

AN ANALYSIS OF HUMAN RIGHTS IN THE ERA OF GLOBALISATION

MANISH KAPOOR*

ABSTRACT

Recognition of a wide range of human rights and fundamental freedom in a series of treaties, conventions and declarations is one of the most revolutionary development in the history of homosapiens. It has aroused aspirations and expectations of people all around the world and created an awareness of human rights problems and the necessity of their effective implementation and enforcement. But these rights are not self-implementating and depend for their realization on the availability of adequate financial resources, courts and institutions and above all international cooperation and assistance. Article 28 of the Universal Declaration of Human Rights underlines this fact states: "Everyone is entitled to a social and international order in which the rights and freedoms set forth in the Declaration can be achieved."

KEYWORDS:- Globalisation, Justice and Equality, Cultural Rights, Nationalism, Conflicts.

* Assistant Professor, Post Graduate Deptt. of Economics, DAV College, Amritsar-143001. (Punjab, India).

Introduction :

The dramatic impact of globalization on the World economy and the resulting changes in the international order have created new challenges and new opportunities for the legal protection of human rights. As we will see later, globalization means a policy of economic liberalization, a reduced role for the state, a greater role for non-state sector, and privatization of welfare scheme, like health, pension and education. It means more competitiveness of national economies, firms companies, and individuals, As Dr. Guy standing up aptly notes, 'this in turn, has created a lot of pressure on people to be better than other' to outwit one another, encourage short term opportunistic activities and has created a sort of frenziness'. Against this background this paper highlights the impact of globalization and its consequence on human rights.

2. THE CHANGING DIMENSIONS OF HUMAN RIGHTS

Human rights and democratic movement, have dramatically changed human thought, life and institutions and aroused a lot of expectations and aspirations of the people across the globe. Although there are a variety of specific formulations for the philosophical foundations of the concept of human rights, the current talk of human rights views these rights in terms of natural attributes of human dignity and as 'a common and unifying expression of all people's deepest aspirations to live freely and securely in a just and peaceful world'. These rights are universal and egalitarian in the sense that they are believed to be held by all individuals by virtue of their intrinsic dignity as human. Although the concept of human rights is now new, its internationalization as a result of the adoption of the U.N. Charter and conclusion of a series of human rights treaties and covenants is of recent origin. Yet the universality of human rights faces serious challenges from the nationalist ideologies and the forces of communitarian commitments although there now appears to be 'a remarkable international normative consensus' on the list of human rights. It is important to recognize that these rights are not static but dynamic and evolve and expand in response to new threats and challenges to human dignity. As the matter stands now, the concept of human rights encompasses not only civil and political rights but even social and economic rights and third generation or solidarity rights.

The human rights agenda has expanded over the years to include the following: the application of the rules of international humanitarian law to civil wars and non international

armed conflicts, revival of ideas of internationally recognized and protected regimes of minority rights, the creation of the post of the U.N. Human Rights Commissioner, the emerging right to democratic governance, the internationally recognized right to environment, rights of persons with disabilities and mentally retarded persons, the recognition of the close linkage between cultural pluralism and group identities and finally the problem of reconcilability between disuniting multiculturalism and a common national culture. The Asian debate over the universality of human rights and the onslaught of the alternative perspectives of human rights on the Western conception of human rights do highlight the need to adopt a holistic human rights on the integration of all the diverse approaches and perspective of human rights and which accommodate the differing needs and aspirations of all nation-states, large and small, industrialized and non-industrialized. Issues raised by the current move towards greater enforcement of human rights norms, rise of ethno-nationalism and religious fundamentalism, present serious challenges to the implementation of human rights. The increasing willingness of the powerful states to regard human rights abuses as an acceptable justifications for various kinds of intervention including diplomatic and economic sanctions and even humanitarian intervention involves a serious threat to the sovereignty and territorial integrity of weak states.

3. GLOBALISATION : PROGRESS AND ECONOMIC PERSPECTIVES

Globalization is widely considered to be the fundamental dynamic of our time an epoch making event/phenomenon in the history of mankind radically transforming social and economic relations and institutions in the present century.

Although globalization has affected all facets of our life it is increasingly becoming synonymous with development, growth in trade, technology finance, international civil society actors, global operation of transnational corporations, vast increase in transboundary communication and information exchanges, economic liberalization, privatization, deregulation, hegemony of market capitalism. From this perspective globalization offers a host of opportunities for optimum utilization of resources, availability of capital and finance, maximization of consumer welfare and technology for economic development. Analysts seeing globalization as an ideology argue that it is the political project of a transnational capitalist class : It is a consciously pursued strategy and is formed on the basis of an institutional structure set up

to serve and advance the interests of this class. In any case globalization is a reality in today's globalized world and it has introduced unending predictability and uncertainty in the society.

4. MAJOR CONSEQUENCES OF GLOBALIZATION

Although states are still active in norms formation and the pursuit of inter-state activities the shape-direction, nature and scope of inter-state action are changing. Though they will continue to provide certain services, they will no longer pretend to solve all the problems of people in a particular country" The erosion of the nation-state law is bound to affect the nature of world politics and international law. Globalization has put the Westpholian model of state system on which international law is founded and thrown up new concepts of 'global governance', 'international justice', 'global polities', 'transnational civil society etc.

Another major consequence of globalization is 'globalization' from below, a phenomenon fuelled by the ongoing process of 'globalization from above'. Economic globalization', has inadvertently nurtured transnational social forces concerned with environmental protection human rights, peace and human society. Transnational society created by globalization consists of groups, individuals and institutions which are independent of the State and of state boundaries, but which are, at the same time, preoccupied with public affairs'. Transnational society, according to Richard Price, refers to 'a set of interactions among an imagined community to shape collective life that are not confined to the territorial and institutional spaces of states'. The increasing growth of international, regional and even local networks with similar human rights concerns have made global campaign possible outside the framework of inter-state meetings. But globalization is not only an 'out there phenomenon' but also an 'inhere phenomenon'.

Globalization has effected even intimacies of personal identity and even local communities are feeling the impacts of new concepts of 'justice' and 'equality'. Globalization of culture is the most significant consequence of economic globalization. The globalization of culture is leading to the homogenization of the World wherein-instead of differences among territorial units which were mutually exclusive, there is now uniformity'. It has manifested in 'Mcdonaldization' and also has created 'a growing element of global there is now uniformity'. It has manifested consciousness in the way members of society act'. But regrettably this globalization induced unity is a 'paradoxical unity', it 'pours all into a amaelstrom of perpetual

disintegration and renewal of struggle and contradiction of ambiguity and anguish'. It is being resisted by Muslim fundamentalists and individuals and communities facing marginalisation, enormous pain and suffering on account of global integration of national economy.

Another fallout of globalization is the formation of economic, social and culture associational formations around identity markers as a survival tactic and means of protection of the collective interests in the increasingly globalized world. The alienation of the deprived neglected and all those who fail to keep up with the pace set by a high each knowledge based society is sufficient to fuel the rise of ethno-nationalism or reactive nationalism. Their anger, frustration or disillusionment are likely to be exploited by the forces of religious fundamentalism terrorists, militants and insurgents. These negative developments not only threaten the human rights of others but also pose a serious challenge for the territorial integrity of states. It is a too well known fact that globalization has generally benefited only the industrialized world. Not only the distributional benefits of globalization vary from country to country even within a country benefited from it, it has had different effects on different segments of the population.

So far as developing countries are concerned, globalization has increased poverty, unemployment and social insecurity. Their imposition of high global norms in relation to trade and pursuit of protectionist policies by the developed countries very often in the name of upholding of human rights, high agriculture subsidies in these countries and their protectionist policies continue to create obstacles to the realization of basic human rights in developing countries. The apparent bias of the WTO Agreement and covered Agreements in favour of the industrialized countries and the exclusion of labour mobility and knowledge dissemination from the current process of globalization are responsible for the increasing woes and plight of the poor countries and world's poor by globalization.

5. IMPACT OF GLOBALIZATION ON ECONOMIC AND SOCIAL RIGHTS

While globalization offers great opportunities, its benefits are very unevenly shared and its costs are unevenly distributed'. The Copenhagen Declaration and Program of Action also recognized the negative side effect of globalization : 'the rapid process of change and adjustment have been accompanied by intensified poverty, unemployment and social disintegration. Threats to human well being, such as environmental risks, have also been globalized. Furthermore, the

global transformation of the world economies are profoundly changing the parameters of social development in all countries. The challenge is how to manage these processes and threats so as to enhance their benefits and mitigate their negative effects upon people'. Globalization and the worldwide struggle for competition have been detrimental to the interests of the world's poor because the profit seeking private sector, particularly the TNCs hardly pay any attention to a range of social objectives.

To quote former UN Secretary General Kofi Annan 'for too many people in the world today open-ness loom as a threat'. Increasing poverty and unemployment resulting from globalization have devastated the population of the third world. Globalization has also given rise to 'an increasing concern about the loss and near-disappearance of public space: education, health and different form of social protection'. Even in the industrialized world deregulation and austerity policies of governments have weakened the social safety net which is getting further overburdened by those who can not complete with the powerful. The way globalization has been implemented so far has reduced sovereign policy domain, deeply affected the global economic environment, introduced risk and uncertainty in trade, industry and finance, and above all has caused pain and suffering to the world's poor. Globalization has made adverse impacts on the social, economic and cultural rights of the impoverished, deprived and disadvantaged sections of society. Structural adjustment packages demanded by both the World Bank and the IMF have been particularly devastating to vulnerable sectors of the population. The Special Rapporteur's Study of IFI concludes that : The relative decline of national sovereignty and domestic control over local economic processes and resources and the corresponding growth in the level to which the international financial agencies directly influence domestic policy decisions are clear aspects of the adjustment process which conclusively affect economic, social and cultural rights. Structural adjustment packages are also detrimental to the ecosystems and natural resources of the developing countries.

Several factors are responsible for the failure of international law on this score. First, inter state mechanisms which could and should logically regulate the behaviour of non-state actors, which are in fact the principal agents of globalization, are weak and the political will to strengthen the and create new ones is missing. At present TNCs, IMF, World Bank and investment firms, largely operate outside the ambit of international law and are not amenable to

the international rule of law and human rights. Secondly the legal text of the International Covenant on Economic, Social and Cultural Rights and the implementing mechanism envisaged under it are too weak. Thirdly, industrialized countries and the main agents of globalization attach too much importance to civil and political rights, but they do not care for social, economic and cultural rights. It may sound intriguing but is a fact that many developing countries are more responsive to the needs of TNCs and investment firms than to the needs of the poor, powerless and voice less sections of their own populations.

6. CONCLUDING OBSERVATION :

It is widely believed that globalization has a potentiality to offer a host of opportunities for economic growth, employment generation and the well being of people but the current course of globalization is so narrow and limited that it has proved detrimental to the interests of the world's poor. Sadly, economic globalization has not led to markets becoming genuinely free. It has led to wide economic inequalities in the world and created new economic insecurities. It has adversely affected the economic and social rights of people across the world. But since globalization seems to be an irreversible process the problem before us is how to make it genuine, fair and equitable so that benefits can reach equitably to world's poor and developing countries. It requires a political, economic, ethical and spiritual vision based on respect for the human rights of all people and to human well being as the end, with open, markets and economic growth as means. The international community should strive to make the main agents of globalization, TNC's, IMF World Bank and investment firms amenable to the international rule of law and human rights. The U.N. should also look beyond the existing mechanisms for protecting human rights and adapt and strengthen them so that the challenges of globalization can be overcome and managed. We concur with Michael Posner that 'to give practical meaning to economic and social rights it is necessary to develop more precise definitions and standards for those rights. [and] to develop enforcement strategies on both national and international levels'. The task of making globalization inclusive and equitable is daunting but not insurmountable and U.N. Millennium Declaration provides the necessary framework for it.

To deal with the unsavoury aspects of globalization, a host of international actions are needed in the following areas: global trade, capital flows, official development assistance and pandemics like HIV/AIDs, armed conflicts, commodity price and environmental degradation,

representation of poor countries and poor people in global forums. To conclude, while globalization poses new challenges to the protection of human rights, the space it provides, the emergence of transnational society, ideas of good governance' project, according to Professor Richard Falk, 'involves not only the deepening of democracy in state/society settings, but the outward extensions of democracy to transnational arenas fashioned by states, corporations and banks, and the inward extensions of human rights to villages, rural areas, as well as to schools, homes and the workplace'.

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