

The Asian values debate and its relevance to international humanitarian law

by

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A lively debate throughout the 1990s on the universal nature of rights and values, and whether these are compatible with the values and concepts of rights common to Asian peoples, has attracted the attention of politicians and scholars in Asia and elsewhere. Although this “Asian values debate” has subsided in recent years, it has incited controversy in many respects. Its political, economic, social, cultural and moral ramifications, its substance, its name, the characterization of the issues, and even the identity and position of many of the individuals who have chosen to take a stand on it or on issues they see as inextricably related, have provoked clashes.¹ In fact, to qualify the discussions on “Asian values” as a “debate” might even be seen by some as a demonstration of unacceptable bias. It is nevertheless submitted that there has indeed been a “debate” over the existence, nature and ramifications of “Asian values”, as related to “Western values”. Moreover, the rhetoric has at times been so intense that onlookers from the sidelines might even

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have felt a certain dizziness akin to that of spectators at a world-class tennis match, whose heads are constantly swivelling back and forth from serve to return.

It is neither the author's intention to define Asian values, nor to take part in the debate, however it may be labelled, although to submit thoughts intended to be dispassionate about it might justifiably be considered an endeavour in which only the naive or reckless might engage. This brief comment is compiled by a non-Asian (though at present living in Australia, but whether Australia is a part of Asia has also been the subject of debate), who has had the privilege of working and living in different parts of Asia for several years and who claims no expertise in the subject. Likewise, it must be recognized that even an attempt at dispassionate analysis may be considered impossible owing to any author's inherent bias, whether cultural or otherwise. Nonetheless, references to what others have published or stated about Asian values should not be construed as taking sides. Similarly, the citation, or not, of high-profile persons linked to the Asian values debate is not meant to indicate support for, or rejection of, their positions. Nor is this comment in any way a summary of the debate itself.

The issue

The debate on Asian values has taken place both within and outside Asia, Asian values having been contrasted to "Western values", and its relevance is clearly evident in terms of the broader issue of the respective duties of States and individuals to one another. It thus also has a bearing on the protection of the individual and States' obligations in that regard. No matter how the issues surrounding Asian values are characterized, it is clear that those values are, or have become, relevant to the broader discussions on human rights concepts and international human rights law. As such, it must be asked what relation they bear to international humanitarian law, to the protection that law

¹ There is even an argument which maintains that the values claimed are those of nineteenth-century Great Britain, propagated by a Singaporean elite, and not necessarily

indigenous to Asia, or not to Singapore. Michael Backman, "Asians and Victorian values", *Far Eastern Economic Review*, 30 March 2000, p. 32.

provides for the individual in the context of armed conflict and to the duties it imposes on States.

The debate has at least two important implications for international humanitarian law: on the one hand, in terms of that law's significance for and implementation in Asia; and, more generally, for the discussions on cultural or value-based influences on the nature or application of the law. It thus seems to raise questions for international humanitarian law in black-letter legal terms, as a body of law which is universal in scope, but also in moral or societal terms, in relation to the law's claim to reflect common interests and ideas. Questions as to the extent to which underlying societal or cultural values shape or create legal regimes are also inherently related to ideas of justice and its sources. But regardless of whether the claim that international humanitarian law is a common human denominator is based either on purely practical and/or pragmatic reasons related to the efficient conduct of warfare, or on more idealistic ones related to fundamental standards of conduct *vis-à-vis* fellow human beings, the Asian values debate is relevant to how we interpret the underlying consensus which created the law, and to its application in all settings and parts of the world.

Asian values have been defined as putting emphasis on a consensual approach, communitarianism rather than individualism, social order and harmony, respect for elders, discipline, a paternalistic State and the primary role of government in economic development, linked to the premise that "there are values and patterns of behaviour that are common to Asian countries and peoples".² In contrast,

² Han Sung-Joo, "Asian values: An asset or a liability", in Han Sung-Joo (ed.), *Changing Values in Asia — Their Impact on Governance and Development*, Japan Center for International Exchange, Tokyo, 1999, p. 4. This volume is a compilation of articles examining "the interrelation of changing values and domestic governance with the foreign policy behavior and international relations of countries in the Asia Pacific region". *Ibid.* p. vii. Each writer (there are articles on China, Japan, South Korea, Indonesia, Malaysia, the Philippines, Singapore, Australia and Europe)

was asked to address various questions from a national perspective, such as the values being contested in society, how socio-economic change is affecting basic values and styles of governance, how such issues relate to the political influence of different groups, the effects on foreign relations, whether governments project values into foreign affairs, or whether governments feel that other countries are projecting values which must be defended against. — The claim that there are shared Asian values has also been a factor in developing relationships among Asian

“Western values” have been associated with transparency, accountability, global competitiveness, a universalistic outlook and universal practices, and an emphasis on private initiatives and the independence of the private sector.³

In his article “Asian values: An asset or a liability”,⁴ from which the above definitions are taken, Professor Han Sung-Joo asserts that Asian values, which have been held up as the driving force behind Asia’s rapid economic development in recent decades, have been used by politicians and scholars for various purposes: to respond to Western criticism of Asia; to legitimize a regime in power or a political system; to protect tradition against perceived detrimental Western influence; as an academic source of enquiry related to rapid economic development; as a source of conflict with the West (many in the West claiming that “Asian values” are in fact values not limited to Asia); and to counter “western emphasis on areas such as human rights and the environment [as] unwarranted interference at best, and revealing ulterior motives at worst”.⁵ The author then proceeds to ask whether the same values which were claimed to have produced an Asian economic miracle are also the cause of the economic downturn of the late 1990s in Asia. He cites one school of thought which proposes that the same Asian values which created economic advantage “during the early industrialization and pre-globalization stage of development, have actually impeded these Asian countries in adjusting to the new age of

nations: in an opening speech to a meeting of ASEAN, the Indian Prime Minister P. V. Narasimha Rao cited shared Asian values as a source of common ground. See Rodney Tasker, “Foreign relations: Rao’s look-east policy”, *Far Eastern Economic Review*, 22 April 1993, p. 16.

³ Han Sung-Joo, *op. cit.* (note 2), p. 7.

⁴ *Ibid.*, p. 3.

⁵ *Ibid.*, pp. 3 and 9.

⁶ *Ibid.*, p. 4. In an interview with *Time* magazine, Singapore’s Senior Minister Lee Kuan Yew cites a different historical background and social values as having made for fast growth, and blames the economic collapse on “a lack of systems, especially the

rule of law”. To the correspondent’s statement that what the Minister had labelled “Confucianism” was the Western way of doing business, he responded “[i]f it is the best way of doing business, it doesn’t matter where it comes from. All durable cultures must uphold honesty, otherwise a society will not survive.” Terry McCarthy, “In defense of Asian values”, *Time*, 16 March 1998, p. 40. In contrast, Malaysia’s Prime Minister Dr Mahathir Mohamad blamed economic troubles on Western speculators and governments. See “Rumpus in Hong Kong”, *The Economist*, 27 September 1997, p. 17. See also “Asian values revisited: What would Confucius say now?”, *The Economist*, 25 July 1998, p. 23.

interdependence and globalization.”⁶ Agreeing that there are also differences in specific values in the Asian region,⁷ Professor Han concludes that:

“[w]hether these values play a positive or negative role seems to depend on a particular country’s stage of development, as well as how specific values within the basket of so-called Asian values are selected and combined. In a globalized world where goods, services and capital move uninhibited across national borders, Asian values can be a liability unless they adapt to the requirements of transparency, accountability, and limitless competition. It is impossible to predict what future role Asian values will play. As in the past, it will depend very much on how societies and governments apply values to the challenges they face.”⁸

For the purposes of our discussion, the most relevant argument as regards the uses made of Asian values and the related debate cited by Professor Han is that they serve as a bulwark against a Western emphasis on human rights which is not “Asian”, and which either constitutes meddling by outsiders or their use of discourse about human rights to further purposes which are inimical to Asian interests.⁹

⁷ The last British Governor of Hong Kong, Chris Patten, argues that Asia’s diversity means that generalization about the region’s values is not possible, as philosophical, religious, governmental and economic points of departure vary radically from place to place. Chris Patten, *East and West*, Macmillan, London, 1998, pp. 157-160. On the view that notions of “Asia” as a region reflect in fact an inherently European view of the world, see Alan Dupont, “Is there an ‘Asian way’?”, *Survival — the IISS Quarterly*, Vol. 38, No. 2, 1996, pp. 13-33.

⁸ *Op. cit.* (note 2), p. 8. In a 1994 opinion, *The Economist* summed up the debate as: “The argument over ‘Asian values’ is not about whether the tide of history may now be

moving east after 500 years of moving west (though that may well be happening), nor about an impending ‘clash of civilisations’. It is about how to organise any rich, modern society late this century and early next; and about how to strike a balance anywhere between freedom and order, and between government responsibility and individual and family responsibility”. *The Economist*, 28 May 1994, p. 13.

⁹ See Li Xiaorong, “‘Asian values’ and the universality of human rights”, *Business and Society Review*, No. 102/103, 1998, p. 81, and Joanne R. Bauer/Daniel A. Bell (eds), *The East-Asian Challenge for Human Rights*, Cambridge University Press, Cambridge and New York, 1999.

In his article “Rights, duties and responsibilities”, Professor Yash Ghai of the University of Hong Kong states that:

“[t]he rise of Asian values as a political doctrine can be traced to the end of the cold war. Its most active proponents were Singapore and Malaysia.¹⁰ It came into prominence to challenge what was claimed to be the attempts of the West to establish its global intellectual and cultural hegemony by imposing Western notions of rights under the guise of universalism.”¹¹

The author explores the development of the Asian values debate in the context of the ideological confrontation between former communist States and the West, the former stressing social and economic rights, the latter civil and political rights. He argues that the West’s representation of the collapse of many communist governments as a victory of democracy and human rights was also used to further Western advantage in various spheres, specifically to define and secure political relationships, even justifying international intervention. Many States were not overly enthusiastic about this approach and its potential consequences for authoritarian political systems, but also for competitiveness in international trade, owing to their particular economic policies. Their response was a direct cultural attack on the assertion that human rights are universal, countering “Western rights” with “Asian values” and a claim that Asia’s economic and social success is based on Asian values, just as the economic crisis and moral decadence

¹⁰ It should be noted that there has been debate on these issues within Singapore and Malaysia, e.g. the reaction in 1992 by a nominated member of the Singaporean Parliament, Professor Walter Woon, to an argument by the government that Mandarin Chinese is an essential medium for transmission of desirable cultural values among Singapore’s Chinese, and a statement by the Information Minister that the number of [Singaporean] Chinese who speak English at home was disturbing. The professor labelled the claimed gulf between Asian and Western values as “dangerously simple-minded”, maintaining

that “good values” can be transmitted in any language. “Teaching old values”, *The Economist*, 28 November 1992, p. 31.

¹¹ Yash Ghai, “Rights, duties and responsibilities”, in Josiane, Cauquelin, Paul Lim, Birgit Mayer-König (eds), *Asian Values – An Encounter with Diversity*, Curzon Press, Richmond, Surrey, 1998, pp. 20-21. This volume compiles essays on values using a thematic approach, i.e. on Buddhism, Confucianism, Islam, Hinduism, colonialism, business practices, and social/economic class. It attempts to tackle the question whether Europe and Asia share common values.

of the West are the result of its preoccupation with rights.¹² Professor Ghai places China outside these arguments, noting that the Chinese response to issues of human rights has been national sovereignty and maintaining that human rights is an issue which depends on each country's unique situation and does not come within the purview of the international community. Although Professor Ghai rejects what he calls the "doctrine of Asian values",¹³ he goes on to examine the argument that rights-based regimes promote confrontation and conflict, and that duty-based regimes promote harmony and consensus.¹⁴

If it is difficult to point to practical consequences of the Asian values debate itself, the amount of literature and comment that it has provoked is voluminous (though perhaps not always substantive).¹⁵

¹² This is the view of the (then) top civil servant at the Singaporean Foreign Ministry, Mr Kishore Mahbubani. "Asian values: The scourge of the West", *The Economist*, 22 April 1995, p. 34.

¹³ "There is no particular coherence in the doctrine of Asian values. Its intellectual roots are weak, and it shifts its ground as expediency demands. Although it is perceived as and intended to be an attack on human rights, it is in fact concerned with ethics and the organization of society, and does not engage directly with the nature of human rights. It sets up false polarities and has a dubious theory of causation with which it seeks to attack the notion of rights. The doctrine of Asian values seeks to achieve various objectives. It seeks to differentiate Asia from the West, and indeed to show the superiority of the former over the latter. Through this differentiation, it seeks to disapply norms of rights and democracy. It claims to fight the gospel of governance by 'demonstrating' distinct cultural foundations of Asian capitalism and markets, which unlike the West, are not dependent on legal norms and independent judiciaries, but the ties of family and kinship and the trust they generate. It aims to strengthen Asian solidarity by posing (a false) unity." *Op. cit.* (note 11), p. 25.

¹⁴ *Ibid.*

¹⁵ For example, one product of the "Asian values" debate is a proposal that in addition to liberalism and socialism there is an ideological and cultural third force, labelled "patriarchalism". "Patriarchalism... both assumes the naturalness of inequalities in the social relations between people and justifies these by reference to the respect due to a benevolent father or father-figure who exercises a 'joint right'." The author suggests "a revival of the human rights project on a more equal civilisational basis that, because it assumes the hybrid nature of all societies, is neither Occidental nor Orientalist, might yet become possible". Anthony Woodiwiss, *Globalisation, Human Rights and Labour Law in Pacific Asia*, Cambridge University Press, Cambridge, 1998, p. 2. — The "Asian values" debate has also provoked national introspection in Australia, e.g. a study focusing on cultural differences in terms of how people in the Asian region, including Australia, think about common problems or societal norms or standards. It examines areas such as business ethics, education, labour relations, national security, and citizenship, in addition to human rights, democracy, the media and government. From an Australian examination of Asian values, Australia's engagement with

Questions regarding the extent to which we can compare the morals or values of different cultures or societies, insofar as they shape our understanding of the world, right and wrong, justice and injustice, and the appropriate relationship between the individual and the State, are, however, clear, and claims in relation to “Asian values” would seem to have tapped a deep vein of thought, emotion and conviction.

In an anthropological analysis of values and social controls of certain groups in South Asia, Christoph von Fürer-Haimendorf introduces his study by noting that observance from the outside is not necessarily conducive to an understanding of the nature of the event being observed.¹⁶ Without an understanding of the underlying cultural, moral and ethical framework in which the event is taking place, correct conclusions about thinking and behaviour cannot be drawn. As an example of how concepts of morality and propriety differ from one culture to another, he uses the illustration of a Tibetan audience viewing Verdi’s opera *Don Carlo*. The scene in which a son confesses his love for his new young stepmother obviously sets the stage for ultimate tragedy in the eyes of Western audiences, whereas a Tibetan audience would not understand the controversy: for them, in traditional terms, there is nothing aberrant in the sharing of one wife by father and son.¹⁷

Von Fürer-Haimendorf goes on to discuss the problem of the relativity of morals, and the variety of interpretations drawn from comparative studies of societies. He concludes however that:

“[a]n understanding between different societies across cultural barriers is explicable only if we assume the existence of something approximating to a common moral language shared by the

Asia “will not so much excite as alleviate anxieties about core values and national identity”. In an attempt to define what values are “Australian”, comparison is said to facilitate the recognition of “core values” in Australian society, labelled “the liberal ideological package... [which is a] product of a long history, in some cases reaching back through the Enlightenment and Renaissance in Europe, and further still to the origins of the Christian

and classical tradition. In this sense, Australian society cannot be regarded as young.” Anthony Milner/Mary Quilty (eds), *Australia in Asia: Comparing Cultures*, Oxford University Press, Melbourne, 1996, pp. 11-12.

¹⁶ Christoph von Fürer-Haimendorf, *South Asian Societies: A Study of Values and Social Controls*, East-West Publications, London, 1979, p. 1.

¹⁷ *Ibid.*

whole of humanity. The existence of such a common language does not mean that all societies use it to express identical moral ideas, but only that there is intuitive agreement on certain basic concepts, essential for any discourse on moral problems.”¹⁸

To return to the Asian values debate, and assuming that the above-cited postulate applies to “values” or ideas of “rights” used as part of the debate, we must ask whether international humanitarian law falls into a category of “intuitive agreement on certain basic concepts” or some form of universality, or whether it represents values not shared by all, especially in its relation to human rights.

The case of international humanitarian law

To attempt an answer, we must first be clear about the relationship between international humanitarian law and human rights, and fit the Asian values debate in appropriately. In essence, the notion of human rights is about political, societal and economic relationships, that is, the relationship between the individual and the collective, the individual and society, or most importantly in most cases, the individual and the State.¹⁹

One notion of human rights, that is, the relationship between the individual and the larger community, can be based on a world view dictated by a philosophy, a religion, an economic construct or cultural or social values. Thus there are notions of the proper or “natural” relationship between the individual and the State and/or collective embedded in Confucianism,²⁰ Marxism, Christianity, Islam, a free market philosophy and indeed all philosophies, which can be compared and contrasted. Such a list arguably includes Asian values.²¹

¹⁸ *Ibid.*, p. 12.

¹⁹ On the notions of human rights and international humanitarian law and their relationship, see Louise Doswald-Beck and Sylvain Vité, “International humanitarian law and human rights law”, *IRRC*, No. 293, March-April 1993, pp. 94-119, and Christophe Swinarski, *Introdução ao Direito Internacional Humanitário*, Comitê Internacional da Cruz Vermelha e Instituto Interamericano de Direitos Humanos, Brasília, 1993, pp. 22-24.

²⁰ See William Theodore de Bary, *Asian Values and Human Rights: A Confucian Communitarian Perspective*, Harvard University Press, Cambridge, 1998.

²¹ For a discussion of culture in relation to human rights ideas in Asia, see “Cultural sources of human rights in East Asia: Consensus building toward a rights regime — A Conference Report”, *Human Rights Dialogue*, Carnegie Council on Ethics and International Affairs, New York, 1996.

Another notion of human rights is that embedded in any national legal system. Laws define a certain relationship between the individual and society, or the individual and the State. A third notion of human rights is that embodied in certain international treaties, commonly known as international human rights law. This body of law is separate from international humanitarian law, although containing areas which overlap with it.

To compare international humanitarian law with the international law of human rights is not only feasible, but has been done in many ways, for it is a comparison of systems of protection of the individual established by the international community or by States in their mutual relations, namely international humanitarian law which applies in situations of armed conflict and which cannot be suspended at any time, and international law of human rights which applies at all times, but of which certain treaty provisions can be suspended under well-defined conditions.²²

Each system of protection reflects a certain view of the relationship between States and individuals. International humanitarian law does not entitle individuals to claim rights, rather it places States and other parties to armed conflicts under constraints and obligations designed to protect people not taking part in hostilities. It creates individual criminal responsibility for crimes. Conversely, international human rights law does give individuals rights, often backing them up with recourse to mechanisms for national or international enforcement of those rights. The greatest difference between the two systems is their definition of the scope of protection required for the individual. They sometimes overlap: both agree that murder, torture and cruel and inhuman treatment and punishment are prohibited at all times, and that individuals have the right to judicial guarantees, to a fair trial and to humane treatment. But international humanitarian law says nothing about free speech, freedom of the press, elections, representative government, and so on, areas which are often the subject of international human rights treaties. International humanitarian law

²² See also (in Chinese) Zhu Wen-Qi, *Outline of International Humanitarian Law*, Peter Chan Publishers, Hong Kong, 1997, pp. 103-112.

overlaps with international human rights law in its most fundamental terms: while people and governments might disagree — and the international treaties do disagree — on what constitutes a human right, in the Geneva Conventions all the world's nations have agreed on what might be called the *most basic human rights* in times of armed conflict. It is in this sense that international humanitarian law might be called the “least common denominator” with regard to the obligations of the State toward individual human beings, albeit in crisis situations where the survival of the State or of its internal order may be at stake.

Of course, the provisions of international humanitarian law can also be compared to notions of human rights as expressed by States in their national laws. However, suffice it to say that all Asian States have ratified the four 1949 Geneva Conventions on the protection of war victims (although in this region ratification of the 1977 Additional Protocols has admittedly been slower than in many parts of the world), and that the Conventions are thus part and parcel of all Asian national expressions of the relationship between the individual and the State or, in other terms, of human rights in armed conflict.

Likewise, international humanitarian law might be examined to determine whether or not it embodies what has been defined as Asian values expressing the proper relationship between the individual and the State. This is a far more momentous task, as it involves looking beyond international humanitarian law as simply black-letter rules, and into the underlying consensus and philosophical world view which incites States to place limits on their conduct when having recourse to armed force. Do the reasons of Asian States for making laws of war differ from those of non-Asian States?

While we cannot in this context examine the customs and laws of war in ancient Asia, there is quite a substantial amount of literature and studies which maintain that the essential principles of international humanitarian law are as old in Asia as in Europe, if not much older, and that the principles which led to the establishment of these laws emanate from a perception of warfare which has been common to mankind through the ages. As in every country, differences in the levels of implementation of these ideas can be seen in the various Asian countries, and it would be incorrect to argue that the same specific

rules can be found historically throughout Asia. But examples of their similarity abound.

In his article on protection of victims of war, "Traditional Asian approaches: The Chinese view", Professor Zhu Li-Sun demonstrates not only that in ancient China customary rules relating to the conduct of war mirror those contained in the Geneva Conventions, but also that humanitarian ideals and values which shaped the ancient Chinese laws of war are enshrined in today's body of international humanitarian law.²³ This is confirmed by Dr Zhu Wen-Qi in his Chinese-language manual of international humanitarian law, who even cites evidence of this law in the China of 4,000 years ago.²⁴ The development of rules of conduct in war is of course different from country to country, and merits specific examination in each case.²⁵ Likewise, the specific reasons behind the development of this law in Asia, whether out of a pragmatic desire for post-war advantage, or versus or complementary to an ideological, political or philosophical framework, merits further study. No attempt will be made here to answer these questions, or to determine whether modern Asian States have professed the same reasons for adherence to international humanitarian law and to what extent this adherence can be traced to past practice.

Concluding remarks

Whatever the reasons for the historical development of rules of conduct in war and modern-day adherence to them, it is clear that in essence the Asian values debate, with the course it has taken, does not threaten the legitimacy in relation to Asia or otherwise of the international system of protection established in the Geneva Conventions. Asian States are no different from the rest of the world in

²³ Zhu Li-Sun, "Traditional Asian approaches: The Chinese view", in D. W. Greig (ed.), *Australian Year Book of International Law*, Vol. 9, 1985, p. 143.


²⁴ *Op. cit.* (note 22), pp. 31/32.

²⁵ See the collection of articles (including those on China, Japan, Malaysia and India) in Greig, *op. cit.* (note 23). See also *Traditional*

Laws of War in Indonesia, Centre for Study on Humanitarian Law, Faculty of Law, Trisakti University, Jakarta, 1999; Mutoy Mubiala, "African States and the promotion of humanitarian principles", *IRRC*, No. 269, March-April 1989, p. 93; Yadh Ben Ashoor, "Islam and international humanitarian law", *IRRC*, No. 215, March-April 1980, pp. 59 ff.

their strong statements of support for international humanitarian law and their levels of implementation. Recent declarations by various Asian governments that they are moving toward ratification of the 1977 Additional Protocols also support the opinion that there is no discrepancy between Asian States' views of the proper scope of international humanitarian law and the provisions of the various humanitarian conventions. In this sense the use of Asian values to assert the contrary would perhaps even constitute an affront to Asian countries.

The analysis in moral terms, or in terms of values, leads to the same conclusion. Whether or not one supports it, the thesis (or theses) of Asian values does not detract from the claim that international humanitarian law reflects common interests and ideas in the most important way, namely in practice. When concerned with protecting victims of the use of armed force, be they wounded or captured members of armed forces, the populations of occupied territories or civilians not taking part in hostilities, all that matters is the underlying practical consensus on humanitarian law in actual application. Pundits may quarrel over the rest, but when deeds match words, the question is whether there was indeed an argument in the first place.



Résumé

Le débat sur les valeurs asiatiques et sa signification pour le droit international humanitaire

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Au cours des années 90, une controverse a vu le jour en Asie sur la question de savoir si les valeurs à la base de codifications universelles sont nécessairement compatibles avec les valeurs acceptées et respectées dans les différentes régions de ce continent. Plus particulièrement et à titre d'exemple, les conventions internationales relatives aux droits de l'homme sont censées exprimer des valeurs reconnues sur le plan universel. Les Asiatiques doivent-ils de ce fait les accepter automatiquement dans cette forme ? Ces valeurs dites « universelles » ne sont-elles pas pour la plupart d'origine occidentale ? – Il apparaît qu'une prééminence des valeurs asiatiques est notamment postulée pour certains aspects de la vie sociale qui sont propres à l'Asie, dont l'ordre interne des États et l'économie. Le droit international humanitaire, par contre, a toujours trouvé des principes équivalents dans les traditions et coutumes ancestrales des différentes nations asiatiques. Par ailleurs, les règles essentielles du droit international humanitaire représentent le plus petit dénominateur commun des règles de droit à respecter dans les conflits pour que l'homme soit protégé contre la violence et l'abus de pouvoir ; à ce titre, elles sont également en harmonie avec les valeurs reconnues en Asie.