

Quality circles and human rights: tackling the universalism and cultural relativism divide

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Abstract The implementation of international human rights law has traditionally been undermined by the dichotomy between universalism and cultural relativism. Some groups regard human rights as more reflective of other culture's and are unwilling to subscribe to them. One response to this is to enable groups to take co-ownership of human rights. Quality Circles based on institutions and technology, and the collaboration they encourage, provide one such means for doing so. What is required is for states to facilitate rather than undermine and censor these processes. Human Rights Quality Circles at different levels represent one way in which the cultural relativism and universalism division can be addressed, particularly in an ever-globalising world.

Keywords Quality circles · Teleology · Co-ownership · Universalism and cultural relativism · Human rights · Global Civic Quality Circles · Institutions · Social networking · Censorship

1 Introduction: quality circles and co-ownership

Quality Circles, which developed in an industrial setting in Japan 50 years ago, were based on the view that quality could be promoted by encouraging employees to participate in decision-making. They challenged the traditional top-down models, which often created unhelpful barriers between members of staff, and recognised that efficiency

could be improved through group effort.¹ They created a participatory and collaborative space that not only affirmed the skills of individuals, but one in which issues could be addressed in the spirit of teamwork. Members of the Circles were encouraged to work together to identify quality solutions to issues.

The Circles were developed as an industrial tool; however, they reflect principles that can be adapted to other contexts. Principally, they are based on the view that there is not necessarily one means to an end, but that successful outcomes are often based on a number of perspectives coming together. Objectives are optimised when all the participants feel that they have *co-ownership* of a process and can contribute to its outcome.

This has been successfully applied, for example, to the educational environment. Some schools have encouraged their students to form Quality Circles in order to complete academic activities. They have been supported to take learning into their own hands and work together as part of a team. This has not only fostered a spirit of co-operation, but has also engendered a culture of responsibility that has enhanced student learning. As Richard Ennals, for instance, observes:

At the level of a single school or university, space can be created for students to take the initiative, going beyond an initial presentation, starting to build a movement. Student Quality Circles are about collaborative learning, rather than competition. We seek collaborative advantage, rather than competitive advantage.²

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¹ See, generally, Hutchins (1983).

² Ennals (2010).

Although, as an industrial tool, quality circles have come in for criticism,³ there is definitely something to be said about a methodology that seeks to promote the fulfilment of ends through collaboration. Undoubtedly, the key rests in the notion of group-ownership and participation that seeks to involve all in goal-achieving.⁴

It is for this reason of group-ownership, which arguably lies at the heart of Quality Circles, that this paper argues that Quality Circles provide an ideal space to explore the dichotomy between universalism and cultural relativism that has affected the implementation of basic human rights. It is suggested that Quality Circles provide a collaborative space for different groups across the world to debate human rights issues, so that they are not perceived to be the product of one side more than the other, but rather the product of a cross-cultural group working together. Different groups can be encouraged to take co-ownership of human rights by working together, as opposed to seeing them as imposed. This argument stems from a basic division between positivist and sociological perspectives of international law, which will now be explored.

2 The social dimension of international human rights law

A positivist view of international human rights law holds that the main actors in the international legal context are sovereign states.⁵ While individuals may be the main beneficiaries of international human rights treaties containing basic rights, whether they can take advantage of these basic human rights depends on if states ratify the relevant treaties, and this in turn depends on the operation of a myriad of technical legal rules in an international legal context.

From a sociological perspective, however, law is anything but only the application of rules. Generally, the way in which the law operates will depend on a wide number of social factors, including the interaction between different agents. For example, with respect to international refugee law, while states may have ratified the Convention relating to the Status of Refugees 1951 and thereby undertaken to assist those who come within Article 1 of the Convention, the manner in which states will in fact fulfil this important legal obligation will depend on how the host population perceive outsiders. This will feed into both immigration

rhetoric and policy.⁶ Thus, domestic refugee law will also be based on the widely held public views and perceptions. The law affects people, but people also affect the law, and if they regard refugees as detrimental to them, this will naturally influence the policies that their state will adopt with respect to the protection of those who have escaped persecution.⁷

From this perspective, public opinion does generally contribute to the implementation of basic human rights norms and one of the major obstacles to the implementation of the universal human rights enshrined in these legal documents is the view held by some groups that human rights norms somehow reflect some cultures more than others.⁸ They have come to see universal human rights as being imposed by the other. For example, after the European Court of Human Rights held under the 1950 European Convention that prisoners should be given the right to vote, many in the United Kingdom claimed that “Europe” was undercutting the United Kingdom’s sovereignty. This resulted in substantial political rhetoric against the European Court of Human Rights.⁹ So, despite the universal nature of human rights, some social groups have come to regard them as “alien” and this in turn has affected how basic rights are applied.¹⁰

At one level, this shows how cultural relativism has affected the enforcement of basic human rights. International human rights instruments, such as the Universal Declaration of Human Rights 1948, were drafted on the basis that there were basic rights that should apply to everyone irrespective of differences. Indeed, as Eleanor Roosevelt, the Chairwoman of the Commission that drafted

³ See, for example, Lawler (1985); see, also, Hill (1991); see also Hutchins *op cit*.

⁴ See, generally, Ben-Ner and Jones (1995).

⁵ Hall (2001).

⁶ See, for example, Gibney (2006): “Of course, in a neutral reading, the term ‘asylum seeker’ simply refers to a person claiming refugee status whose eligibility for asylum has yet to be decided. But it is not the neutral reading that has been taken up by the anxious governments, the populist press, opportunistic governments, anti-immigrant groups, and large swathes of public over the last 15 years. It is largely a view in which asylum seekers are widely characterised as welfare cheats, competitors for jobs, security threats, abusers of host state generosity and even the killers of swans.”

⁷ Schuster (2003).

⁸ Kennedy (2006).

⁹ The Economist (2011): “David Cameron decided to ride the tiger of populist anger today, more or less urging Conservative MPs to vote for an amendment challenging a ruling by the European Court of Human Rights (ECHR), in which the court’s judges objected to Britain’s blanket ban on voting by those serving prison sentences.” See also, for example, BBC News (2011).

¹⁰ For one view, see Allott (2001): “The Degradation of Universal Values: the emergence of potentially universal values after 1945 suffered a deformation as the emerging values were subjected to almost instant rationalization, legalizing, institutionalizing, and bureaucratizing. That is to say, they were corrupted before they could begin to act as transcendental, ideal, supra-societal, critical forces in relation to the emerging absolute statism of society, including democratic society.”

the Universal Declaration 1948, said: “The central fact is that man is fundamentally a moral being: that the light we have is imperfect does not matter so long as we are always trying to improve it...we are equal in sharing the moral freedom that distinguishes us as men.”¹¹ But the enforcement of these basic rights has been affected by the interpretation held by some that they reflect some cultures more than others and, indeed, that outsiders are seeking to impose their views: and some states have also used this as a justification to violate basic human rights.

While cultural differences are indeed very important, the passage from Roosevelt above identifies that there is a minimal level of freedom that defines human beings and which ought to be defended.¹² This view is also implied in numerous human rights instruments. However, what has affected it is a lack of communication and misunderstanding between people on what this minimum level should be and this is something that has also been influenced by cultural differences.

This has been recognised at state level, hence a number of institutions at both the global and regional level have been created to provide a forum for dialogue between sovereign states. However, what is also required are more concerted structures at the civic level to enable people across the world to engage in dialogue and thereby come to some common understanding and claim co-ownership on human rights issues.

One way is through the creation of Quality Circles, which will enable different groups to collaborate together and claim universal co-ownership of human rights matters. This may address the universalism and cultural relativism divide. It is suggested that by setting up Global Civic Quality Circles on human rights at different levels, communities will be encouraged to enter into dialogue and interaction on human rights issues, which in turn may negate the belief that they are based more on one culture than the other. Instead, all people will have a sense of group-ownership when it comes to human rights matters. They will all feel that they have had an input in human rights action and rather than necessarily seeing them as alien; they will instead be based on more democratic foundations. Global Civic Quality Circles will provide a forum for all to take control of human rights matters, which may eventually feed into a more globally coherent and justifiable approach to international human rights law.

¹¹ Glendon (2001).

¹² See also Donnelly (2002): “The source of human rights is man’s moral nature, which is only loosely linked to the ‘human nature’ defined by scientifically ascertainable needs. The ‘human nature’ that grounds human rights is a prescriptive moral account of human possibility. The scientist’s human nature says that beyond this we cannot go. The moral nature that grounds human rights says that beneath this we must not permit ourselves to fall.”

The general belief that Quality Circles can contribute to the promotion of human rights is nothing new. For example, Richard Ennals describes how Students’ Quality Circles also enable students to learn about human rights:

Students’ Quality Circles are an expression of individual and collective human rights, as they enable individuals and groups to take ownership of practical problems and their solution. The learners take the lead, facilitated by teachers. Schools are changed from teaching organisations to learning organisations, and can become leading partners in regional development.¹³

However, it is suggested that the promotion of Global Human Rights Quality Circles is also relevant from a legal perspective. To the extent, as discussed above, that the implementation of law is also affected by social phenomena and discourse, it is argued that such Global Civic Quality Circles in which actors from around the world can come together to discuss human rights-related issues provides a collaborative space for dialogue and group-ownership that may ultimately feed into the implementation of law as well.

This demonstrates the ubiquitous nature of Quality Circles. While they began in industry with the aim of regenerating the Japanese economy following the Second World War, their teleological nature of encouraging the pursuit of ends and quality through circles of participation and co-operation can also be applied in different contexts. They have been applied successfully in education and, now, they can potentially provide a forum to aid the implementation of international human rights law as well.

3 Developing Global Civic Quality Circles

This naturally raises a number of empirical questions. How will such Global Civic Quality Circles fostering group-ownership of human rights be formed? How will they be funded? Once they are established, how will people be encouraged to use them? How will they operate? How will they ultimately feed into the implementation of international human rights law? These are very important questions that need to be addressed.

3.1 The institutional approach

One of the most important questions is how will such Quality Circles be formed. In this respect, there are a number of avenues that can be taken. One is institutional. As Thomas Buergenthal puts it, this was also the general

¹³ Ennals op cit; see also Baligadoo (2011), and Ennals (2011).

approach taken by the Allied powers with respect to the enforcement of international norms in the wake of the Second World War.¹⁴ A number of regional and international institutions were established that provided formal structures and procedures for international actors to debate, develop and enforce international law. Undoubtedly, the most fundamental institution was the United Nations, which established key structures in its Charter, such as the General Assembly, Security Council and Economic and Social Council. Through these organs, the UN has now produced many legal instruments and enforcement mechanisms, particularly in the field of human rights, such as the Human Rights Committee under the International Covenant on Civil and Political Rights 1966 and also provided an important formal space for sovereign states to discuss and debate human rights issues.

Along similar lines, it is suggested that states could specifically fund the development of formal structures open to all, as opposed to specific state and non-state actors, where general civic groups from around the world can meet to discuss and debate human rights issues. These structures could also have rules enabling actors to identify fundamental matters, such as on the environment, food-prices, immigration, to name just a few, and argue concrete action plans in accordance with international treaties and other human rights standards to be transmitted to policy makers. The rules could also prescribe the effect of these plans on the latter. This would directly involve the global civic community in human rights standards so that they no longer see them as different. This may encourage universal co-ownership of human rights matters and minimise the disruption caused by cultural perceptions.

This could be done under the auspices of an intergovernmental organisation, such as the UN, or more locally, through regional organisations, such as the African Union, Organisation of American States, European Union and other regional bodies to foster greater civic dialogue on human rights issues. The relevant organisation could sponsor formal spaces to bring civic groups from across borders together to discuss human rights-related matters. It could then monitor dialogue and produce reports that would go to policy makers and influence laws with regard to the implementation of human rights. It could also provide specialist assistance and support and brings its knowledge to bear in order to ensure that the Quality Circles use evidence and interpret relevant human rights standards appropriately. Different Global Civic Quality Circles could then link together and pool resources in order to produce group work on important issues and reports. This cross-cultural global dialogue, which would be open to all, may add some legitimacy as people would have

more of a sense of group-ownership and less detachment to human rights norms.

The United Nations, for example, already has a Civil Society Network that encourages civic human rights defenders from around the world, particularly non-governmental organisations, to work together on human rights matters. This enables a diverse range of cultures to be represented and heard on human rights-related issues. These national groups are required to submit reports to ECOSOC.¹⁵ These reports may ultimately shape international human rights law, but, of course, the effect of NGOs may sometimes be limited.¹⁶ The Commissioner for Human Rights of the Council of Europe also brings together “national human rights structures” for roundtable conferences.¹⁷

It is not just international and regional organisations that can provide an umbrella under which such Global Civic Quality Circles can operate. Arguably, organisations at any level can act as a host. For example, the City Montessori School in Lucknow, India, is one example of a national organisation that has linked Students’ Quality Circles from across the world, and thereby produced a greater knowledge society on human rights.¹⁸ The School holds international conferences in which thousands of delegates, including Chief Justice from around the world, are invited to participate and talk about human rights and other social matters from a number of cultural viewpoints and the results are then widely disseminated. Thus, many organisations, from international, regional to national, can arguably provide formal institutional structures, both physically and virtually, for groups from across the world to meet to discuss universal human rights matters and thereby have greater group-ownership through participation and collaboration. International NGOs, such as Amnesty International and Human Rights Watch, also provide people with formal institutional structures to take action on human rights matters. Amnesty International, for instance, allows people

¹⁵ ECOSOC Resolution 2008/4.

¹⁶ Bell and Carens (2004).

¹⁷ See, Council of Europe, Commissioner for Human Rights, “Co-operation with National Human Rights Structures” at http://www.coe.int/t/commissioner/Activities/NHRS/default_en.asp (Accessed on 11 June 2011); See also Council of Europe (2008), Committee of Ministers, “Declaration on Council of Europe action to improve the protection of human rights defenders”, accessed via http://www.coe.int/t/commissioner/Activities/HRD/default_en.asp (Accessed on 11 June 2011).

¹⁸ City Montessori School (2011): “In order to strengthen the fledgling worldwide SQC movement, a World Council for Total Quality for Excellence in Education was established in February 1999 with international QC experts from 8 countries on the Board of Directors. The WCTQEE coordinates SQC activities worldwide and works for popularizing QCs in schools and colleges thus raising quality awareness in education.”

¹⁴ Buergenthal (1998).

to join its network and campaign on behalf of victims and also raise donations.¹⁹ Such organisations have also been particularly effective in encouraging universal human rights and greater solidarity around such issues.

The institutional approach, which bring people from around the world together under the umbrella of some formal structure, is fundamental, not least because it provides a defined framework with procedures and resources in which dialogue can flourish. Individuals with a particular interest can form a Global Civic Quality Circle and, provided they qualify, states in general, or relevant international regional or national organisations, may provide them with resources through a formal structure in which they can contribute to the development and enforcement of international human rights norms through dialogue. In this way, they may feel co-ownership of human rights norms through action rather than feeling estranged. This may minimise the effect on basic human rights caused by cultural differences. As UN Secretary General, Ban-Ki Moon, for example, acknowledges, civil society is fundamental to the protection and promotion of human rights.²⁰

Nonetheless, today, any institutional approach is likely to be marred by the same problems that beset the implementation of international human rights law in general. While organisations, such as the NGOs, may provide formal institutions to enable people from across the world to participate in international human rights law making and enforcement, their influence is affected by sovereign interest.²¹ The spectre of state sovereignty and national interest not only affects the influence of social groups in a domestic context, but even more so in the international sphere, where states are often unwilling to heed the wider human rights concerns of groups from around the world. Thus, it is probable that the effect of further Global Civic Quality Circles is likely to be undermined by state interest, which will continue to maintain the universalism and culturalism divide. While cultural difference is of course important, this still needs to be addressed and will also be looked at further below.

3.2 The technological model and censorship

There is another growing movement that can facilitate Global Civic Quality Circles. It is based on technology. Through the use of social networking sites, such as Facebook and Twitter, people from around the world are coming together on a multitude of issues from pop culture to politics, sport to religion. Many human rights

networking groups have also emerged on such sites. For example, Human Rights Watch, amongst other NGOs, has a page on Facebook, where people can post human rights news to the Wall.²² This is contributing to a mutual understanding of human rights and fostering global co-ownership and solidarity along quasi-Quality Circle lines. Facebook is by no means the only social networking site. There are dozens of other such social networking sites, including as Twitter and Avaz. All such sites are adding to a global knowledge society on human rights and bringing down barriers caused by cultural differences. Social networking sites provide an extra-institutional model in which to develop more Global Civic Quality Circles.

The definition of Quality Circles used here is the teleological one provided above. It is a space in which the attainment of ends can be optimised through the spirit of collaboration and co-ownership: and what we have seen recently is some groups using social networking sites to encourage reform and change around a particular end. They have developed quasi-Quality Circles. No doubt some would argue that the use of social networking, particularly during the Arab Spring, has been less about fostering quality amongst people and more about violence, but this paper is not necessarily commenting on legitimacy of the use of social networking during the Arab Spring, but more on how social networking naturally provides a collaborative (cyber) space in which people from around the world can contribute to ends, particularly human rights ones.²³

Social networking fits squarely within the teleological definition of Quality Circles provided above. It may enable the cultural relativism and universal human rights debate to be addressed by arguably providing a collaborative space in which people from around the world can work together and claim co-ownership of human rights issues through action.

Although the claim that social networking can play a major role in human rights development is nothing new,²⁴ what this article argues is that such social networking sites provide a vehicle for the implementation of international human rights law by providing a Quality Circle in which different communities can work together and claim group-ownership of human rights issues, rather than feel estranged from human rights norms. In addition to the institutional approach discussed above, such technological developments undoubtedly provide a space for people around the world to now come to a consensus on common human rights issues through discussion and action, and thereby claim co-ownership that may address to some extent the universalism and cultural relativism divide in

¹⁹ See Amnesty International. Take action, at <http://www.amnesty.org.uk/content.asp?CategoryID=10009>. (Accessed on 11 June 2001).

²⁰ UN News Centre (2008).

²¹ See, for instance, Leckie (1988).

²² Human Rights Watch (2011).

²³ Toney et al. (2010).

²⁴ Rowland (2011).

international human rights law. This goes back to some of the claims made for Quality Circles in the opening of this article, namely that one of their benefits lies in participation and involving people so that they feel co-ownership and not detachment from processes.

However, like the institutional approach discussed above, the use of social networking is also undermined by state interests,²⁵ revealing a tension between the natural forces of globalisation and real-politik that in many ways continues to fuel the divide between universalism and cultural relativism. Globalisation has resulted in many technological advances that have enabled people across borders to communicate with each other, not least the social networking sites discussed above. It has led to global, as opposed to just national discourse on a wide range of issues, particularly through global media.²⁶ One of the natural consequences of this has been the rise of a global culture in which people across the world share similar ideas. It is also arguable that there has also been a shift to a group global ownership of some values, particularly liberal democratic ones in some places. However, some states have suppressed this development. They have censored and restricted the access that some people have to the internet. Political dissidence has been met by imprisonment and, in some cases, harsher penalties. As the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Frank La Rue identified in a recent report, where he called for access to the internet to be protected: “One clear example of criminalizing legitimate expression is the imprisonment of bloggers around the world. According to Reporters without Borders, in 2010, 109 bloggers were in prison on charges related to the content of their online expression.”²⁷ Rather than producing an environment that is conducive to the flourishing of even more Global Civic Quality Circles, they have purposefully suppressed them.

4 Conclusion: Global Civic Quality Circles and the implementation of human rights

Cultural values and those characteristics that make states and peoples unique are, of course, sacrosanct and should be defended. They constitute the fundamental identity of people. However, the human rights commitments that states pledged themselves to after the Second World War, particularly through the UN Charter 1945 and the Universal Declaration also require states to defend basic human rights. This has, to some extent, been undermined

by the universalism and cultural relativism, and some states have justified what are violations of universal human rights on the basis of wider culture and social opinion.

This article has argued that one approach to this is to affirm co-ownership of human rights norms through the Global Civic Quality Circle movement, rather than repress and censor them as some states have done, and that this is becoming even more important in an ever globalising world. People everywhere, as well as state actors, should be made to feel that they own and identify with those basic human rights norms for the reasons given by Roosevelt above, rather than be oppressed for this. Such a growing participatory and inclusive approach through dialogue and group work, which is common of Quality Circles, at different levels including regional and national would ultimately accord with the principle in the Universal Declaration that the implementation of international human rights law should reflect the “inherent dignity and of the equal and inalienable rights,” as all people will contribute to the development of human rights. Global Civic Quality Circles may foster unity and may also minimise the disruption caused by a lack of communication and misunderstanding between cultures, but only if states facilitate this.

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²⁵ See, for example, Qiang (2011).

²⁶ Poster (2008).

²⁷ UN (2011).

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