

Multiculturalism

Base of the Challenges for the Promotion and Protection of Human Rights

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1. Problem of Multiculturalism

“Most countries today are culturally diverse. According to recent estimates, the world's 184 independent states contain over 600 living language groups, and 5,000 ethnic groups. In very few countries can the citizens be said to share the same language, or belong to the same ethnonational group. This diversity gives rise to a series of important and potentially divisive questions. Minorities and majorities increasingly clash over such issues as language rights, regional autonomy, political representation, education curriculum, land claims, immigration and naturalization policy, even national symbols, such as the choice of national anthem or public holidays. Finding morally defensible and politically viable answers to these issues is the greatest challenge facing democracies today”¹. This is one of the questions of the multiculturalism.

Multiculturalism as a fact has a proper value, exist in the plural society, which indicate the diversity in many aspects of human life. The differences of nation, race, colour, sex, language, religion and culture cause the varieties of human action, those are discriminations, manipulation, domination, not respect one another, imperialism, colonialism and war in this world. All these human actions have marked the catastrophic history, there were many victims, especially women and children. In the plural society of one country, with Multiculturalism, all nation and race would like to have their equal rights. So the differences between majority and minority are not actual and relevant for the people. The people must consider that many diversity of cultures, habitual, race, language and religion, build a new civilization as a beautiful mosaic, which call national culture or national civilization.

When we speak on the real national culture, we can't find it. It's because all cultures in this world are inter-dependent one another. The national culture has built on the original one and inculturized by the other cultures, as a union and integral inseparable civilization. If someone would like to separate and look for the original culture, it will be lost the proper identity as a national culture.

Multiculturalism in the pluralistic society demands the disponible attitude and actions of all the people on equal rights, no discriminations, respect on freedom and human rights, and also on decision making. In reality, the majority (of religion, groups, race and culture) always dominates the other, and the minority will be victim of their attitude and provocations that the majority must have more rights than the minority.

The movement of multiculturalism which prefers to indicate the equal rights and no discriminations open the new perspectives for promotion and protection of Human

¹ Will Kymlicka, *Multicultural Citizenship*, 1996, 5.

Rights. Up till now there are many violations of human rights and the consequences; there are many victims, which invite us to respond their need.

There is no place more for mono-culture, which normally the majority discriminates the minority and against human dignity. The movement of multiculturalism will enriches the nation and national culture must be capable to create the multi-cultures, new civilization and promote the human rights. All cultures, nations, races, colours, and religions are inter-dependent, which need one another. The task of multiculturalism guides the new culture and new civilization for promotion and protection of human rights.

2. Multiculturalism in Front of the Violation of Human Rights

On August 1997, Asian Human Rights Commission (AHRC) established The Asian Charter on Human Rights. The governments of the Asian countries in that time have not yet decision to compose the Asian Charter of Human Rights. In the background to this Charter, we consider how the struggle of Asian people for fundamental freedom and human rights. They suffer, caused the violations of their rights. This Charter affirms that the Asian struggle for rights and freedoms has deep historical roots, in the fight against oppression in civil society and the political oppression of colonialism, and subsequently for the establishment or restoration of democracy. The reaffirmation of rights is necessary now more than ever before. Asia is passing through a period of rapid change, which affects social structures, political institutions and the economy. Traditional values are under threat from new forms of development and technologies as well as political authorities and economic organizations that manage these changes (1.1). The leaders of the Asian governments always promote Asian Value and stress that it is more important than human rights. But what is Asian value, they did not declare and announce. In reality, the Asian value has no value when there are violations of fundamental freedom and human rights. Also the situation and development of this area makes dehumanity, as the charter said that in particular the marketization and globalization of economies are changing the balance between the private and the public, the state and the international community, and worsening the situation of the poor and the disadvantaged. These changes threaten many valued aspects of life, the result of the dehumanizing effect of technology, the material orientation of the market, and the destruction of the community. People have decreasing control over their lives and environment, and some communities do not have protection even against eviction from their traditional homes and grounds. There is a massive exploitation of workers, with wages that are frequently inadequate for even bare subsistence and low safety standards that put the lives of workers in constant danger (1.2). The situation of Asian people shows as a catastrophic mosaic. “Asians have in recent decades suffered from various forms of conflict and violence, arising from ultra-nationalism, perverted ideologies, ethnic differences, and fundamentalism of all

religions. Violence emanates from both the state and sections of civil society. For large masses, there is little security of person, property or community. There is massive displacement of communities and there are an increasing number of refugees” (1.4).

We can observe the situation of Asia is very contradictive. The Asia as continent is very rich in natural resource, culture, race, religions, but this people suffers. The Asian Charter says: “Asian development is full of contradictions. There is massive and deepening poverty in the midst of growing affluence of some sections of the people. Levels of health, nutrition and education of large numbers of our people are appalling, denying the dignity of human life. At the same time valuable resources are wasted on armaments, Asia being the largest purchaser of arms. Our governments claim to be pursuing development directed at increasing levels of production and welfare but our natural resources are being depleted most irresponsibly and the environment is so degraded that the quality of life has worsened immeasurably, even for the better off among us. Building of golf courses has a higher priority than the care of the poor and the disadvantaged”. (1.3)

On April 1995, the Federation of Asian Bishops' Conferences issued a theological document on Asian Christian Perspective on Harmony. In this document the Asian Bishops reflected that we live in a center of the world religions, but why the Asian people always to be victim. “Asia is the womb of ancient cultures and civilizations, and this is reflected in its cultural diversity. However, this richness of the diverse cultures has not always been positively appreciated, and this has led to cultural disharmony. The Asian peoples have seen the emergence of cultural imperialism, imposing the values of a domineering majority or of an assertive minority on the rest of society. Such a move, far from serving the cause of unity, has given rise to division and conflict. Asia is also the birthplace of the world's great religions: Buddhism, Christianity, Confucianism, Hinduism, Islam, Jainism, Shintoism, Sikhism and Taoism.

In spite of the common Asian world-view which perceives reality as "one", and in spite of a widespread tolerance which subscribes to a basic equality among all religious convictions, Asian religious pluralism remains a problem. The problem is acute, because Asian religions still constitute a powerful force controlling the consciences of people and influencing every area of their social life. As such, they can serve to bring together peoples and nations in unity and harmony, or cause division and fragmentation. Sadly, to a large extent, the latter has been the experience of the Asian peoples.

As there is a strong bond between religion and culture, fundamentalism and communalism have given rise to numerous conflicts and bloody violence. Such conflicts and violence, besides having disrupted harmony, have also resulted in the loss of human lives and the destruction of sacred temples, especially in India, Pakistan and Bangladesh, all in the name of religious affiliation and cultural patrimony. In Sri Lanka, conflicts between ethnic and linguistic groups have been a cause of continual violence

and bloodshed. The events surrounding the razing of the Babri Masjid in Ayodhya in December, 1992 have demonstrated how devastating the forces of religious fundamentalism can become. In the whole of the Indian subcontinent, there have been clashes between Muslims and Hindus, during which Hindus were chasing the Muslims in Bombay, and Muslims retaliating by persecuting Hindus and destroying their temples in Pakistan and Bangladesh” (part 1.2 Religious, Cultural and Communal Conflicts). Asia is never in peaceful situations. Also in Indonesia, there are more than 4.600 Churches are burnt by the people in the name of Allah or religious mandate. Unfortunately we can observe how the people in Asia, especially in Indonesia enter in the conflict situations, violate the human rights and fundamental freedom. Problem of majority and minority, prejudice, the characteristic religions, ect, always provoke the people do not support to live in harmony. The violations of human rights, is very terrible and uncountable again.

The violation of human rights spread not only in Asia, but also in all over the world, especially in Latin America and Africa. The violation of human rights in these two continents invite us to know more profound the meaning and value of human dignity. Human persons have value in their freedom and dignities as a human person. All human person have the same dignity, with differences in function and activity in their society. In the point of view of multiculturalism, the value of human person, that is freedom and human dignity, show us the equality.

3. Multiculturalism Promotes Freedom and Equal Dignity of Human Person

Freedom and equal dignity of human person must be created by the implementation of multiculturalism. The Vienna Declaration (1993)² affirms on the equality, dignity and tolerance that mean the international society combats against the racism, racial discrimination, xenophobia and other forms of intolerance. This document states that the World Conference on Human Rights considers the elimination of racism and racial discrimination, in particular in their institutionalized forms such as apartheid or resulting from doctrines of racial superiority or exclusivity or contemporary forms and manifestations of racism, as a primary objective for the international community and a worldwide promotion program in the field of human rights. United Nations organs and agencies should strengthen their efforts to implement such a program of action related to the third decade to combat racism and racial discrimination as well as subsequent mandates to the same end (19). So this conference also urges all Governments to take immediate measures and to develop strong policies to prevent and combat all forms and manifestations of racism, xenophobia or related intolerance, where necessary by enactment of appropriate legislation, including penal measures, and by the establishment of national institutions to combat such phenomena (20). All the people

² The Vienna Declaration: Vienna Declaration and Program of Action, World Conference on Human Rights, Vienna, 14-25 June 1993, U.N. Doc. A/CONF.157/24 (Part I) at 20 (1993).

are appealed to eliminate of all forms of racial discrimination. It's because the multiculturalism would like to promote the equality in dignity and fundamental freedom of human person. The problem of majority and minority of race, language, politic and religion is not the principle problem of humanity, but the problem of quantity's members only. So the consequences according to this document, "all Governments to take all appropriate measures in compliance with their international obligations and with due regard to their respective legal systems to counter intolerance and related violence based on religion or belief, including practices of discrimination against women and including the desecration of religious sites, recognizing that every individual has the right o freedom of thought, conscience, expression and religion" (22). With these freedoms, the multiculturalism would like to guide the human persons to fulfill their human conduct, humanity and solidarity for the others, especially the victims.

To live in harmony, fraternal and peaceful society and to have an equal dignity must be right for all the people and as obligation of the government to promote it. The people must not be victims of any action or attack from the other person. So multiculturalism promotes the equality in the fundamental freedom and human rights. It is the real challenges in this time.

4. Multiculturalism as Challenges for Promotion and Protection of Human Rights

I appreciate with the program of the Canadian government, which issued officially the *Multiculturalism Act*. In this document, the promotion and protection of human rights has real challenges to be fulfilled in the society. The government has a policy to promote the awareness of the people that multiculturalism as a fundamental social life of the people. With the multiculturalism, we consider that we have the equal dignity, fundamental freedom and human rights, in which all human persons must respect them. No body allows ignoring these challenges. Promotion and protection of human rights must be apriority of the entire program.

The Promotion and Protection of Human Rights is a program and agenda for action of the Vienna Declaration. Human Rights must be promoted and protected in all situations as a priority program for action, especially in democratic era and situation. In the Vienna Declaration establishes that the promotion and protection of all human rights and fundamental freedoms must be considered as a priority objective of the United Nations in accordance with its purposes and principles, in particular the purpose of international cooperation. In the framework of these purposes and principles, the promotion and protection of all human rights is a legitimate concern of the international community. The organs and specialized agencies related to human rights should therefore further enhance the coordination of their activities based on the consistent and objective application of international human rights instruments (4).

The promotion and protection of human rights are considered as an obligation to promote, to protect and to observe the human value, which is the dignity of human person. In fact the human rights have the universal value. The Vienna Declaration affirms that all human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms (5). We need the universal respect for human rights and to observe them. So the efforts of the international community's attitude towards the universal respect for, and observance of, human rights and fundamental freedoms for all, contribute to the stability and well-being necessary for peaceful and friendly relations among nations, and to improved conditions for peace and security as well as social and economic development (6).

To protect the human rights, the government must ratify the international instruments of human rights and other documents, which protect them. Or the government gives protection to the people with the just positive law, good policy, and the other guarantees, so they live in peace and safety in their own country. The people will achieve the common good and welfare with protection by the government, and multiculturalism as real challenges for our society.

5. The Future of Multiculturalism

When we study on the Canadian Multiculturalism Act³ and the report of multiculturalism since 1999 up till now, we must optimistize that this world will be created more peaceful, harmony, fraternal and democratic. In the World Conference held in Durban, South Africa, from 31 August to 8 September 2001, all the people must combat against the racism, racial discrimination, xenophobia and related intolerance.

In the considerans, this document established that drawing inspiration from the heroic struggle of the people of South Africa against the institutionalized system of apartheid, as well as for equality and justice under democracy, development, the rule of law and respect for human rights, recalling in this context the important contribution to that struggle of the international community and, in particular, the pivotal role of the people and Governments of Africa, and noting the important role that different actors of civil society, including non-governmental organizations, played in that struggle and in ongoing efforts to combat racism, racial discrimination, xenophobia and related

³ *An Act for the preservation and enhancement of multiculturalism in Canada* [1988, c. 31, assented to 21st July, 1988]

intolerance. ...Noting with grave concern that despite the efforts of the international community, the principal objectives of the three Decades to Combat Racism and Racial Discrimination have not been attained and that countless human beings continue to the present day to be victims of racism, racial discrimination, xenophobia and related intolerance....Reaffirming the principles of equality and non-discrimination in the Universal Declaration of Human Rights and encouraging respect for human rights and fundamental freedoms for all without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Having listened to the peoples of the world and recognizing their aspirations to justice, to equality of opportunity for all and everyone, to the enjoyment of their human rights, including the right to development, to live in peace and freedom and to equal participation without discrimination in economic, social, cultural, civil and political life. And affirming that racism, racial discrimination, xenophobia and related intolerance, where they amount to racism and racial discrimination, constitute serious violations of and obstacles to the full enjoyment of all human rights and deny the self-evident truth that all human beings are born free and equal in dignity and rights, are an obstacle to friendly and peaceful relations among peoples and nations, and are among the root causes of many internal and international conflicts, including armed conflicts, and the consequent forced displacement of populations. All the spirits of Durban Declaration as the spirit of multiculturalism, which guide the all the people in this world must combat against the racism, racial discrimination, xenophobia and related intolerance, so this world will be a human family or society more peaceful and fraternal. Life in harmony and peaceful with the others as challenges, that must be realized.

We can ask how the multiculturalism is in the future for Indonesian people. The Indonesian peoples have long history and experiences in pluralistic race, religion, language, etc, but we must learn from the policy established by the Canadian government in Multiculturalism Act as a program of real action to promote the equality of the people in dignity, culture, religion, language, rights and fundamental freedom. And the Durban Declaration must be an instrument, for implementation this goal. Multiculturalism is real base for promotion and protection of human rights in this decade. ****

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