

Effect of Globalization on Human Rights

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Abstract

In globalisation governments require to put up the instructions of the international agencies such as WTO, IMF and World Bank. So, governments find themselves in a very paradoxical situation. If they try to put up with UN Human Right agreements 1948, they would be violating the globalisations agreements. Violations of human rights agreements are not met by practical punishments, on other hand violations of economic rules of globalisation agreements are met with very severe practical measures such as economic boycotting and cutting of financial aids. So in order to promote the globalisation many countries open their doors for MNCs and TNCs. But these MNCs and TNCs become more power than the government and following the principle of divide and rule for gaining more and more profit. So, this paper try to examine the existing Human rights condition in reference of economic globalisation, and highlights how these MNCs and TNCs violated a wide range of Human Rights in different countries.

Keywords- Globalisation, WTO, IMF, MNCs and TNCs.

Effect of Globalization on Human Rights

Globalisation is the new buzzword that has come to dominate the world since the last 19th century with the end of the cold war and the break-up of the former Soviet Union and the global trend towards the rolling ball. If globalisation is conceived as turning the whole world into one global village in which all peoples are increasingly interconnected and all the fences or barriers are removed, so that the world witnesses a new state of fast and free flow of people, capital, goods and ideas then the world would be witnessing unprecedented enjoyment of Human Right everywhere because globalisation is bringing prosperity to all the corners of the globe together with the spread of the highly cherished values of democracy, freedom and justice. It is a generally accepted fact that globalisation, mainly economic one-a new supranational order somehow 'beyond' or 'over' the sovereignty of individual states has dramatically diminished the importance of each single state's jurisdictional lines for the conceptualisation and resolution of problems facing its own citizens and international community in general.

Human rights including the right to enjoy life, freedom from torture and cruel, inhuman, degrading treatment; forced, slave labor, arbitrary detention, deprivation of security of person or injury to health; enjoyment of a clean and healthy environment the latter also implicating interrelated international law recognising private responsibility for pollution and freedom from discrimination. One should also consider private corporate deprivations of rights such as free choice in work, fair wages, a "decent living," and remuneration for work of equal value, safe and healthy working conditions, protection of children from economic exploitation and protection of mothers. Since the Universal declaration of Human rights in 1948, many countries of the world, whether in the north or the south succeed in enhancing the implementation of human rights, particularly in the economic, social and cultural domains simply through policies of subsidising food, housing and services such as health care, transportation, sanitation, culture and education. Many countries, particularly in the south made considerable achievements in the field of the right to work by taking decisions to protect local industries from competition and thus creating job opportunities for their population.

On the contrary globalisation agreements require governments to abide by the global market mechanisms and to follow the instructions of the international agencies such as WTO, IMF, and the World Bank. The adoption of the wide-open door policy by governments requires issuing laws which impedes another fundamental Human Right declared by UN that is the right to development. Laws allowing the free flow of capital and goods with almost no restrictions on imports through tariffs adversely affect local developmental projects.

So, governments find themselves in a very paradoxical situation. If they try to put up with UN Human Right agreements which they signed, they would be violating the globalisations agreements, which they also signed and they would be criticised or even punished for this violation and if they try to put up with globalisation agreements they would be necessarily violating the human rights agreements and would be criticised for that in the Human Right reports and the UN statistics on human development would show them lagging behind in indices of human development.

Violations of human rights agreements, particularly those of economic, social and cultural rights are not met by practical punishments. The reactions of both international organisations and local Human Right groups do not exceed criticism, condemnation or demonstrations at most. On the contrary violations of economic rules of globalisation and agreements are met with very severe practical measures such as economic boycotting and cutting of financial aids.

No doubt that the extensive violations of Human Right are related to the widening gap between the rich and the poor, both on the global and on the local levels. International Statistics prove this fact that half the world live on less than two dollars a day. The wealthiest nation on earth has the widest gap between rich and poor of any industrialised nation. The top fifth of the world's people in the richest countries enjoy 82% of the expanding export trade and 68% of foreign direct investment, while the bottom fifth, barely more than 1%. A few hundred millionaires now own as much wealth as the world's poorest 2.5 billion people. This leads to an increasing feeling of deprivation and injustice among the populations of the different countries of the world which is enhanced by the rapid and unprecedented advance in communication and information technologies, which really turned the world in this respect

into a global village. The deprived are exposed daily, if not every minute to images and evidences of the huge gap in standards of living between the rich and the poor.

Mary Robinson stressed the fact that, in globalisation economic activities not only dominated by states, but it is also dominated by private power in the form of multinational national corporations (MNCs) or transnational corporations (TNCs). It is now the case that more than half of the top economies in the world are corporations not states, and international investment is increasingly private. The general decline of the state's powers has opened the door for them to take after those activities which at one point of time were in the domain of state. This change exposed the individual before a multi-actor system with each of the actors having considerable capacities to directly affect his or her freedom and rights. That is how the state monopoly of power was challenged by non-state actors, mostly by MNCs or TNCs, and led to so call democratisation of violence.

However, what turned the democratisation of violence into a minefield for Human Right was the fact that transfer of powers and functions from states to private actors was not accompanied by a transfer of responsibilities. While the biggest portion of powers to affect Human Right was shifted to MNCs or TNCs, the duties to protect and guarantee them were left solely to the nation state, which by that time was already robbed by globalisation of appropriate capacities to exercise effective control over the emerging dominance of transnational corporations. MNCs or TNCs are economic entities or cluster of economic entities that do not confine their activities to one single state; they have multiple layers or ownership and control and simultaneously operate in several jurisdictions.

Today more than half of the world's 100 largest economies are corporations with relatively more power than the government of the state in which they operate. The revenues of largest fifteen corporations are bigger than of all but thirteen nations. General Motors, for example, is larger than the national economies of all but seven countries. The consequences of their decisions or activities reach far beyond the capacities of any single nation state. MNCs or TNC have enormous influence on the economies of most countries and in international economic relations. And the trend is toward greater corporate dominance: a comparison of figures from 1991 and 2000 shows a dramatic change over nine years. In 1991, nineteen countries had revenues higher than General Motors, compared to only seven today; similarly, in 1991, three corporations were among the top twenty-eight economic entities, compared to fifteen today.

Recent Human Right discourse has been devoted to the study of MNCs or TNC and their direct effect on Human Right. In general critics of globalisation lay much more emphasis on its impact on Human Right, particularly of the poor people and of the developing countries. Their analysis and conclusions are usually supported by facts and figures drawn from international reports and statistics to prove that Human Right has been adversely affected by globalisation. They usually relate one or the other aspect of Human Right to one or the other aspect of globalisation, such as relating poverty in developing countries to debt or relating unemployment to privatization, or relating health deterioration to the monopoly of medicine patents. Or they enumerate the aspects of deteriorations in Human Right, such as impoverishment and lowering standards of living, increasing inequality discrimination, deprivation of satisfaction of basic needs such as food clean water and housing, illiteracy etc and explain these facts by globalisation in general through making comparisons between the state before (usually before the 1990s) and after globalisation.

There is strong evidence that following the principle of "divide and rule" both, the government and the MNCs or TNC encouraged and later on benefited from these conflicts. National and international observers claim that 'Shell's practice of payments' through the awarding of contracts to traditional chiefs in communities, their payments of compensation for environmental pollution and the distribution of development projects were deliberately aimed to corrupt chiefs and divide communities. In addition to creating a reason for conflict, shall use its financial powers to fuel it by arming a private military force, supplying weapons and financial support to the Nigerian military and police force and in other ways co-operating with Governmental authorities. Above all, it was clear that violent conflicts did occur between groups who benefited from Shell's operations and those who did not.

Another example where the MNCs or TNC helped strengthening of governing regime against the local population is the case of 'Freeport in Indonesia' where corporation helped the centralisation of the state government with detrimental 'end-product' on human rights: Freeport was operating the region of Papua, a region with deep separatist sentiments almost from Indonesia's independence, and the only one following Christianity in the world's biggest Muslim country. The mine became a chance for the military, deeply nationalistic institution not only to profit but also to deepen its presence in a province where it had barely a toehold before Freeport arrived.

To sum up, the above mentioned cases of Human Right violations in connection with MNCs or TNCs put forward the conclusions, that MNCs or TNCs can be a strong incentive for the government to abuse Human Right or lower the standard of their protection to attracting investment; after entering the country MNCs or TNCs can serve as a direct cause for using state coercive power against its own citizens to protect the MNCs or TNC facilities and interests; alternatively, even if the corporation is not originally intending to be the reason of Human Right violations, by being silent beneficiary of ongoing abuses by military and continuing provision of financial support to it MNCs or TNC can greatly encourage further violations.

This is the reason that the societies which are already weak and poor under repressive state regimes or are governed by those committed to democracy but weak to protect the interest of its citizens, are extremely vulnerable to MNCs or TNCs. Activities of Shell Oil Company in Nigeria, and Freeport-Mc Maron in Indonesia, name a few having violated a wide range of Human Rights and in fact remained unaccountable for their conducts are strong argument to encourage further violations. The guilt for this impunity is fairly attributable to a complex of factors under the umbrella notion of 'loopholes of existing regulatory regime.'

The duties to protect, respect, promote and guarantee Human Right is directed solely to the state, making it the monopolist over the obligation to ensure Human Right protection within its jurisdiction and thus contribute to universal respect for Human Right. This system fatally links the fate of Human Right with the coexistence of two clear-cut conditions in each and every country: the will and the ability of individual state to guarantee that Human Right is protected from state as well as no state intervention in their dominion. When either of those mentioned two conditions is lacking or is not sufficiently present, the door to make rights real is finally closed. In short, the lack of universal Human Right norms applicable to MNCs or TNCs is one of the most important

deficiencies of current legal system that undermines its chances to be effective and keeps the policy of impunity immune. For developing nations MNCs or TNCs investors seem to be a direct way to 'the promised world' of wealth and development, without which, as illusion further suggest, they cannot get out of poverty and hunger rampant in those countries. This fact precludes the developing nations to be too picky, if at all, on Human Right policies and practices of the MNCs or TNCs intending to invest in the country. As already observed above, in order to attract foreign investment, they may be uninterested in enforcing human rights norms against TNCs, or may even go one step forward by lowering the applicable standards.

Globalisation has its winners and losers. With the expansion of trade, market and foreign investment developing countries have seen the gaps among themselves widen. The imperative to liberalise has demanded a shrinking of state involvement in national life, producing a wave of privatisation, cutting jobs, slashing health, education and food subsidies etc. affecting the poor people in society. In many cases, liberalisation has been accompanied by greater inequality and people are left trapped in utter poverty. Meanwhile, in many industrialised countries unemployment has climbed to levels not seen for many years and income disparity to levels not recorded since last century. The collapses of the economies of the Asian Tigers are examples of this. The Human Development Report of 1997 revealed that poor countries and poor people too often find their interests neglected as a result of globalisation. Although globalisation of the economy has been characterised as a locomotive for productivity, opportunity, technological progress, and uniting the world, it ultimately causes increased impoverishment, social disparities and violations of Human Right. That is what we see today.

Cases from recent history demonstrate that effects of MNCs or TNCs in developing world are deleterious. MNCs or TNCs have inherent capacities to catalyse Human Right violations sometimes even without entering the country; however, deleterious effects were not the result of those capacities only; what contributed greatly was the lack of adequate and efficient legal system to hold MNCs or TNCs accountable for committed violations, to compensate the victims, and thus serve as a further deterrence of future violations.

The major deficiency of the existing system lies in its state- centric nature that makes the way to justice particularly difficult in developing countries. Therefore, if the Human Right system intends to remain relevant, it should accommodate MNCs or TNCs as direct addressees of Human Right obligations. The responsibility of responsible global citizenship should not make MNCs or TNCs into a Trojan Horse of Democracy in developing world. Constructive dialogue between the Human Right and business is necessary to create the system respecting the interest of both; however, the blueprint of the system must be a clear and strong consensus that Human Right are beyond the profit.

In the scale of Human Right violations and harm to environment It took a very high price to 'clean the way' to transitional corporations in developing countries, this price was not paid by money but by human lives and dignity of the local populations. The only thing we can do now is to acknowledge that all we, without distinction of country and level of development, are facing a minefield and the technique to survive is not to avoid it or pass the responsibility of finding the way on each other, but to think, to engage in dialogue and to help each other to go forward safe. The thing that should guide all of us in this process is that human dignity and freedom are beyond the profit. These are the only values that make our being worth of survival.

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