resolve reflected serious backsliding on his reform agenda. Indonesia executed 14 (fourteen) convicted drug traffickers in 2015, including a Brazilian who reportedly had severe mental disabilities, in the face of intense

international criticism. Under Jokowi's predecessor Susilo Bambang Yudhoyono, Indonesia had executed only 20 people in 10 years (2004-2009 & 2009-2014).

Indonesia's two largest Muslim organizations, the Nahdlatul Ulama (NU) and Muhammadiyah, declared their commitment to promote Human Rights, campaign against violence committed in the name of Islam, and dampen Sunni-Shia sectarian divisions. Starting in August and continuing through November 2015, thick haze from fires set during annual forest clearing produced an environmental and health crisis in Sumatra, Kalimantan, Singapore, and Malaysia. In response, the National Police arrested seven plantation executives, including one from Singapore-based Asia Pulp and Paper, and fined dozens of other palm oil companies.

Indonesia challenged hard year and economic difficulties in 1997. Plantation companies had started forest fires in Sumatra and Kalimantan to clear new land. At that time, these fires got out of control. During autumn fires had developed into environmental disasters which destroyed enormous land areas, and polluted large tracts of Indonesia and Southeast Asia.

Meanwhile, Indonesia was badly affected by the currency and financial crisis that hit several of her neighboring countries. The exchange rate fell and the country's foreign debt escalated. Agriculture was also affected by a major drought. On top of these problems a political succession crisis broke out as the ailing President Suharto declined to nominate a successor (1966-1998). The Suharto regime was clearly not able to address these political, environmental and economic problems. His inability to handle the financial crisis escalated the political crisis of 1998.

The government was highly recalcitrant when it came to implementing the kind of reforms demanded by the International Monetary Fund (IMF) in return for supplies of new credit. It was severely punished by the international community of investors for its inability to take forceful action. The rupiah continued to fall and Indonesia's foreign debt mounted accordingly. The reforms demanded by the IMF included banking reforms and anti-monopoly reforms.

It went against the economic interests of Suharto's family and close associates as well as a number of other sensitive reforms, such as removals of subsidies on food and fuel. The opposition capitalized on exposing the cronyism and nepotism of the regime in a time of national hardship, while the government's brief attempts to heed the IMF's call for a removal of subsidies triggered political turmoil and growing opposition against the regime. As the anti-Suharto demonstrations and riots increased in intensity, divisions within the regime surfaced.

On 22 May 1998, Suharto was forced to resign from his presidency as it became apparent that he was unable to summon a reform cabinet to win time. The fall of Indonesia's longtime dictator was a result of the inability to steer between domestic political constraints and the international market in a situation where Indonesia's economy had become heavily dependent on the confidence of international investors.

The renewed forest fires in early 1998 also indicated that Indonesian authorities were unable or unwilling to go against the well-connected plantation companies despite strong pressures against Indonesia from affected neighboring countries and the transnational and international communities. Indonesia's problems are, with all their dramatic aspects, not unique.

Thus, several developing countries have been or are struggling with more or less success to cope with the challenges of a new and globalized world economy. This brings with it international and bilateral demands for liberalization of trade and foreign investment, and international pressure for environmental improvements in ways which do not go against the imperatives of domestic growth, stability, and political legitimacy. Inability to handle these

challenges may have severe economic, social, political and environmental effects, as the Indonesian case demonstrates.

2. Indonesia Challenge to Global Power

Since 2004 to 2014, Susilo Bambang Yudhoyono (SBY) led Indonesia and under his leadership, Indonesia has boosted its international presence. His efforts to consolidate Indonesia's democracy and expand its economy have yielded tangible gains across a variety of measures, with much more room to improve. His mark on Indonesian foreign policy, while rooted in nonalignment and pragmatism, has been noteworthy for its willingness to address values of democracy and human rights head-on.

Indonesia's 1st directly elected president, SBY came to power in 2004 with more than 60 percent of the vote. In 2009, he won re-election in the first round by a similarly wide margin. After a tumultuous transition following the 1998 downfall of the despot President Suharto, the relative success of these two elections, and the country's acceptance of the results, propelled Indonesia's rapid transformation into a flourishing democracy and economic dynamo with a rapidly expanding middle class.

Much credit should be given to his administration for guiding Indonesia to economic prosperity and international prominence in the last ten years. He has worked to expand Indonesia's clout on the international stage mainly through its active leadership of the Association of Southeast Asian Nations (ASEAN) and closer cooperation with India, Australia and China. SBY's administration has been eager to share its experiences on democratic transition with other leaders of aspiring democracies, including Myanmar and Egypt, and hosts an annual Asia-Pacific forum on democracy designed to lend legitimacy to a political reform agenda. SBY also has chosen gradually to increase Indonesia's international profile by taking part in the G-20 summits and co-chairing the UN Secretary General's 27-member High Level Panel on the Post-2015 Millennium Development Goals Development Agenda (Piccone & Yusman 2014). Although this strategy has elevated Indonesia's standing in the international spotlight, doubts on its rise as an influential global player persist, as SBY's administration has avoided major commitments that would compromise its historic preference for neutrality and non-interference.

According to Benedict Anderson once wagered that the future of Indonesia will be winnable by large-hearted and broad minded enough to accept the real variety and complexity of the national society (Anderson 1999). Apart from its limited engagement at the global level, Indonesia has taken some action within its neighborhood to promote human rights and democracy. For example, it has made concrete efforts to encourage Myanmar to make the transition from dictatorship to democracy. Shortly after the Burmese government crackdown on the participants of the Saffron Revolution in 2007, SBY sent retired General Agus Widjojo to cajole Myanmar's military junta to embrace democratic transition. During the 1990s, General Widjojo was known to be one of the reformist thinkers in the Indonesian military who encouraged General Suharto to step down to make way for a democratic transition. Indonesia has also provided humanitarian assistance to conflict-prone areas of Myanmar, including US\$1 million to help build three schools in the Rakhine State (Piccone & Yusman 2014). These and similar efforts to help Myanmar's transition have drawn praise from its democratic friends, including Australia.

The Bali Democracy Forum (BDF) is another medium through which Indonesia has promoted international norms of democracy. Indonesia launched BDF in 2008 as an annual open intergovernmental forum on the development of democracy in the Asia-Pacific region. Participating countries engage in dialogue based on sharing experiences and best practices in regards to promotion of democratic ideals. The Institute for Peace and Democracy (IPD)

which also established in 2008 in supporting the BDF's goal of instilling concepts and skills for peace and democracy through intellectual exchanges, training for practitioners, joint missions, network building, publications, and capacity building at Bali's Udayana University where it is headquartered. It also has actively supported the creation of the ASEAN Intergovernmental Commission on Human Rights (AICHR), a weak but nonetheless important initiative to insert human rights into the ASEAN agenda, and appointed a civil society leader as its representative. It voluntarily held a human rights dialogue with the Commission on June 25, 2013, where it reported to the Commission on the current human rights issues within the country.

While these developments are a step in the right direction, they also highlight that Indonesia is playing it safe in taking responsibility on human rights and democracy promotion. It cautiously promotes rights in countries of the greatest immediate interest as those within its ASEAN neighborhood with a modest and soft touch behavior.

As Southeast Asia regional power, Indonesia carefully has leveraged Myanmar's interest in the rotating presidency, which it will assume in 2014, to nudge it closer to embarking on a serious democratic transition. The Bali Democracy Forum, for all its appeal, is also criticized for its inclusivity; countries like Saudi Arabia, Qatar and Iran take part in the Forum largely to pay lip service to their own credentials as "democracies".

Similarly, although Indonesia has boosted the ASEAN Intergovernmental Commission on Human Rights (AICHR) influence by voluntarily opting to engage in a human rights dialogue with the Commission, ASEAN's human rights body continues to have limited impact because it lacks a mechanism to enforce good human rights practices or to demand information from member countries (Piccone & Yusman 2014). It is merely a consultative body, where member countries can choose whether or not to consult with it to improve their protection of Human Rights. Indonesia's current president must use its clout in ASEAN to encourage other member nations to support the development of enforcement mechanisms for the AICHR.

3. Human Rights and Civil Society

It is important to recognize that the concept of civilization itself underwent changes in meaning and these inevitably affected the idea of culture that took shape in its wake. Accumulated developments in industry, commerce and lifestyle that had taken place over the course of the previous two or three centuries were impacting at every level of European society and beyond during 18th century. The idea that human beings could transform their environment was evident in the factory system and scientific developments. New found wealth was creating different kinds of social relationships. While supplying consumer goods, from pottery to cutlery, were beginning to enter ordinary people's homes enabling them to change their immediate environment. These changes were not only taking people to new parts of the world as merchants, administrators and emigrants, but were also bringing people into contact with new information about the world. Thus, it lead to big question, in the late eighteenth century, was how did everyone fit in? Whereas Spanish Catholics had previously worried about whether the American heathens had souls, the Europeans and Americans now worried about civilizing the savages, a process in which religion would only be one aspect of their overall (re)education.

The collision of evolutionary theory with the concept of civilization resulted in some very unsavory ideas when taken beyond the laboratory and placed in the social context. A most obvious outcome was the increasing interest in ideas of race that would eventually give rise to race theory; and the connection between evolutionary thinking and ideas surrounding race resulted in a form of biological determinism that would be very influential at the turn of

the century and dominate the first half of the twentieth century. Most obvious, here, is the idea of Social Darwinism. Although the phrase itself is not wholly accurate, these ideas would fuel the eugenics movements and racist ideology.

The concept of civilization changes in the nineteenth century becoming caught up with race theory and biological determinism. Post World War 1 (1914-1918), early IR theorists reject the attachment of biological determinism to the concept of civilization. Peace not war is the hallmark of civilized behavior. Through the League of Nations establishment, the Humanist concept gains a new lease of life in International Relations.

When a minister advises us to do what is right, we understand that we are being enjoined to follow the course that is morally correct. Of these conditions, feeling all right, getting it right, and acting rightly, it is the last that political and moral philosophers have found the most interesting. But it does not constitute the whole of their subject-matter. For there is not only the question of what right conduct is, but also that of what a right is: right used as a noun as well as adjectivally; a right as something one has as well as right as a description of a moral act. This idea of a right as a moral possession or as 'normative property' is the stock-in-trade of lawyers, and their work has been important in the definition of the concept (Vincent 2001).

A right in this sense can be thought of as consisting of five main elements (Vincent 2001): a right-holder (the subject of a right) has a claim to some substance (the object of a right), which he or she might assert, or demand, or enjoy, or enforce (exercising a right/against some individual or group (the bearer of the correlative duty), citing in support of his or her claim some particular ground (the justification of a right). Let us take these in turn. The subject of a right, the right-holder, might be most obviously an individual. But it might also be a group, i.e.: a family, a tribe, a company, a nation, a state, a region, a culture even the globe itself as in the journalists' cry 'the world has a right to know'.

Recently, it has been suggested that not only animals, but also trees have rights, and that coasts, rocks and historic buildings might follow (Vincent 2001). This is not a controversy we are concerned with in this book, but we may note the proliferation of agencies thought capable of bearing rights. The object of a right is what it is a right to. This may be negative, "a claim to a secured space in which subjects might pursue their own concerns without interference" (Vincent, 2001), or it may be positive, a claim that the space be filled with something. Either way, the object to be protected is an interest whose great importance is marked by the attachment of the label 'right'. This special importance of rights in a social system is conveyed by Ronald Dworkin's description of them as 'trumps' (Vincent 2001): they outrank ordinary interests, and they override the utilitarian calculation of communal advantage. Exercising a right, the activity which connects a subject to an object, takes several forms, of which we may note the most prominent.

There is, first, claiming that the right exists in the sense of a claim as a call 'for the acceptability of something admittedly contestable' (Vincent 2001). Second, there is the same job done more confidently: asserting or demanding a right. Third, there is claiming in the sense of cashing a right: 'You are Lobby Ludd, and I claim the ten-pound prize for spotting you'. Fourth, there is merely enjoying a right, a relaxed form of exercising. And, finally, there are the more energetic versions involved with enforcement: seeking protection against infractions, and demanding compensation for the damage done.

Rights, with some exceptions, are held against someone or something. The right of a lender to the repayment of a debt is held against the borrower, this is sometimes called a right in persona because it correlates with a specific duty of a particular person. The right of a property owner to exclusive enjoyment of his or her property is held against any person, this is sometimes called a right in rem because it correlates with the duty of no specific individual but with a general duty of non-interference (Vincent 2001). It is the characteristic of

correlativity with a duty that is often held to provide the hallmark by which we may know that a right properly so-called exists (Vincent 2001).

Thus it has been suggested that the attribution of a right is meaningless without the possibility of a correlative duty resting somewhere, such that: "Right and duty are different names for the same normative relation, according to the point of view from which it is regarded" (Vincent 2001). The number of exceptions spoils the tidiness of this doctrine, of which we may mention two. There is the famous case of the ten pound note on the promenade (Vincent 2001). I have a right to pick it up but so does anyone else. They have no obligation not to go for it themselves in virtue of my liberty. And, from the other end of the supposed relationship, we might have duties of charity, but this does not mean that this or that individual or group has a correlative right to it.

But despite this untidiness, the basic human rights we shall chiefly be concerned with in this paper are ones which fit the pattern of rights having correlative duties. Finally, there is the question of the justification of a right. In this regard, a right might at the least be conceived as what you can get away with, by lodging a claim to it in the mind of the public and hoping that no one will come up with an objection to it (Vincent 2001). But a right as a justified claim suggests more than this (Vincent 2001).

It suggests social acceptance of the right as of great importance. Then the existence of the social sanction might be said to entitle the bearer of a right to have certain expectations about its enjoyment. Entitlement then rests on social acceptance of the justice of a claim. The type of justification varies. It might appeal to custom, or reason, or statute, or contract. But the form of the defense of rights remains similar: I am entitled to the right x (liberty, property) because of y (custom, reason).

Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, color, religion, language, or any other status. We are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible.

Universal human rights are often expressed and guaranteed by law, in the forms of treaties, customary International Law, general principles and other sources of international law. International human rights law lays down obligations of Governments to act in certain ways or to refrain from certain acts, in order to promote and protect human rights and fundamental freedoms of individuals or groups (The U.N High Commissioner of Human Rights 2016).

The principle of universality of human rights is the cornerstone of International Human Rights Law (IHRL). This principle, as first emphasized in the Universal Declaration on Human Rights in 1948 (The U.N High Commissioner of Human Rights 2016), has been reiterated in numerous international human rights conventions, declarations, and resolutions.

The 1993 Vienna World Conference on Human Rights, for example, noted that it is the duty of States to promote and protect all human rights and fundamental freedoms, regardless of their political, economic and cultural systems (The U.N High Commissioner of Human Rights 2016). All States have ratified at least one, and 80% of States have ratified four or more, of the core human rights treaties, reflecting consent of States which creates legal obligations for them and giving concrete expression to universality. Some fundamental human rights norms enjoy universal protection by customary international law across all boundaries and civilizations.

Human rights are inalienable. They should not be taken away, except in specific situations and according to due process. For example, the right to liberty may be restricted if a person is found guilty of a crime by a court of law. All human rights are indivisible, whether they are civil and political rights, such as the right to life, equality before the law and freedom of expression; economic, social and cultural rights, such as the rights to work, social security

and education, or collective rights, such as the rights to development and self-determination, are indivisible, interrelated and interdependent. The improvement of one right facilitates advancement of the others. Likewise, the deprivation of one right adversely affects the others.

Non-discrimination is a cross-cutting principle in international human rights law. The principle is present in all the major human rights treaties and provides the central theme of some of international human rights conventions such as the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women. The principle applies to everyone in relation to all human rights and freedoms and it prohibits discrimination on the basis of a list of non-exhaustive categories such as sex, race, colour and so on. The principle of non-discrimination is complemented by the principle of equality, as stated in Article 1 of the Universal Declaration of Human Rights 1948: "All human beings are born free and equal in dignity and rights" (The U.N High Commissioner of Human Rights 2016).

Therefore, human rights entail both rights and obligations. States assume obligations and duties under International Law to respect, to protect and to fulfill human rights. The obligation to respect means that States must refrain from interfering with or curtailing the enjoyment of human rights. The obligation to protect requires any sovereign States to protect individuals and groups against human rights abuses. The obligation to fulfill means that States must take positive action to facilitate the enjoyment of basic human rights. At the individual level, while we are entitled our human rights, we should also respect the human rights of others.

Typically the scholarly debate over human rights is thought to take place between two opposing camps: the Universalists and the Cultural relativists. The Universalists tend to build their understanding of human rights upon the liberal tradition whereby rights are accorded to the individual by virtue of being human. Cultural relativists, on the other hand, argue that values are grounded in specific communities and that the communal group, not the individual, is the basic social unit.

In reality, the ideological spectrum is much more complex; realizing that case complexity can help point people to where the challenges to international human rights actually lie. In *Human Rights and the Search for Community*, Rhoda Howard describes five contemporary ideological challenges to human rights (Howard 1995). Notably, each of these views is put forward within the North as well the South. "Radical capitalism," a view held by Western liberals, dismisses social and economic human rights as irrelevant and idealistic. To Howard, this view represents a "capitalist culture's rejection of economic rights" and confinement of rights to property rights and "the civil and political rights needed to carry out one's own affairs in peace" (Howard 1995).

The behavioral manifestation of radical capitalism, according to Howard, is "social minimalism": the belief in economic freedom without a corresponding recognition of the duty to assist those in need. The fact that social minimalism is so prevalent in the United States, a predominantly Christian society, underscores the fallacy of trying to characterize contemporary societies by their philosophical or religious roots. Clearly the conduct of American political life is not guided strictly by the principles of the "good Samaritan" or "do unto others," and often stands in contradiction to them.

The four other challenges to human rights that Howard identifies all overlap with what in the West is called "Communitarianism." "Traditionalism" is adherence to the notion that international human rights conflict with traditional rules for orderly social behavior and that within the confines of the group, the society protects the human rights of its members. It is this challenge that is usually presented under the guise of a distinctively "Asian," "African," or "Arab" perspective of human rights.

“Reactionary conservatism” holds that the “excesses of contemporary freedom, such as women’s liberation, homosexual rights, and so forth. In other words “excessive individualism” is antithetical to social order. This view was inherent in the “Asian values” argument promoted by some Asian officials in the mid-1990s challenging the applicability of international human rights to Asia. It is also present in the West, where the argument resonated among large pockets of the population.

Howard’s fourth category, “left collectivism,” is a reaction against the West. Left collectivism holds that national self-determination and relief from Western imperialism and multinational corporations are the most important human rights. Adherents in the West can be found among ethno-religious minorities. Howard’s final category is “status radicalism.” Like the politics of identity, status radicalism is the belief that since rights are systematically denied to certain groups, one’s group status and protection of that group’s rights are more important than the protection of their individual rights. Many feminists and black activists in the Western world put forth this argument, demonstrating the failure of these societies “to incorporate all social groups in North America’s heterogeneous environment” (Howard 1995). Here again the rejection of the liberal human rights philosophy is not strictly a “third-world” perspective.

Missing from Howard’s typology is religious fundamentalism, which while close to traditionalism, cannot be viewed as the same. Generally speaking, religious fundamentalism in its varied Islamic, Christian, and Jewish forms takes the notion of local norms much further than Howard’s traditionalism does in that adherents believe that human rights are ordained by God Almighty. They recognize only the codification of those norms within the religious laws of Sharia, the Bible, and the Torah and dismiss other public, local, and international law, including international human rights. Howard’s typology also does not specify the often heard critique of human rights that they conflict with societies and cultures, including many non-fundamentalist religious cultures, which place a greater emphasis on duties and obligations over rights and challenge the notion of equality, although this argument can be accommodated within traditionalism.

This typology helps people to see that challenges to international human rights principles are not isolated to particular regions; rather human rights have multiple and shifting meanings and their contestation appears to be universal. This observation weakens the notion that there can be one or two or three outlier countries or regions that stand in the way of universal human rights, and underscores the need for analysis that is locally- situated, historical, and comparative. The rest of this paper is devoted to an examination of rights discourses in both the non-West and the West in an effort to gain a better understanding of where genuine differences may lie. It might useful to understand Indonesia human rights condition.

Indonesia, the world’s most populous Muslim country, was the nation where John Hughes won his Pulitzer Prize for international reporting on the communist attempt to overthrow the regime of President Sukarno in 1965, “The year of living dangerously” (Hughes 2010). Hughes vividly describes the terror and political machinations of that era when the violent revolutionary cadres of an international atheistic ideology threw themselves at nationalistic autocracies whose claim on outside support rested mainly on their anticommunism. Only recently have some commentators concluded that such confrontations so damaged the values and aspirations of ordinary people that radical Islamism was thereby offered fertile soil in which to grow and begin to impose its own special formula for oppression.

It could be happen to Indonesia. Muslim faith and practice across that vast archipelago flourished, quietly resistant to the cry of fiery voices from radical mosques. In recent years

Islamic Indonesia has only seemed to improve its commitment to good national governance and responsible international citizenship (Hughes 2010)

4. Human Rights Perspectives

While there is no one Asian, African, Arab, or American perspective on human rights, it is possible to identify two broad types of perspectives within a given society: those wrapped up in cultural nationalism, which are often tied to and manipulated by the government; and what one might call the “activist-intellectual” perspective. The cultural nationalist perspective is easy to know: it can be found in government propaganda and policy statements aimed at both local and international audiences.

The activist-intellectual perspective in many of these societies is less accessible, particularly since the people asking questions about and debating rights, governance, and social justice, intellectuals who tend to be also deeply involved in the activities of nongovernmental organizations (NGOs) which often must do so within a climate of state repression.

Even in the case of politically open societies such as the United States, the human rights perspectives of the many groups extending the liberal interpretation of human rights remain little known simply. It is due to their inability to command the intensive attention of the mainstream media. For example, even few Americans are aware of the efforts of people like Clarice Friloux of Louisiana, Richard Murphy of North Carolina, Ramona Ortega of New York City, Cheri Honkala of Philadelphia, and Loretta Ross of Atlanta, Georgia, who are leading movements to fight for the recognition of economic and social rights, relating to the right to health, the right to a clean environment, the right to housing, and welfare rights in the United States (Honkala 2000).

Non-Western perspectives on human rights are being heavily shaped today by several overlapping trends: globalization, secularization, urbanization, and a resulting breaking down of community. These trends are also having their effect in the Western countries. A major distinction between the discourses in the West and in the non-West is that in the non-West the social and economic dislocation resulting from globalization is coupled with another effect of globalization: exposure to the idea of human rights. The result has been a greater emphasis on economic and social rights in the South. A salient exception to this phenomenon is Latin America, where the human rights struggle has since its inception in the early 1970s’ been identified with the denunciation of violations and the defense of victims of authoritarian military dictatorships.

Today, with so-called democratic consolidation in the region and the gross economic inequality and poverty that pervades, there is an active debate among human rights activists in these countries over whether to continue to prioritize civil and political rights or to move toward a new agenda that would include a much broader spectrum of rights (Honkala 2000).

Activist-intellectuals from outside the West concerned with human rights in their societies tend to focus their energies in two areas: first, to look within their cultures for values and practices that resonate with the current human rights regime; and second, to attempt to enrich the current international rights regimes with values and practices from their cultures that may also resonate with Western ideas, but are not currently part of the international rights regime (Honkala, 2000). The palaver political system of communal Africa, where the chiefs routinely consulted elders, as an argument for the right to political participation, is an example of the former; and promoting Confucian ideas about respect for the elderly, a notion that cannot be found in the existing UN international human rights documents, is an example of the latter.

A new attribute of the regional discourses among activist-intellectuals is that they have become integrated into a global discourse that includes the West. There are several recent examples of cross-cultural dialogues in Asia, spurred on by the Asian values debate, most initiated by Western scholars (Bauer & Bell 1999). Not only have the ideas generated from these dialogues begun to influence human rights debates locally, but they have also prompted serious reflection on the part of Western participants and observers about the validity of their own claims (Ames 1997).

Absent a catalyst like the Asian values argument, there has not been an engagement between Western and non-Western academics in Africa or the Middle East with the intensity of that between Westerners and Asians. But there has been a mixing of ideas of human rights through other means. Most notably, the major UN human rights conferences that began in the 1990s, i.e.: Rio de Janeiro, Brazil (environment), Vienna, Austria (human rights), Cairo, Egypt (population), Copenhagen, Sweden (social exclusion), Beijing, China (women's rights), Istanbul, Turkey (human settlements), and Durban, Ireland (racism), which have brought increasing opportunities for the integration of regional discourses with global discourses.

4.1 Asia

The cultural nationalist perspective most closely associated with Asia can be found in the Asian values debate of the early to middle 1990s, which was sparked principally by the provocative writings and speeches of Singaporean senior minister Lee Kuan Yew and other senior Singaporean officials (Mahbubani 1994). The thrust of the Asian values argument is that Asia can provide a counter model to the "American model" or way of life, which has been overrun by civil society, shattered by excessive individualism, and has left the United States ridden with violent crime, drugs, guns, vagrancy, and immoral behavior.

The counter model, which relies on the strong hand of the wise and benevolent patriarch, can succeed by instilling respect for "Asian values", such as: obedience, thrift, industriousness, respect for elders and authority, an emphasis on family, and restraint of immediate gratification. Underlying all this is the claim that Asians prioritize economic and social rights over civil and political rights, the community over the individual and social order and stability over democracy and individual freedom.

It is important to note that these values are not so much "Asian" as they are those most often identified with Confucianism, which leaves out Asian countries throughout South Asia and parts of Southeast Asia without a Confucian past (De Bary 1998). In this sense "Asian values" is a misnomer. While maintaining the "traditionalist" position on human rights, Asian governments have come to see engaging in the international debate on human rights as a way of warding off Western influence. As Chinese legal scholar Xin Chunying explains in the case of China:

Compared to Western societies, China places much less emphasis on individual rights and significantly more emphasis on the value of the individual in terms of his or her contribution to harmony in society. In fact, there is a strong reaction against the younger generation which thinks more about their "selfish" rights than the good of society. This is deeply rooted in Chinese culture. But today, in contrast to the past, human rights is not perceived as a threat to China's cultural identity. Rather, engaging in the international human rights discourse is seen as a way of resisting foreign influence and keeping Chinese culture distinct (Chunying 1995).

The Asian values rhetoric can thus be seen as a manifestation of this desire on the part of Asian governments to engage the international community in a debate on human rights while attempting to enjoin their people in an affirmation of the cultural nationalist perspective. The primary target of Lee and his Singaporean colleagues was his home

audience, and to some extent Western audiences. Yet his remarks were well received throughout Asia, notably even in the democratic and non-Confucian Philippines, where Lee gave a major speech on the subject. But many Asian activist-intellectuals remained unconvinced. For example, Japanese political philosopher Tatsuo Inoue argued that Asian values are an extension of Orientalism or what he terms “Asian Orientalism” (Bauer & Bell 1999). And as Singapore legal scholar Kevin Y. L. Tan noted at the height of the Asian values debate, “Asians appear to be speaking from a position of strength, which strength drawn not from the merits of intellectual arguments but from their economic success” (Tan 1996). The financial crisis that struck many of the East and Southeast Asian economies in the late 1990s put a hole in the argument that Asian economic success is due to the stability of the authoritarian and neo-authoritarian governments. But the unexpected recovery of the region just a few years later in 2003 allowed the Asian values argument to regain some momentum.

Among Asian activist-intellectuals and human rights activists, two perspectives of human rights stand out. The first perspective is found in the Non-Governmental Organization’s (NGO) statement during the Bangkok regional preparatory conference leading up to the 1993 UN Conference on Human Rights in Vienna, which supports the universality and indivisibility of human rights: We affirm our commitment to the principle of indivisibility and interdependence of human rights, be they economic, social and cultural, or civil and political rights. There must be a holistic and integrated approach to human rights. One set of rights cannot be used to bargain for another (Bangkok NGO Declaration on Human Rights and Plan of Action 1993).

Support for the indivisibility of rights can also be found in the Bangkok Declaration in 1993 which the statement is crafted by Asian government officials at the conference, although it was not picked up within the official rhetoric once conference representatives returned home and received little attention within the ensuing “Asian values” debate (Bangkok NGO Declaration on Human Rights and Plan of Action 1993). The second perspective put forth by Asian Non Governmental Organizations (NGOs) is that the Asian values argument should not be dismissed as cultural relativism, but rather that it is important to remain open to the possibility that justifications for human rights can be found in local traditions (Jimenez 1994). The project of cultural legitimate has been a primary endeavor of Asian activist-intellectuals in recent years, at times carried out together with their Western counterparts. An example is the work of the Malaysian women’s group Sisters in Islam. This group advocates for the right of women to hold public office, protection of women from domestic violence, and other campaigns for women’s rights that rely chiefly upon the technique of locating the justification for those rights in the Quran (Bauer & Bell 1999).

4.2 Arab World

The relationship between Islamic Law and International Human Rights Law has been the subject of considerable, and heated, debate in recent years. The usual starting point has been to test one system by the standards of the other, asking is Islamic law 'compatible' with international human rights standards, or vice versa. This approach quickly ends in acrimony and accusations of misunderstanding. Thus, by overlaying one set of norms on another people should overlook the deeply contextual nature of how legal rules operate in a society, and meaningful comparison and discussion is impossible.

Among the common misperceptions of the Middle East is that Islam is the only factor in the attitudes one finds toward human rights. The impression is fed by the manipulation of Islam by conservatives, who invoke Islam in denying the applicability of international human rights, much the same way the proponents of Asian values use Confucianism. As Ann Elizabeth Mayer writes, “The precepts of Islam, like those of Christianity, Hinduism,

Judaism, and other major religions possessed of long and complex traditions, are susceptible to interpretations that can and do create conflicts between religious doctrine and human rights principles or that reconcile the two” (Mayer 1998).

A significant difference between the use of Islam in Arab rights discourses and the use of Confucianism in Asia is that whereas principally the governments of East Asia have used Confucianism in defense of their derogation of rights, in the Middle East and other parts of the Islamic world, including Southeast Asia, as seen in the example above, the Non Governmental Organizations (NGOs) community invokes Islam in protesting repression by regimes. In fact, the debate over human rights within the Arab world is, in the most basic sense, between reformists, be they Islamists or secularists, and conservatives.

The discourse among Muslims in the Middle East can be summarized as follows. Globalization has revitalized cultural identity, but it has also helped the spread of ideas and information about other religious and cultural traditions. Overall, Muslims are concerned about losing their ability to control their own economies, their position in world power, and perhaps most importantly, their cultural assets. With respect to this set of issues, there are three identifiable perspectives: to Muslim conservatives, individual rights are immaterial to social justice; to Muslim liberals, the Muslim world must adjust to universal standards of human rights, an adjustment that requires a transformation in Islamic thinking; and to Muslim reformers, the revolution in information and communications technology, along with higher incomes and educational opportunities, offers new standards against which to assess progress toward the realization of human rights ideals (Monshipouri & Motameni 2000).

Contrary to popular belief, with a few exceptions, such as Afghanistan and Saudi Arabia, modern Muslim politics has generally acquired a pragmatic dimension, and radical Islam has been relegated to the fringes of Muslim societies (Monshipouri & Motameni 2000). Current reformist thinking in the Muslim world focuses on tolerance, civil society, minority rights, women’s rights, cultural identity, and social welfare. Women’s struggles for freedom in the Middle East have turned them into agents of modernization and globalization. Many reform-minded women in Iran take their lines from the transnational women’s rights movement.

While the preceding discussion emphasizes the perspectives and dynamics among Muslims, it is important to note that Islam does not characterize the entire Arab world. In Egypt, Syria, Lebanon, and Iraq, for example, there are strong Christian populations, and in many cases it is the Christians who are at the forefront of the local human rights movement.

Compared to Asia, there appears to be greater popular pressure on the governments of the Middle East to change. Unlike in East Asia, where economic success is closely correlated with a fairly equitable distribution of educational and income opportunities, in the Middle East, failed economies and the rising gap between the rich and the poor have swelled the ranks of the discontented. In particular, a growing middle class are demanding better jobs, housing, educational opportunities, political pluralism, transparency, and accountability, especially in the context of a globalizing world. Whereas Asians attribute their economic success to stable governments, in most Arab countries such stability today is hardly defined in these terms; rather, people tend to speak of a crisis of governance. The lack of consensus on modernization and social change in the Arab world has resulted in a cultural politics that reflects an ongoing internal struggle over who defines cultural meanings, symbols, and ideas.

4.3 Africa

The social and political concerns of Africans are shaped mainly by the legacy of colonialism and postcolonial instability together with the severe socioeconomic conditions the continent faces: staggering international debt, the highest number of refugees in the world,

widespread starvation, and severe resource depletion. Despite this situation, the local African debate on human rights today is not as active as either the Asian or Middle Eastern debates. This is likely attributable to the fact that there are relatively few locally based human rights NGOs in Africa. With the exception of a very small number of activist organizations, most African Non-Governmental Organizations are either church-based or law-oriented, such as legal aid groups or bar associations (Shivji 1989).

Foreign scholars of Africa and international human rights groups, therefore, generate much of the human rights activity and debate that takes place in Africa today. The few indigenous human rights groups that do exist, which are for the most part not membership-based organizations, are stigmatized within Africa as “elitist” and “out of touch.” African social justice advocates, in particular, criticize them for their dependency on foreign funds and for having stronger ties with the international elite than with the common African people they claim to serve.

This critique has fueled the perception among Africans of the human rights regime as not just Western-inspired, but as something foreign and even imperialist. The support that Western powers gave over the years to Africa’s dictators, such as: perpetrators of massive violations of human rights which raised suspicions about the intent of Western governments and International Non-Governmental Organizations (INGO) in advocating for human rights. Some observers see the crisis of local legitimacy of the international human rights movement in Africa as stemming from its failure to build coalitions with the local human rights movement, thereby rendering the international movement (also known as “secondary activism”) vulnerable to being hijacked by other political agendas (Odinkalu 1999). The fact that in the 1990s the international human rights community was ineffective in stopping the genocide in Rwanda further discredited human rights in the region.

But perhaps the greatest failing of the international human rights community, according to some Africans, is not exposing the human rights abuses of the imperialist system that Africa has long been subject to, and not promoting Africa’s main human rights problem: the violation of the right to self-determination. It is this failing that has brought the human rights movement to the point of near irrelevance, according to a number of African critiques (Shivji 1989).

Most recently, some scholars have argued that there was in Africa’s past a vibrant rights discourse that has been lost in the contemporary debate on human rights, which if drawn upon can become the basis for a renewal of a genuinely local debate on human rights (Ibhawoh 2001). They point out that as early as the 1960s, when most African countries became independent, African leaders and activist-intellectuals from Nyerere of Tanzania to Nkrumah of Ghana were involved in a continent-wide discussion about how to best guarantee human rights in their respective postcolonial states. In 1981, well before the Asian values debate gained currency in the West, the Organization of African Unity adopted the African Charter for Human and Peoples’ Rights, which emphasized economic, social, and cultural rights, the rights of people to self-determination, and the right to existence, equality, and non-domination. According to human rights historian Bonny Ibhawoh, “At a time when the rest of the world was more concerned about civil and political rights, the African charter reflected the human rights concern about equality and non-domination of most Africans” (Ibhawoh 2001).

To the extent that there remains a local debate about the possibilities of human rights, its characteristics are remarkably similar to those of the Asian values debate in several respects. Cultural nationalists arguing against the applicability of international human rights for Africa claim that the notion of the individual, upon which human rights rest, does not exist in Africa. Instead the individual’s worth can only be found in the context of the community. Here again, primacy is placed on the communal nature of rights and social harmony, with an emphasis on duties and obligations over rights. Standing opposite the proponents of those

claims are activist-intellectuals, such as Ibhawoh, Abdullahi An-Na'im and Makau wa Mutua, who are seeking to identify a foundation for the legitimation of universal human rights in the African context and to inform the cross-fertilization of ideas between Africa and the rest of the world. A third prevalent argument made by some African scholars is that human rights in the West developed over a long period of struggle for democracy and that Africa has yet to go through these stages.

Also in Africa, as in other Southern Hemisphere contexts, the claim that economic and social rights should take priority over civil and political rights is prevalent. Yet, while many African activist-intellectuals hold the position that the two sets of rights are equally important, they tend not to dispute the claim as forcefully as their counterparts in other regions do. This attitude reflects the long-standing Marxist approach that still has many adherents in African continent today.

4.4 The United States

The split between the cultural nationalist perspective and the intellectual perspective of human rights is also found in the United States. The American rights debate centers around four main issues: what priority to accord economic, social, and cultural rights; the applicability of international human rights law to the United States; when, if ever, to use capital punishment; and most recently, whether there is justification for curtailing civil liberties in the interests of national security.

In one of his many recent writings on the human rights movement, Michael Ignatieff reminds his readers that the American vernacular of justice, i.e.: civil liberties, civil rights, labor rights is not the international language of human rights (Ignatieff 2002). The fact that Americans and the international human rights movement based in the West have long equated human rights with civil liberties is precisely the cause of so much resistance to "international human rights" throughout the world. And when human rights advocates in the West rebuffed genuine efforts to promote a more expansive notion of rights, they only fueled this sentiment. Such was the response southern NGOs in Asia and elsewhere faced in the early 1990s when in the wake of the end of the Cold War they sought to fight the historical tendency, particularly strong in the United States to delink civil and political from economic, social, and cultural rights. At that time, then executive director of Human Rights Watch Aryeh Neier reportedly pointed out that human rights activists in a number of Third World countries, especially Asia, have long held the view that both kinds of concerns are rights. Their argument has not proved persuasive in the West, however, and none of the leading international nongovernmental groups concerned with human rights has become an advocate of economic and social rights (Jochnick 1997).

Much has changed in the last decade, however. Both Amnesty International and Human Rights Watch, the world's first and second largest human rights organizations headquartered in London and New York respectively, have put major effort into thinking through and developing an effective strategy for championing economic, social, and cultural rights (Human Rights Watch 2002). In addition, in the 1990s a new organization, the Center for Economic and Social Rights, which also houses the International Network for Economic, Social, and Cultural Rights, was established in New York, devoted entirely to promoting these so-called second generation rights.

Americans are accustomed to thinking of human rights as a foreign policy issue, not as a matter of domestic concern. A minority group of left-leaning activists and intellectuals have long been pushing for the recognition of a broad range of rights for Americans, not only civil and political but also, increasingly, economic and social rights. Yet as in other domains of

international affairs, American cultural nationalists resist the notion that international human rights rules should apply to the United States.

The latter view appears to have won out in Washington, where the Senate has ratified few international laws and, most notoriously, has not ratified the Convention on the Rights of the Child, which is the most widely and rapidly ratified human rights treaty in history, with 191 participating nations making the United States the only country not to do so (Human Rights Watch 2002). Together with the efforts to reduce greenhouse gas emissions, the area in which American exceptionalism has most infuriated the international community has been in its refusal to support the International Criminal Court (Human Rights Watch 2002).

One treaty upon which there has been recent action in the U.S. Congress is the Convention on the Elimination of All Forms of Discrimination against Women or CEDAW (US CEDAW 2002). The debate on ratification of this treaty has touched a nerve among conservatives not unlike the reaction that has been taking place to the treaty in societies throughout the developing world. They have attacked the treaty, which the United States was instrumental in drafting and which President Carter signed in 1980, as “the work of international forces promoting abortion rights, sexual freedom, and promiscuity, while undermining motherhood” and “one more attempt to impose global norms on the U.S.” (Bauer & Bell 1999). To date, the United States is the only industrialized nation that has not ratified the convention.

Another area of significant controversy is the use of the death penalty in the United States. Protests against the death penalty have been taking place since the U.S. Supreme Court reinstated capital punishment in 1976, after overturning the death penalty in 1972. In 1985, the Council of Europe adopted Protocol 6, which outlawed the death penalty during peacetime; in 1994 ratification of Protocol 6 was made a precondition for European Union (EU) membership. In recent years activists have used the tactic of shaming the United States by drawing attention to the company it keeps in its liberal use of the death penalty. In 2001 the United States, along with the People’s Republic of China (PRC), Iran, and Saudi Arabia, accounted for 90 percent of the world’s executions (Amnesty USA Press Release 2016). The United States has the dubious distinction of being the only developed country that still has and actively imposes the death penalty (Koh 2001).

The American perspective on human rights priorities is also becoming remarkably similar to that of nations the United States and the international human rights movement have long targeted in the arena of curtailing civil rights for the sake of national security. Such is the domestic fallout of the Bush administration’s worldwide campaign against terrorism in the wake of the September 11, 2001 terrorist incident.

Public criticism of the Bush administration and its measures to curtail civil liberties immediately following the World Trade Center attacks was limited to groups such as the American Civil Liberties Union, Human Rights Watch, Amnesty International, and other, smaller civil liberties organizations. In fact, the public tolerance for detention of terrorism suspects and open discussion of the merits of torture during interrogation in left-leaning publications, such as *The Atlantic Monthly*, shocked many American rights advocates.

Pundits at all points on the political spectrum argue that the U.S. government’s policies in the aftermath of September 11 reflect a necessary trade-off between freedom and security. Wire tapping of phone calls and e-mails is now acceptable; cable repairmen, truckers, and meter maids are encouraged, through the TIPS program, to report “suspicious activity” to a government hotline; and the Freedom of Information Act has been effectively thrown out with the issuance of Executive Order 13233, barring public access to presidential documents from the past four presidents.

The justification for these measures resonates with arguments once heard only in places such as China and Singapore, which have long used public security as an excuse to

limit individual rights. Similar claims to be protecting “more important rights” are being echoed in Malaysia’s renewed usage of the Internal Security Act (Wong 2002), and in the campaign slogan “firm hand, large heart” of Álvaro Uribe, the newly elected president of Colombia, who sees greater state authority, not negotiations, as the first step toward resolving Colombia’s crisis (Isaacs 2002).

5. Conclusion and Recommendation

In order for Indonesia to reach its full potential as an influential global player, President Joko Widodo should build on good record and be willing to saddle up and take on more substantive actions to promote human rights and democracy at the international level. To do so, it will have to make more serious commitments than it has to date to both practicing and promoting the liberal international norms it now proudly embraces. It should also invest in building the regional architecture needed to help engender and sustain democratic transitions in its own neighborhood, where it has immediate interests. If, on the other hand, Indonesia does not take the fight for human rights and democracy to the global stage, it will limit its influence as a global leader. In sum, Indonesia is making a lot of interesting noises, but isn’t really making any music yet. The current country’s president needs to do much more.

In this brief overview of regional perspectives of human rights in four regions writer have tried to show that conflicts over human rights are taking place across the board not along civilization lines and not primarily between North and South as so often assumed.

The challenges to human rights, including the suspension of civil liberties, resisting economic and social rights, and the denial of rights to certain groups, are taking place in our own backyards. At the same time we see a creative borrowing of ideas and unplanned convergence of human rights debates worldwide among what writer have been calling “activist-intellectuals”.

Several lessons can be drawn. The first is the most obvious, but also one that bears repeating: while some regions are more diverse than others, which is the characterization of “Asian Values” is a particularly big stretch as well as all regions consist of diverse cultures and carry differing viewpoints on human rights. Those views range from the assertion that local values are compatible with human rights principles; to the claim that human rights values are a product of Western culture or in the case of American critics of CEDAW, liberal international forces, and therefore alien to the local culture; to in-between views that local values are not so much inimical to international human rights, but that in the application of rights they receive different priority. We need to recognize the diversity of human rights views existing within a society and avoid construing a government’s human rights rhetoric as “the Asian,” “the American,” “the African,” or “the Arab” perspective. To do so is to undermine the genuine debates on human rights happening within these cultures, and worse, to be complicit with states in silencing these voices.

Second, at the same time that we are seeing convergence of perspectives, different societies continue to have different human rights priorities that stem from their distinct histories and experiences. It is a mistake, however, to interpret the difference of priorities as a disagreement over norms. Investigations of rights discourses in different regions rarely turn up a conflict over principles. The death penalty and abortion, areas in which U.S. policy is heavily influenced by perspectives that go against the grain of the emerging international consensus are two of the exceptions. Instead the arena of difference almost always lies in the implementation and prioritization rights.

The third message is to scholars of human rights: cultural relativism is not where “the action” is. Rather than be sidetracked by the politically motivated statements of cultural nationalists, human rights scholars would do well to turn their attention to the projects of

cultural legitimate that activist-intellectuals are engaging with in virtually every corner of the globe. Human rights advocates in the United States are among the newcomers. In 1997, with core support from the Ford Foundation, an initiative called “Human Rights USA” was started with the stated goal of demonstrating “that the Universal Declaration of Human Rights 1948 and other human rights documents are as relevant to life in the U.S. as they are to life in other countries, and to improve the protection of human rights in American communities by increasing Americans’ awareness of these rights.

There is plenty of work to be done by Indonesian government under President Joko Widodo which gives more focus on cultural legitimate rather than cultural relativism that can be alternative solution to international human rights challenges everywhere.

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