

THE IMPACT OF GLOBALIZATION ON HUMAN RIGHTS

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ABSTRACT

This paper critically examines the relationship between globalization and human rights in the contemporary era. While it has brought about numerous benefits, such as enhanced economic growth and cultural exchange, it has also demonstrated significant challenges to the protection and promotion of human rights. The paper discusses how globalization has facilitated the expansion of global markets, trade, and investment, which, in turn, have influenced state policies and practices related to human rights. The paper explores the tensions between the economic interests of states and the safeguarding of fundamental rights, including labor rights, environmental protections, and access to essential services. It analyzes the challenges posed by surveillance, data breaches, and the erosion of privacy in the digital age, highlighting the importance of balancing security concerns with the protection of individual liberties. The tension between states' sovereignty and their obligations under international human rights law in the context of migration is explored in-depth. The paper underscores the need for a holistic approach that balances the benefits of globalization with the protection of fundamental rights. The paper also emphasizes the importance of international cooperation, robust legal frameworks, and effective enforcement mechanisms to address the challenges posed by globalization and ensure the continued promotion and protection of human rights in a globalized world and India.

Keywords: Globalization, Fundamental Rights, Human Rights, United Nations, Liberty etc.

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1. INTRODUCTION

The development of human rights law in response to globalization is not new, and there is nothing inherent in the international system that would prevent further protective measures. A number of U.N. specialized agencies have also addressed the question of globalization. This global development is sometimes viewed as being responsible for exploitation, and other forms of human rights abuses. On the other hand, improvements in human rights are sometimes attributed to the spread of liberal ideas and movements, which is one of the key dimensions of globalization. Globalization is a multidimensional phenomenon, comprising “numerous complex and interrelated processes that have dynamism of their own”¹. It involves a deepening and broadening of rapid Trans-boundary exchanges due to developments in technology, communications, and media². Such exchanges and interactions occur at all levels of governance and among non-state actors, creating a more interdependent world.

2. RELATION BETWEEN GLOBALIZATION AND HUMAN RIGHTS

Global development is sometimes viewed as being responsible for disenfranchisement, exploitation, and other forms of human rights abuses.³ On the other hand, improvements in human rights are sometimes attributed to the spread of liberal ideas, which is one of the key dimensions of globalization.⁴ On the one hand, many⁵ argue that economic integration in trade and investment generates incentives for governments to abuse poor and disenfranchised people, so that repression, exploitation and human rights abuses arise. Economic freedom refers to the internal liberalization of economic rights, such as the “freedom to engage in economic transactions, without government interference but with government support of the institutions necessary for that freedom, including

¹ (U.N, 2000) Globalization and its impact on the full enjoyment of all human rights: Preliminary report of the secretary-General, U.N. GAOR, 55th Sess., 5.

² (UN, 2001)

³ Rabet, Delphine , Human rights and globalization: The myth of corporate social responsibility? Journal of Alternative Perspectives in the Social Sciences, 1(2), 463-75, 2009

⁴ Rosenau, James N. , Distant proximities: Dynamics beyond globalization. Princeton: Princeton University Press, 2003

⁵ Evans, Tony, Trading human rights. In A. Taylor and C. Thomas (Edit). Global trade and global social issues, 31-52. London: Routledge, 1999

rule of law, sound money, and open markets”. Globalization is a multidimensional phenomenon, comprising “numerous complex and interrelated processes that have a dynamism of their own” (U.N, 2000).⁶ It involves a deepening and broadening of rapid trans-boundary exchanges due to developments in technology, communications, and media. Such exchanges and interactions occur at all levels of governance and among non-state actors, creating a more interdependent world.⁷ Human rights violations continue to be the norm rather than the exception. According to Amnesty International (2006), millions of people worldwide are still denied fundamental rights.⁸ While globalization has enhanced the ability of civil society to function across borders and promote human rights, other actors have gained the power to violate human rights in unforeseen ways. International human rights law aims primarily to protect individuals and groups from abusive action by states and state agents.

3. INTERNATIONAL RESPONSE

In his report to the UN Millennium Summit, Kofi Annan, described the world of globalization, “... as a new context for and a new connectivity among economic actors and activities throughout the world. Globalization has been made possible by the progressive dismantling of barriers to trade and capital mobility, together with fundamental technological advances and steadily declining costs of transportation, communication and computing.”⁹ The development of human rights law in response to globalization is not new, and there is nothing inherent in the international system that would prevent further protective measures. The resulting movement led to the creation of the ILO in 1919. Unlike all subsequent international organizations, the ILO engaged all the relevant actors in its operations from the beginning. Using a tripartite structure of representation, the ILO ensured the participation of business, labor, and governments in developing worker rights and minimum labor standards for member states. The international protection of civil and political rights emerged later, becoming an aim of the international community at the end of World War II in response to the atrocities committed during that conflict.

⁶ U.N. (2000). Globalization and its impact on the full enjoyment of all human rights: Preliminary report of the secretary-General, U.N. GAOR, 55th Sess., 5

⁷ Steiner, H., & Alston, P. (2000). International Human Rights in Context (ed.) 940

⁸ <http://www.personal.umich.edu/~alandear/glossary/e.html> , Visited on 20 April, 2018

⁹ Robinson, M. (2002). UN high commissioner for human rights ethics. Human rights and globalization second global ethic lecture. The Global Ethic Foundation University of Tübingen, Germany

U.N. bodies and specialized agencies, such as the U.N. Children's Fund (UNICEF), the U.N. Educational, Scientific and Cultural Organization (UNESCO), the Office of the U.N. High Commissioner for Refugees (UNHCR), and the U.N. Environment Programme (UNEP), have all carried out work that has implications for the overall response by the U.N. to the phenomenon of globalization. On the regional level, the European Union, in the context of negotiations for the fourth Lom Agreement with countries of Africa, the Caribbean, and the Pacific (ACP states), sought to include good governance in public affairs, democracy, respect for human rights, and respect for the rule of law, essential in the elements of the accord, with the termination of assistance for non-respect of any of the elements.

Jurists are analyzing the issue whether globalization impacts on the implementation of human rights as stated in the Universal Declaration of Human Rights (1948) and the subsequent United Nations agreements, particularly the covenant on civil and political rights (1966), the covenant on economic, social and cultural rights (1966) and the declaration on the right to development (1986). They often relate one aspect of human rights to the other aspect of globalization for instance relating poverty in developing countries to debt or relating unemployment to privatization, or relating health deterioration to the monopoly of medicine patents. They also enumerate the aspects of deteriorations in human rights, such as impoverishment and lowering standards of living, increasing inequality, discrimination, deprivation of satisfaction of basic needs such as food, clean water, housing, and illiteracy....etc. The impact of the adverse consequences of globalization on the enjoyment of human rights is multidimensional; all aspects of human existence be they political, economic, social or cultural, are affected. The negative impact on one dimension of human rights, e.g. economic rights, necessarily has a domino effect on other rights. Vienna Declaration and Programme of Action, 1993 that human rights are "universal, indivisible, interdependent and interrelated".¹⁰ Today, international human rights obligations have to be viewed through the prism of this fundamental principle. The Charter of the United Nations recognizes the important linkages between the maintenance of international peace and security,

¹⁰ Oloka-Onyango, J., & Udagama, (1999). The realization of economic, social and cultural rights: Globalization and its impact on the full enjoyment of human rights, Preliminary report, Sub-Commission resolution 1999/8

the establishment of conditions of economic and social progress and development, and the promotion and protection of universal human rights.¹¹

In a resolution on the question of the impact of globalization and its effect on human rights, the United Nations General Assembly recognizes that: ‘while globalization offers great opportunities, the fact that its benefits are very unevenly shared and its costs unevenly distributed represents an aspect of the process that affects the full enjoyment of all human rights, in particular in developing countries’ (UN). The United Nations General Assembly emphasizes that: ‘While globalization, by its impact on, inter alia, the role of the state, may affect human rights, the promotion and protection of all human rights is first and foremost the responsibility of the state’ (UN). It is put forward here that the Declaration on the Right to Development sets out a national and global framework of responsibility for states to do so. Human rights discourse has also been devoted to the study of multinational corporations and their direct effect on human rights.¹²

4. IMPACT OF GLOBALISATION ON HUMAN RIGHTS

There are group of “human rights” in the form of economic rights, labor rights, cultural rights, civil and political rights etc. The globalization is considered to have an impact on the following rights as:

- The admission to the WTO of nations that violate human rights extinguishes opportunities for valuable sanctions to discourage such violations.
- Open trade causes production to relocate to areas where environmental standards are lax and results in environmental degradation. Likewise, the competitive pressures that result from open trade cause regulators to lose control over local regulatory matters and precipitate a race to the bottom over matters such as social welfare standards, environmental standards, and worker protection legislation.
- Open trade exacerbates inequality in the distribution of income.¹³

¹¹ (Charter of the United Nations, 1945), Preamble, articles 55- 56

¹² Addo, M. (1999). Human rights standards and the responsibility of transnational corporations. (Eds.) The Hague: Kluwer Law International.

¹³ Sykes, A., O. (2003). International trade and human rights: An economic perspective. The Chicago Working Paper Series Index. University of Chicago Law School.

Similarly, the negative impact of globalization

- especially on vulnerable sections of the community results in the violation of various rights guaranteed by various Covenants in particular on the;
- the enjoyment of fundamental aspects of the right to life, -freedom from cruel, inhuman or degrading treatment,
- freedom from servitude, the right to equality and non-discrimination,
- the right to an adequate standard of living (including the right to adequate food, clothing and housing),
- the right to maintain a high standard of physical and mental health,
- the right to work accompanied by the right to just and fair conditions of labour,
- Freedom of association and assembly and the right to collective bargaining, have been severely impaired.¹⁴

Developing States are, more often than not, compelled by the dynamics of globalization to take measures that negatively impact on the enjoyment of those rights.¹⁵ Globalization has not caused “developing” countries to catch up with the developed world. Inequality has risen during this present globalization period. The developed world - their intellectuals and policy makers - view globalization as “providing good opportunities for their countries and their people.” Globalization can be preserved from two angles. One angle is that globalization is a means of increasing the wealth of nations and promoting international trade. However, globalization is a direct cause for the widening economic gap between “developing” countries and “developed” countries¹⁶. There is relationship between globalization and equality and non-discrimination in a more concrete fashion. The two concepts are central to the corpus and ethos of human rights instruments and practice. The Universal Declaration and other human rights instruments are unequivocal in their declaration that all persons are equal, and that the right to non-discrimination is a basic and fundamental human right. Inequality and discrimination unfortunately existed long before globalization was recognized as a distinct phenomenon on the international scene.

¹⁴ Ibid.

¹⁵ Supra Note 10.

¹⁶ (Waldron, 2010) Globalization and its impact on the development and protection of human rights evaluations and Recommendations. *Guyana Journal*, Retrieved from: [http:// www.guyanajournal.com](http://www.guyanajournal.com)

Among the distinct groups of society upon whom globalization's impact has been most telling, women clearly stand out. Few observers will deny that the general issue of gender relations globally, and the question of women's human rights specifically, has undergone significant transformation. Spurred on by the various international conferences, declarations and, most significantly, by the Convention on the Elimination of All Forms of Discrimination against Women, the respect for and recognition of women's human rights has made significant advances worldwide. The phenomenon of globalization adds greater complexities to this quest, particularly in the economic arena, but also within the context of culture and politics. Women in the agricultural sector have also been adversely affected by the promotion of export-oriented economic policies, trade liberalization and TNCs' activities in agriculture-related industries. Emphasis on export crops has displaced women workers in certain countries from permanent agricultural employment into seasonal employment. Subsistence farming has been severely affected in the new economic environment, leaving women farmers to seek seasonal employment.¹⁷

It is increasingly becoming clear that it is no longer tenable to draw a neat distinction between the nature of State obligations with regard to civil and political rights on the one hand, and economic, social and cultural rights on the other. United Nations human rights mechanisms have debunked the traditional view that civil and political rights entail only negative obligations, while economic, social and cultural rights give rise to the more complex issue of positive State obligations which require resources to be expended. The United Nations Human Rights Committee has interpreted certain rights guaranteed by the ICCPR as entailing positive obligations. This is clearly the case with regard to the right to life. In General Comment 6 (16) on article 6, the Committee interpreted (Report of the Human Rights Committee, 1982) the right to life in a broad manner that requires States parties to take positive action, e.g. to reduce infant mortality, to increase life expectancy and to take measures to eliminate malnutrition and epidemics.¹⁸

The negative effects of corporations on human rights in development can be divided into two categories. First, the corporation may directly violate human rights by itself or in conjunction with another actor. This typically involves civil and political rights, such as the right to personal

¹⁷ United Nations Development Programme (1999). Human development report. Oxford University Press, 1999, Chapter 4 & 5.

¹⁸ McGoldrick, D. (1991). The human rights committee: Its role in the development of the international covenant on civil and political rights, Clarendon Press, 329-330

security. The second category concerns indirect effects. This involves the corporation's influence on host governments. Corporations can undermine the state's ability to fulfill human rights law. They use their influence to encourage governments to adopt policies of liberalization, deregulation and privatization that ignore human rights consequences. This second effect concerns mostly economic, social and cultural rights, which are vital in developing states.¹⁹ Corporations are the engines of economic growth upon which states depend for the provision of the right to development. Increasingly, corporations are more economically powerful and influential than the developing host-states from which they extract their profits.

Members of the World Trade Organization when negotiating and implementing international rules on trade liberalization, should bear in mind their concurrent obligations to promote and protect human rights, mindful of the commitment made in the Vienna Declaration 1993, that human rights are the first responsibility of governments.²⁰ While the WTO agreements provide a legal framework for the economic aspects of the liberalization of trade, the norms and standards of human rights balance this by offering a legal framework for trade liberalization's social and ethical dimensions.

The human rights violations resulting from globalization are failures of governance. Human rights law is capable of monitoring and regulating foreign investment. Respect for human rights requires governments to protect, promote and fulfill obligations.²¹ The right to development process can provide a framework focused on the implementation of a rights-based approach to development. The right to development is versatile and promotes global responsibility for globalization. The Declaration on the Right to Development requires states to guarantee rights in a manner applicable to globalization. In order to be universal and remain relevant, human rights law must protect those marginalized by the exigencies of globalization by empowering local peoples.²² Development strategy consists of liberal trading regimes with a reduced role for the state. Despite the new challenges arising from the globalization process and, the state remains the only full subject of

¹⁹ Rajamoorthy (Undated). Development and Human Rights. Retrieved from: <http://www.daga.org/press/ia/glob/glob04.htm> Visited on 21 April, 2018

²⁰ <http://www.law.uchicago.edu/Lawecon/index.html> , Visited on 21 April, 2018

²¹ Ibid.

²² De Feyter, K. (2005). Human rights: Social justice in the age of the market. Zed Books, 2

international law responsible under human rights law. It is the state, acting individually or collectively, that ultimately controls international relations.

The protection of rights generally requires a legal system that is effective and credible, and such systems do not come free. Moreover, many rights require some additional sacrifice of other human wants—minimum wages, rights to unionize, environmental standards, and social security systems, for example, all come at the price of an increase in the cost of goods and services, or an increase in taxation. Not all effects of globalization will infringe “human rights,” but some of them may.²³

5. CONCLUSION

In an age of globalization, the struggle for human rights has become more complex and challenging. Realizing human rights especially economic and social rights is becoming increasingly difficult. One of the most profound challenges that we face as a community of nations is to understand better the emerging socio-economic forces and forms of globalization, to shape them to serve our needs and to respond effectively to their deleterious consequences. Human rights can balance forces of globalization within a just international legal framework. Maintaining balance between globalization and protection of human rights should be a priority. Human rights are what make us human. They are the principles by which we create the sacred home for human dignity. Human rights are what reason requires and conscience commands.

6. SUGGESTIONS

- A global watch should be established to monitor and report the unethical transactions that take place between the governments of developing nations and global corporations. The governments of developing nations should not continue to get rich by selling their factors of production (land, labor) to global corporations.
- Requirements to become a free trading nation should be revised. Present requirements eliminate many developing countries. Developed countries need to do more to assist by making it easier for developing countries to benefit from trade and investments.

²³ <http://www.law.uchicago.edu/Lawecon/index.html>.

- Treaty-based mechanism focusing on the responsibilities of multilaterals as well as private actors in protecting human rights is an extremely significant step in the current economic environment.
- Efforts by states to create investment rules must be subjected to scrutiny and analyzed through human rights discourse.

