

Globalisation and Human Rights

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The undeterred trend of globalisation has added a new dimension to the discussion on Human Rights (HRs) entailing several social and economic issues. An array of issues can be raised in the discussions relating to globalisation and its impact on Human Rights. The issue of feasible state policies in the face of high standards in regard to universal Human Rights is coming to the fore as an important area of analysis in this context. Other issues relate to ethics, philosophy, political economy, sociology and what not.

To what extent the trend for globalisation has marred or promoted the possibilities for Human Rights is, however, a crucial question arising in the present context while we enter the new millennium. Undoubtedly, there is a widespread and growing international movement for better protection of Human Rights, which has been clear from the extensive ratification of Treaties and the Covenants by more than 125 countries. The NGOs active at international, regional, and national level have added a new dimension in this discourse. How much longer is the International Bill of Human Rights can be seen from the following tabular presentation.

Basically, Human Rights are supposed to be derived from the principle of human dignity and are considered universal and indivisible. Thus, if people are dying of starvation or some disaster, they cannot exercise their right to vote in an election for a democratic government. While 'Right to Vote' can be claimed and the qualitative aspect of this right can be commanded by the State, no claims over a bundle of goods and services can be made under law, though they may very well be part of the right to basic human needs. Courts cannot summon a State to command such resources, which enable the basic needs for all its citizens, in a poor country. Furthermore, when civil and political rights are amenable to legal protection, they are subject to the nations' accepted practices which differ even among the most developed countries, say of Europe and America.

Not by Law alone

The European court of Human rights which administers the most effective international regime allows countries what it calls a 'margin of appreciation' in its judgements, rather than insisting on legal uniformity. Human Rights are, therefore, not achieved by law alone, but in addition require respect for them, in words and spirit with a margin for due differences among the nations in regard to socio-economic parameters and capacity for enforcement.

Europeans accept some restrictions on media that Americans would find intolerable. The extreme case in point here is the control of media by China. Human rights are relevant and useful so long as the countries respect them in practice to the best of their capacity in terms of resources, enforcing

machinery and social cooperation. The issue here is: “Can something really be achieved by including the minimum levels of living for every person in an international Covenant?”

**The International Bill of Human Rights
Rights Documents and Articles**

*[D= Universal Declaration of Human Rights, C= International
Covenant on Civil and Political Rights and E= International
Covenant on Economic Social and Cultural Rights]*

Life	D3, C6,
Liberty and Security of person	D3, C9
Protection against slavery	D4, C8
Protection against torture and cruel and inhuman punishment	D5, C7
Recognition as a persons before the law	D6, C16
Equal protection of the law	D7, C14, C26
Access to legal remedies for rights violations	D8, C2
Protection against arbitrary arrest or detention	D9, C9
Hearing before an independent and impartial judiciary	D10, C14
Presumption of innocence	D11, C15
Protection against ex-post-facto laws	D11, C15
Protection of privacy, family and home	D12, C17
Freedom of movement and residence	D13, C12
Seek asylum from persecution	D14
Nationality	D15
Marry and found a family	D16, E10, C23

Own Property	D17
Freedom of thought, conscience and religion	D18, C18
Freedom of assembly and association	D20, C21, C22
Political participation	D21, C25
Social security	D22, E9
Work under favourable conditions	D23, E8, E7
Free trade unions	D23, E8, C22
Rest and leisure	D24, E7
Food, clothing and housing	D25, E11
Health care and social services	D25, E12
Special protections for children	D25, E10, C24
Education	D26, E13, E14
Participation in cultural life	D27, E15
Self-determination	E1, C1
Humane treatment when detained or imprisoned	C10
Protection against debtor' prison	C11
Protection against arbitrary expulsion of aliens	C13
Protection against advocacy of racial or religious hatred	C20

Globalisation of Economy

Globalisation as such is not a new trend of this decade. Globalisation in terms of integration of finance, capital, markets (of commodities and services) and technology is, however, a phenomenon of the nineties and is likely to be spurred in the coming decades. For brevity, discussion provided by J. Bhagwati is recommendable [J. Bhagwati, "Globalisation, Sovereignty and Democracy", in *Democracy's Victory and Crisis*, edited by Fritz Stern, et al, (1997)]. Increasing harmonisation not only of consumption and productive activities, but also of labour and environment standards is in store. Already, global observers are indicating the change which is notable in the erosion of powers of the 'nation states' due to globalisation, by way of the expanded activities of the transnational corporations (TNCs).

That is not the only big change. There has been a significant transformation of the international relations among the countries due to the increased role of multilateral organisations, particularly due to the setting up of the World Trade Organisation (WTO). The magnitudes of financial transactions have grown to mind-boggling levels, amounting to trillions of dollars. It was reported recently that transactions in foreign exchange reached to about two trillion dollars per day in April 1999, mainly accounted by the UK, the USA, Japan and Singapore, in that order, followed by Hong Kong and Australia. The emerging centres are South Korea and Taiwan. Such developments would indeed have wider ramifications for international relations as also Human Rights, with wide-ranging implications for the well being of the people at large, including education environment, labour and employment, incomes and trade.

Human Rights (HR) and Globalisation

A big question that now arises is whether the emergence of new international relations, and erosion, or the end, of the 'nation states' (a'la interesting discussion by Kenichi Ohmae), as also of different United Nations organisations/agencies will result in dilution of the present set of Human Rights, at the same time bringing the others into fore.

Besides the problems of erosion of the 'nation-states', there are apprehensions of 'globalution' of policies meaning that changes or reforms or resolutions may be inspired not "from below", or "from above", but "from beyond", i.e. recommendations of the IMF, the World Bank, or the WTO, as recently from the WTO which may force wide-ranging economic and political reforms on the Chinese system globalising even the interiors.

"Glocalization", the phrase of Thomas L. Friedman (New York Times), who also used "globalution", stands for reconciling the world with local culture, practised by Japan and recently by South Korea and, among low-income countries, by Bangladesh and Sri Lanka. The above cute phrases are not liked by many who say they are rather over simplified and may be lacking in substance. Among others, Jagdish Bhagwati says it is the policy decision like removal of trade barriers and not technological advances alone which brought in globalisation and global

prosperity. He rightly argues for the right methods of research, i.e. “read and reflect techniques for analysis”, rather than being waylaid by fashionable phraseology.

‘What-if’ Questions

Apparently, there is no single and definite answer to the above kind of questions. There remain two sides in the evaluation of the relationship between globalisation and human rights. It is important that a balanced and objective analysis is made on the issue by all concerned which has to be an ongoing process. Analytical simulations of economic activities with respect to different aspects of this relationship would provide clue to the ‘what-if’ kind of questions and would enable certain choice-sets for the organisations concerned about Human Rights in determination of priorities. The ‘what-if’ questions include effect of demographic changes, gender awakening, migration of people, capital movements, technology transfers, and ‘development cooperation’ - as it has evolved over period but got diluted in recent years of globalisation.

Simulation Gap

One reason why Human Rights are deemed to be idealistic, and likened only to an international manifesto for economic, social and political activities of different nations, which is least implementable, is that the simulation results are not readily available, whether it is in terms of qualitative observations, or qualitative dimensions of Human Rights, according to regions and countries. All Human Rights seem to have an equal place, with no prioritisation and discussion of trade-off and with no resource dimensions brought out by the concerned fora, which got them, incorporated in the bill.

How financial resource availability at global level can be uncertain causing havoc with the developing/emerging economies was clear at different points of time in the past decades, most noticeable being during 1997 and 1998, the year of crisis, first in East Asia, then in Russia, and later in Latin America. Nor, there is corresponding Charter of obligations and codes of behaviour for those entitled for Human Rights. Undoubtedly, the rights and the obligations—when put together—would only lead to a genuine and practical ‘compact’.

The decision makers as also the lobbyists would have benefited a great deal if it at the multilateral organisation level, as also at the country level, the planning and development agencies would have taken up discussion of both the above dimensions (Rights and Obligations) with due analyses and their wider dissemination.

Expanding Scope for HR

In the absence of the kind of above inputs, globalisation- if seen in the light of expanded availability of knowledge, technology and capital around the world, all at comparative cost and speedy mobility of natural persons, as also low –cost possibility of speedy communications-should also expand the scope for exercising Human Rights, to the extent that the new belief is gaining ground that ‘information is power’ and ‘resources can command anything’. It looks as if the Right to Trade and Right to Development are written on the walls all around the globe, and as if we have now Global Rights in 21st century, notably Right of the TNCs to globalise production and

distribution, as there were Natural Rights (to life, literacy and property) in the earliest period, Civil Rights in 18th Century, Political Rights in 19th Century, and Social Rights in 20th Century. Provided empowerment of minimum knowledge and training, it would appear as if even sky is not the limit for Rights, given the possibilities in airways services, satellite transmission services, Internet, and the like.

Empowerment from Globalisation

Globalisation has undoubtedly empowered those who are ready to chip-in in the expanding network of transport and communications, education and training, finance and capital, technology and R&D.

To the extent finance and capital are globally available to those who can make their economic use, and technologies are unbundled and can be bought in the world market, the importance of resource mobilisation through internal and international capital markets has increased. These developments require wider discussion on the role of the state, on the one hand, and that of the private corporate players, on the other. The partnership of countries depends, besides international political relations, on the market fundamentals and the structures, meaning the institutional wherewithal for trade and technological developments.

Select International Targets

In this scenario the possibilities of increased well-being universally have increased which would go a long way for multiplying achievements in respect of Human Rights, be it the right for universal primary education, higher education, gender equality, access to health services, or be it environmental protection. International development targets in this regard are brought out in recent United Nations Conference. The goals for the twenty- first century thus set are:

- * reduce by half the proportion of people living in extreme poverty by 2015
- * achieve universal primary education in all countries by 2015
- * achieve gender equality in primary and secondary education by 2005
- * reduce infant and child mortality by two thirds and, and maternal deaths by three quarters, by 2015
- * provide universal access to reproductive health services by 2015, and
- *reverse current global and national loss of environmental resources by 2015 (Source; World Bank Annual Report, 1998)

The beauty of these targets is that certain quantitative analysis, albeit narrow and limited, is being made available, under the auspices of several United Nations Conferences as also the World Bank agencies which enable the decision makers to understand the implications of what are they going to aim at. Certain regional and country-level analyses have been coming up in the conference, notably in the popular *Human Development Reports* of the UNDP. However, these are insufficient and it remains a problem to perceive any probability or insurance for their actualising by way of resources needed at global level. Much more difficult is to derive analyses in respect of purely qualitative Human Rights. The problems are not insurmountable though, as many political and

social scientists have recently developed the techniques for such analyses (Guetzkow, Chadwick, to name a few).

Thus, there is need, on the one hand, for expanding the analysis of Human Rights in the non-economic areas, and, on the other, to provide integrated approaches, all in consonance with the resource mobilisation possibilities to broaden the scope for enforceability. The latter would point to the sums to the top policy makers who may be aiming at medium and long-term changes and who may be seeking views from the public at large for transparency, as also for obligations corresponding to the Rights; all towards trying to increase local, regional and international interaction for support to enforce the Rights.

Protecting the Losers

Recalling that globalisation has its own rules and imperatives for survival and growth, and that this trend which is associated with ‘creative destruction’- i.e., perpetual replacing of products and services with more efficient ones entailing competition – how far Human Rights will be in vogue is a big question. The competition may be such that no matter how many times one wins, he or she has to run again to be in the race. Of course, many are likely to loose in the race. The issue arises that the losers will need protection of some kind whether in terms of ‘social safety nets’, or compensation or lowering of standards as well as rights and who is going to manage the resources and organisations to rescue the unfortunate ones. The so-called ‘safety net’ measures can, however, act only as palliatives to cushion the impact of any crisis on poor and vulnerable groups, and they are not a lasting solution. For example, only the resumption of rapid and sustained growth can bring unemployment and poverty levels back down to the pre-crisis levels in East Asia.

New International Economic & Financial Disorder

At international level, there are likely to be no permanent enemies or friends due to globalisation. The international relations can change according to the tides and falls in the international economic race. In such a situation, disarray in international relations would be the rule of the day leading to lowering of the weaker nations’ position and thus lowering of welfare of their people. It is observed that a “new international economic and financial disorder” has recently emerged which marked the years of 1997 and 1998, leading to crisis after crisis in different regions of the world. How these crises affected the people’s rights, and their welfare, even ethnic structures, can easily be seen in the East Asian countries, Russia, and Latin American countries like Brazil, while the fate of the poorer economies and least developed countries continues to be the same.

Reverse Transfer of Resources

With emergence of reverse transfer of resources (gross receipts minus repayments and interest payments) from the developing countries, and drying up of concessional aid about which neither donors nor recipients any more talk, and reversal of the resource transfers from the private sources at little over (-) US\$26 billion in 1998 (likely to be about (-) \$ 5 billion in 1999) from net transfer receipts at over (+) \$ 103 billion in 1996 (see Table below), the surplus countries like Japan, Germany, France, Italy and Britain are sitting tight on resources, and they are silent on sharing of responsibilities, though sharing may be in their own interests in every economic sense, keeping

aside revival aid plans to substitute their banks' pullout of credit of much larger scale, from East Asian countries and Brazil during the crisis period.

TABLE
DECLINE IN RESOURCE TRANSFERS TO DEVELOPING/CRISIS-AFFECTED
COUNTRIES

	1996	1997 (Estimates)	1998	1999 (Forecast)
	<i>US\$ in billions</i>			
Private (net) capital	326.8	259.6	151.9	140.0
<i>Flows of which</i>				
Private Creditors	196.3	119.1	38.6	17.4
(i) Commercial Banks	121.0	24.8	-9.7	-8.2
(ii) Non-Bank Creditors	75.2	94.3	48.3	25.6
Total Equity	130.5	140.5	113.3	122.6
(i) Direct Equity	94.8	116.5	111.0	103.9
(ii) Portfolio Equity	35.7	24.0	2.4	18.7
Memo: Flows to Five Asian Economies*	103.2	-1.1	-26.3	-4.8

*Indonesia, South Korea, Malaysia, the Philippines and Thailand.

Source: Institute of International Finance, "Capital Flows to Emerging Market Economies", Washington, January, 1999, and UNCTAD, "Global Economic Conditions and Prospects", February, 1999.

What Japan announced in October 1998 was \$ 30 bn revival aid (Miyazawa) plan, for next 4 years, which was later added with \$3bn Growth and Recover Initiative with Asian Development Bank (ADB) and more recently \$ 10-30 bn in April 1999 for crisis-hit countries namely for Indonesia, Malaysia, Thailand, South Korea and the Philippines. This may be seen in the light of \$42 bn, which was pulled out by Japanese banks from these countries, during a short period of the crisis (June-July 1998), according to the Bank for International Settlements (BIS).

It is important here to highlight the major impact of such serious failures on the external policies of countries like China. Human Rights as such now carry so much socio-political importance that China has signed International Covenant on Civil-Political Rights in October 1998. It means that China agrees that "Every one shall have the right to hold opinions without interference", and people will have "freedom for expression" and "freedom of association with others". Ratification of the Covenant is to be watched.

On the other hand, many analysts would say that unthinking and uncritical globalisation would only lead to increasing economic disparity and create islands of prosperity amid the ocean of mass

poverty. The issue of Human Rights (besides Right to Development) has to be discussed in the light of such apprehensions too.

A positive conclusion which comes out from such discussion is that there is much utility in highlighting a number of success stories, may be at micro level, may be partial, for the time being, confining to Human Rights, which could be more rewarding because it could lead to mutual inspiration among countries, and persuade them to adopt forward looking approaches without constraining the resources of the overwhelming dimensions, required from the international community.

‘Post Washington Consensus’

The emergence of “Post-Washington Consensus” (PWC) is of some interest in the present context in so far as it could provide a more balanced approach to international development strategies which would be supportive to Human Rights. The available literature on this, however, remains confined to motherhood statements and wishful thinking.

The Washington Consensus held that good economic performance required liberalised trade, macroeconomic stability, and getting prices right. Once the Government left the markets free to allocate resources efficiently they would generate robust growth.

The ‘Post-Washington Consensus’ holds that making markets work requires more than liberalisation, low inflation and determination of prices by market forces. It requires some system of regulations, low inflation and determination of prices by market forces. It requires some system of regulations, promotion of competition and markets, facilitation of technology transfers, and active role of state in building up physical and social infrastructure. Indeed, there are macro-economic underpinnings along with macro economic stability. There are several trade-offs requiring policy deliberation and interaction between the state and the private markets. The goal of the policies should be, besides good economic performance, sustainable-egalitarian-democratic development, which would require complementary strategies. Joseph Stiglitz, presently of the World Bank, has expounded the theme in his 1998 WIDER (Finland) Annual Lecture.

But the ‘apple pie’ approach underlying ‘Post-Washington Consensus’ would equally suffer from the shortcomings discussed above in respect of the existing Charter of Human Rights.

Right to Development

The Right to Development which is under discussion in different fora of the United Nations may be found very attractive in the present context, as primarily it would provide legitimacy to the States in the coming years when the role of market and private sector players will overwhelmingly be emphasised and will be observed operationally. It is well recognised that neither any individual nor any state today is self-sufficient. Thus, the Right to Development point to those rights which can naturally be shared by collective action at national as well as international level. It is claimed that by making the Right to Development a human right – i.e. recognised by all States-it enjoins upon them a code of conduct that not only disrupts the conditions required to fulfil that right, but also actively assess and promote its fulfilment.

Main Hindrances

All the concerned who have been involved in development processes know the apparent, and serious limitations of such a “will-o-wisp” approach, a characteristic of international thinking, which is mostly bereft of ground level realities particularly of the poorer and populous countries. The issue is in what way, such a right will strengthen and empower the hands and minds of those who are on the ‘periphery’, against the ‘centre’, at global level, as also within countries particularly faced with resource shortages and organisational gulfs, which hinder minimum growth even now.

New Initiatives: Role of the Corporate Sector

Thus, basically there is need for new initiatives by a newly recognised set of players. Perhaps, it is for this reason that the United Nations Secretary General recently made an appeal to world business in terms of the need for a ‘compact’ on the global scale, asking corporate leaders “to embrace, support and enact a set of core values in the areas of human rights, labour standards, and environmental practices.”

It is a wholesome truth that many in the corporate world today by their conduct and through their resources are in the position to help this emerging ‘compact’. This approach is fully consistent with the trend of globalisation. In the final analysis, Governments, corporate units, pressure groups, international organisations, ethical/religious leaders all together need to make the existing Human Rights a practical and enforceable set of codes.

The recent Asian crisis and discussion over measures for its solution at all levels has amply shown that globalisation (free short term capital movements in this case) calls for acceptable global institutions and global rules, when not only organisations like the IMF and the WTO are made politically accountable and there is adequate coordination of economic as well as social concerns at the level of all other global organisations, but corporate units, say the top (Fortune) 500 in particular, became conscious of their global obligations, given their resources (including management) and earnings, to share the concerns in their own interests, in the long-run.

Conclusion

Indeed, there is a considerable scope now to bring about wide awareness about obligations, corresponding to the rights, at national and local levels, and at individual and corporate levels, and in rich as well as poor countries. The information revolution ushered in by new IT and Internet can definitely help these efforts and it has potential to change the perspective, outlook and understanding of people, at large, of the emerging global village in respect to human rights and obligations.