

INTERPRETATION OF INTERNATIONAL LAW CAN VARY FROM CULTURE TO CULTURE. PITMAN POTTER IS INVESTIGATING NEW MODELS THAT RESPOND TO THESE CROSS-CULTURAL DIFFERENCES

# CULTURE CLASH



The Asia-Pacific region is home to dozens of nations with distinctive cultures, lengthy traditions and complex societal values. Under the modern forces of globalization, many of these nations are engaged in an unprecedented—and increasing—level of international trade.

When two countries with diverse cultures and values seek to interpret the same set of international laws, misunderstandings and disputes are bound to occur. It was this inevitability that piqued Dr. Pitman Potter's interest in forming the Asia Pacific Dispute Resolution Project (APDR), based at UBC Vancouver's Institute of Asian Research.

"International regulations are often grounded in European liberal norms," says Potter, a Professor of Law, Hong Kong Bank Chair in Asian Research, and former Director of the Institute of Asian Research. "They make perfect sense to us in the Western world but in different economies like China, interpretation of these standards is influenced by a completely different set of societal norms."

## Trade, tradition and human rights

Assembling an interdisciplinary research team of experts in law, political science, anthropology, economics, sociology, dispute resolution and commerce from 12 international universities, Potter sought to compare how international human rights and trade laws are applied in Canada, China and Japan. Their aim was to create new models and develop innovative programs to effectively respond to cross-cultural differences.

"Our purpose was to move away from the preoccupation with political will that often informs questions of compliance with international law," he explains. "For instance, in many Western circles, the view is that when China is not in compliance, it is a question of political will—they know the rules but don't feel like following them. For me, that is an incomplete explanation."

To this end, the APDR team investigated the key role of the interpretive communities—lawyers, government officials, professors, and other legal experts—whose function is to interpret international rules in a local context. Many of these communities do not interact directly, producing distorted interpretations of international law based on conventional wisdom and perception.

Through an in-depth analysis involving archival data, surveys, and thousands of questionnaires, the team focused on selective adaptation, which seeks to explain the ways in which international rule regimes are mediated or interpreted by local values and cultural norms. They also investigated the institutional capacity of various agencies—their cohesion, location, and purpose—to effectively contribute to compliance with international law.

"We're trying to build an understanding of the way that socio-cultural norms affect behavior, specifically with regard to trade and human rights questions," Potter says. "In Canada, there are implications for policy work within key immigrant communities from China, Japan, Indonesia and India. But there is also important learning to be applied in the resolution of commercial disputes and other international conflicts."

## Navigating international conflict

Formed in 2003 with the aid of a \$2.5-million grant from the Social Sciences and Humanities Research Council of Canada (SSHRC), the APDR program has just completed its first phase of investigation with collaborators in Japan (Kyushu, Kyoto, and Waseda Universities), China (Lanzhou and Peking Universities and the Shanghai Academy of Social Sciences), the United States (Pepperdine, Willamette, and George Mason Universities), and Australia (Bond University and the University of Melbourne).

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The first phase of the APDR program has produced a number of useful journal articles and policy briefings that have helped to inform the approach of Canadian trade and human development agencies toward projects in Asia. Seven edited volumes are underway or in press, containing results of the research. Potter's Asian counterparts have prepared similar briefings for their own government agencies. The project's second phase, currently pending a funding decision, will include India and Indonesia—each of which brings an important post-colonial dimension to the research.

"Studying these countries will allow us to appreciate the extent of European influences on the normative foundations of trade and human rights," Potter notes. "Culture is very diverse but not immutable; there is constant flux involving traditions and internal and external influences. Let's not assume that globalization is an inexorable march toward a global liberal ideal. I think local culture is much more resilient than it receives credit for, but even a society as traditional as China or India is still very diverse and constantly changing." ■