



Alternative Approaches to International Law (AAIL 2020-21)

Lecture Series by

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Lecture 4

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Post-covid 19 International Law and Multiculturalism

Details about the talk:

Platform: Zoom | Date: 18 January 2020 | Time: 7:30 P.M. IST

Abstract

Multiculturalism – or ‘cultural pluralism’ – is shaped by the uniqueness and plurality of the cultural identities of the peoples and communities making up humankind, and is an emerging value in international law. In fact, culture is the element which determines the uniqueness, identity, and distinctiveness of each human being (as an individual) and community (as a collectivity). Each cultural model existing in the world is unique and irreplaceable, and the cultural specificity of each person or community determines their life aspirations, expectations, and choices.

An international legal order paying attention to multiculturalism is better equipped to concretely help human beings and communities to give realization to such aspirations and expectations. Coherently, a special attention for multiculturalism has recently developed in the field of international human rights law, in the context of which an hermeneutic approach of evolutionary character is progressively evolving, characterized by understanding, interpretation and adjudication of internationally recognized human rights standards through paying particular attention to the particular needs of the people specifically concerned in a concrete case.

Promotion of multiculturalism also represents a driving force in view of creating a favourable environment for stable international relations and peace, through fostering tolerance, mutual understanding and appreciation for cultural diversities, so as to prevent intercultural conflicts and 'to ensure harmonious interaction among people and groups with plural, varied and dynamic cultural identities as well as their willingness to live together', as emphasized by Article 2 of the 2001 UNESCO Universal Declaration on Cultural Diversity. Indeed, as noted by the Constitution of UNESCO, 'ignorance of each other's ways and lives has been a common cause, throughout the history of mankind, of that suspicion and mistrust between the peoples of the world through which their differences have all too often broken into war'.

The current COVID-19 pandemic is disclosing – in a way that has probably never been so evident in the past – that what is commonly defined as the 'Westphalian model' of international law is not adequate to properly respond to the needs of the international community. In this regard, multiculturalism-related implications are multifaceted. In particular, the pandemic is determining a sharp recurrence of negative attitudes to multiculturalism. From its very beginning, multicultural communities have been disproportionately impacted by the plague of COVID-19. For instance, in the United States, African-Americans have been dying disproportionately, while access to healthcare by Asian-Americans has been particularly complex due to racist attitudes against them. Another example is represented by India, where the pandemic has caused a rise of child marriages. More generally, the global epidemic has increased intolerance and lack of understanding for the value of cultural diversity, translating into racial discrimination, marginalization and even persecution of minority groups, as has happened for example as regards the Shincheonji Church of Jesus in South Korea. Throughout the world, indigenous peoples are especially affected by the epidemic and are facing threats of encroachment of their ancestral lands. Multiculturalism is also threatened by a severe decline of international solidarity, taking various forms, including restrictions of flows of refugees and other categories of migrants.

Faced with this kind of reality, the international community should react through increasing recourse to solidarity and intercultural dialogue. Human rights – especially those which attain a key importance in the context of the fight against the pandemic, e.g. the right to health – should be applied in a culturally respectful manner and through guaranteeing equal opportunities in favour of members of all different cultural groups, so as to better face the effects of the pandemic. The positive role of multiculturalism should be maximized, favouring multicultural models of social interaction, in facing the consequences of the pandemic, which are responsive to the specific needs of the diverse communities. A conceptual transformation of international law should be promoted, through increasing reliance on cooperation and solidarity, the latter presupposing promotion of cultural diversity, as well as an increment of intercultural exchanges and multiculturalism. At the same time, certain undesirable effects of multiculturalism, which may adversely affect the fight against the pandemic, should be adequately addressed.