HUMAN RIGHTS AND CULTURAL EXPRESSION

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In 2002 when we were preparing, with the Humanities Research Centre of the Australian National University, the seminar on Human Rights and Cultural Expression, it was possible to observe once again the reticence which leads many government officials to try to limit the consideration of human rights to a simplistic study of conventions, protocols and international agreements, without touching on themes which could imply a need to make a value judgement about national compliance with those obligations, accepted voluntarily by the states on subscribing to those conventions, protocols and agreements. Instead it is assumed that they can be examined in a fashion which is isolated from reality.

During many decades, since the Universal Declaration of Human Rights and the making of those agreements which were made about ‘generations’ of human rights — a concept which is now fortunately superseded — many national authorities have been resisting allowing international examination of their conduct and in that line, the fear of criticism was always present. To avoid this it was thought that there was no alternative but to obscure the national realities and to try to justify violations, great and small, disown any knowledge of atrocities and deny that abuses have been committed.

To this fear of being criticised it is generally possible to associate a profound ignorance by authorities of governments and their representatives of the extent and breadth of human rights. The bureaucracy habitually ignores the existence of an identity, independent of states and governments, of human rights, because their promotion and respect is due to a worldwide current, the same current that grows and strengthens within men and women individually, but not necessarily in governments. Of course, one cannot ignore that in cases where individuals in a society count on the support of their government, the application and protection of human rights is greater, but one cannot forget that in the presence of dictatorships and other antidemocratic and authoritarian regimes, abuses against human rights immediately generate a solidarity of human beings in the whole world, who protest atrocities by dictators and autocrats on behalf of their fellow human beings.
The strategies of governments which are fearful of international criticism, to try to hide or justify violations, are usually impractical and have, on the contrary, effects which are counterproductive to the intentions of abusive governments and their representatives, as the censure and criticism which they fear not only becomes reality, but is magnified as a result of the manoeuvering of the state to deny the existence of violations and atrocities.

In many cases it has been possible to observe that when a successor government, more sensitive and respectful than its predecessor, provides information about the occurrence of violations and atrocities, the international community is given to understand that the new government wishes to rectify its errors. It would be impossible to imagine official cynicism so extreme that atrocities would be published so as to continue committing them.

In the enormous range of application of human rights, which is in a state of permanent growth, the wishes of the fearful states come to nothing, as the advances made by individual human beings, with or without the support of governments, have reached levels which overtake national pigeonholes.

It is possible that, in view of this reality, as a last refuge, fearful governments and their representatives wish to impose limiting criteria, so that only theoretical questions about the universal instruments of human rights are considered, which they pride themselves in having made their own, only formally, not in reality. The analyses that those governments wish to promote, under strict conditions, should adhere strictly to instrumental progress and to academic consideration of the ‘new agreements and pacts on human rights’.

In last year’s Seminar on human rights, the Australian National University and some of the people who participated wanted to go further than the pigeonholes and offer a panorama to overcome the fears of the representatives of governments and official entities, and we put forward, with the widest possible breadth, the consideration of human rights as the prime conceptual framework of protection for ‘human expression’, and within them, as the most sublime, the expressions that have to do with culture, with arts and with music.

There was a felicitous coincidence, which can be confirmed on reading the papers presented by the participants in the Seminar, in the belief that human beings exercise a primordial right of their own when they express themselves. It is not possible to find a better example of this, a field more fertile, than that which has to do with the need to protect and safeguard the ‘human conscience’, understood not as a mystical or religious element, but as a natural right of expression, and the corresponding obligation of governments and leaders to respect those manifestations and expressions, all of them, including cultural and artistic expressions, as they form part of the fundamental rights of human beings, and because their expressions are drawn from their intimate experiences of life, from their deep convictions, and from the particular way that every human being, considered individually, has of observing the world in their own way.

Based on the lectures and the reaction of the public during the Seminar, it is possible to conclude that in this exercise,
apparently simple, of ‘observing the world in their own way’, human beings often respond in fashions divergent from the conventional models which are imposed in their native society or from the models of foreign societies which have been available for assimilation by people in different situations.

In general perceptions, therefore, the unique personalities of human beings play as much a part as the conditions of the society in which they live in giving character to their expressions, and they are different if those human beings have gone outside their native social environment. Distinct expressions of human beings, which share similar cultural bases, are due in great measure to the environment in which they are developed. It can also be observed that in human beings who have stayed within their vernacular societies, the weight of innovation within individuals can create the ‘different’ in their cultural and artistic expressions. Tradition, on many occasions overcome, weighs heavily on the form of expressions of people who have had to leave their own societies, those human beings of the ‘diasporas’ maintain their nostalgic characters from the environment from which they were torn, they seek to go forward with their lost past. Those who have remained stable, on the other hand, seek to break free from national frameworks imposed by their vernacular societies, because it seems they wish to revolutionise their expressions, to depart from a past that, often, they do not desire.

A passionate point has to do with the vehicles which can be used by human beings to express themselves. It has to do with the instruments on which men and women rely to communicate, in one way or another, and, for that reason, tremendous value must be placed on the openness of native and adopted societies, as in the genuine concession of these instruments reside the real values of those who govern, not because they have declared themselves progressives or conservatives, traditional or revolutionary. The tints and shades of the expressions of human beings are tightly connected with the instruments on which they have relied to communicate. The characteristic marks of conforming or protests, of satisfaction or frustration, are revealed and projected, to make another difference easily appreciable, that which is related to expressions that come from native members and members by adoption of open societies, contrasted with those expressions which come from native members or members by adoption of oppressive societies, whether these oppressions arise from political reasons, or from the scarcity of economic resources, religious pressures, from situations of ethnic minorities etc. etc.

Apart from these considerations, which may be uncontrollable at some moments by those human beings who wish to express themselves, there are limitations which have to do with the studies by men and women to use instruments to which they are not otherwise accustomed. A fundamental limitation lies in the language which, when not maternal, imposes a shade of concentration and a necessity for synthesis, which can affect human expressions, thus limiting them.

In the analyses which were made during the Seminar these fundamental delineations were touched upon, not only to best explain it, with the aim that it be adequately captured, but to defend the value and essence of that ‘different expression’, by conditionings relative to traditions, remote pasts, situations not
overcome, reservations and parochialisms.

In that same line, in defending the value of a human expression in its essential character of being ‘different’, one could note that comparisons between different environments or different national situations, although at times conditioning agents, do not necessarily completely prevent the expression of human beings, just as national situations seen as optimum do not allow a guarantee of excellence in the expressions of men and women in those societies. This reality is most applicable in artistic fields, given that ‘geniuses’ do not necessarily live in rich and progressive societies, and because in many individual cases the limitations were themselves the incentive to achieve a splendour in artistic expression. It is also possible to think of a special excellence, in whatever manifestation, which arises from the confrontation between the artist with those limits, and their triumph over adversity; perhaps without having to confront and win, the expressions of a person may be routine, comfortable, nothing exceptional.

It is true that there are universal patterns of conduct, and that the expressions of human beings are concatenated and tightly connected. It is also true that common fashions and tendencies exist, and on many occasions, the coincidences in expressions may be due to the following of these moulds, these fashions and/or these tendencies. Further, it is true that all human expression is respectable and must merit all possible protection by the political leaders of the society in which the human being who is manifesting such expression lives.

As it is not possible to conceive that it would be possible to provide different guarantees to human expression within one society every time that different grades of these guarantees for individual expression are accepted, according to the distinct type of society (closed or oppressive), the fundamental issue in turn for expressions, especially but not exclusively, artistic expression, lies in its universal value, in the degree of acceptance or approbation, that such expressions receive from other human beings of different cultures and many societies.

To the element of ‘difference’, which must be protected, must be added universal acceptability, which does not depend necessarily on the type of society, but on the intrinsic value of the expression. Expressions which are believed to be powerful may be imposed so that they are heard and observed, but it is not possible for the weight of the power that they represent to enforce their acceptance and appreciation.

But just as it is not possible, in the bosom of national societies, to discriminate between the protections for the different expressions, in the world of human rights, which has ceased to be national, the validity of human expression is protected, when supporting the diffusion of distinct expressions, as the real possibility is given that they are duly appreciated by the community of societies, that is, by human beings in other latitudes.

The Seminar that we conducted last year, without pretensions of having been universal, was indeed open to expressions of many countries, and the facilities provided to diffuse the expressions must have contributed to the fact that the best were most widely accepted and appreciated.

If those who wished to limit the breadth of this Seminar lost the
opportunity to express themselves, it is because they did not choose to take up the opportunity to make their expressions worth as much as they themselves believe they are worth.

In this possibility and opportunity to express oneself lies another undeniable value of human rights, which puts in practice a theoretical principle of the international community, which proclaims that all states are legally equal, but which in practice suffers the hegemonies and the exercise of the faculties of the most powerful. It could be said that, like states, all humans are legally equal, because they have, or should have, all the rights and all the national and universal guarantees in this plane of equality, and that the appreciation of the most appreciated expressions can only arise from the healthy comparison of different expressions, by finding them to be the best articulated, the best executed, that did not follow moulds nor limiting preconceptions.

The publication that the Humanities Research Centre and the Centre for Cross-Cultural Research of the Australian National University now offers, is a collection of excellence, because it is a practical application of human rights, whose manifestations should not be feared, but rather, always promoted.

ENDNOTE

1 (Editors' note) Part of the conference, 'The Diaspora of the Latin American Imagination'.