

The Global Human Rights Context

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Globalization

The term globalization has various meanings. In a narrow sense, it refers to economic globalization, in a broader sense it refers to the growing capacity to act around the world, using new technologies and transportation systems. This larger definition also includes the globalization of culture, human rights, democracy, terrorism, crime, etc. Today, I will be using the term in its narrow sense, that of economic globalization.

The superstructure of globalization

The superstructure of globalization is capitalism, which is based on a free-market system with its laissez-faire economic ideology. International financial institutions (WTO, IMF, World Bank, etc.) and free-trade agreements (NAFTA, FTAA, etc.) provide the structure for this system. The effects of this structure include the increasing privatization of services and deregulation of national economies.

The Washington Consensus

The Washington Consensus refers to the guidelines used by international financial institutions in developing their policies and free-trade agreements. They were codified by American economists, and include seven key principles:

1. Fiscal restraint
2. Financial liberalisation
3. Commercial liberalisation (removal of trade barriers)
4. Opening of borders to investment
5. Privatization of public companies
6. Deregulation
7. Total protection of the intellectual property rights of multinationals.

The impacts of globalization

The application of these principles has resulted in very negative effects around the world. Some of these include:

1. A growing inequality in the global distribution of wealth, and a widening gap between rich and poor
2. Acceleration of the destruction of the environment
3. Restructuring of the job market, with high rates of unemployment and job insecurity.

The weakening of international law

It is important to note that the process of economic globalization contradicts and weakens international human rights law, in particular the economic, social and cultural rights enshrined in the UDHR and other conventions. It is thus very important for activists to put constant pressure on states and intergovernmental organisations to respect the declarations and treaties that they have ratified.

A very immediate example of the weakening of international law is the invasion of Iraq by the United States, an attack that completely contradicted the precepts of international law. We can also note other actions by the United States, such as the rejection of many significant international treaties, including the Treaty of Rome (which established the International Criminal Court), the Kyoto Protocol, the Biological Weapons Convention, and a refusal to observe the Geneva Convention on the treatment of prisoners in Guantanamo Bay.

International law was already rather weak, as demonstrated by the large gap between the large number of legal instruments states have ratified and their lack of respect by these same states. It has been further damaged by the unilateral position of the United States, which has led many to doubt the foundations of the United Nations system. However, we cannot abandon the fight to protect human rights and the respect of international law, which is now more important than ever.

The attack on civil liberties in the name of the war against terrorism

After September 11, the ensuing war on terrorism resulted in a serious decline in respect for civil liberties around the world. Despite all of the security measures that have been taken, the world is a more dangerous place for most than it was before. There are a number of pieces of draconian legislation introduced by so-called developed democracies that restrict civil liberties and position the defence of human rights as an obstacle to security. These include the PATRIOT Act in the United States, Law C-36 in Canada, and the Crime and Security Act in Britain.

These pieces of legislation have had wide-ranging effects, including the criminalization of licit actions (such as the right to demonstrate), infringement of legal protections and due process, and the development of abusive surveillance systems, in particular the

American Total Awareness System currently in development. Other effects include the restriction of the right of refuge, the deportation of refugees and the harassment of certain religious or ethnic populations (Arabs, Muslims, and South Asians). In some countries, opposition parties have been discredited in the name of national security and the powers given to the military increased.

In the face of economic globalization and the weakening of international law, the human rights movement has much work to do. Human rights activists must forge alliances with other movements that are working towards the same goals, in particular the alter-globalization movement.

Willy Mutunga

Globalization

Globalization has a long history, which is often ignored. Although we use the term “New World Order,” what is actually new about it? Throughout this history we can identify the two broad trends of domination, and resistance to this domination. However, since 1989 there are certain features of contemporary globalization that are new. There has been an opening of markets to Western capitalism (in the former USSR, China, etc.). The world is now dominated by one superpower. Finally, there is the question of whether this super power is declining, and if another power is on the horizon.

Security

There are many concrete examples of the effects of globalization. The question of security in Kenya is but one. There have been three terrorist attacks in Kenya: in 1980, a Jewish-owned tourist hotel was attacked; in 1998, the American embassy; and in 2002, another Jewish-owned hotel. Although the Kenyan human rights movement has asked the government to examine the possible root causes of these attacks, such as the fact that Kenya has American, Israeli, and German bases on their territory, the government has ignored these requests and instead responded by introducing new security legislation. This legislation, called the *Suppression of Terrorism Bill*, borrows from the US *PATRIOT Act* and the South African apartheid regime’s *Suppression of Terrorism and Communism Act*.

There are many other examples of “security” being used for repressive ends, such as President Mugabe of Zimbabwe claiming defence of national security in order to repress his political opponents.

Another example of the negative effects of globalization can be seen in the Democratic Republic of Congo’s current armed conflict. This is an example of the “commercialization of conflict” – that is, when conflict begins over the control of valuable resources. We can observe similar effects in Tanzania, where a Canadian mining

company has been forcing small miners out of business, affecting their ESC rights. In Burma, another Canadian mining company has given funds directly to the military dictatorship currently controlling the country.

Changing roles of NGOs in the context of the global economy

The anti-globalization movement is attempting to address the economic, political and cultural inequities resulting from increasing globalization. A demonstrator at the 2001 protests of the G8 Summit wore a T-shirt that read: "You are G8, we are 6 billion", which is an excellent example of the optimism and energy of this movement. The human rights movement must join forces with the anti-globalization movement. Solidarity should also occur between NGOs and citizens of the North and South. Citizens can join forces against multinational corporations and the World Bank, around issues of debt relief, etc.

Human rights organisations in the North must also start talking to their citizens. There is often a presumption that human rights violations only occur in the South, but in this era of globalization, violations occur all over; civic education is essential. In particular, American human rights organisations failed miserably, following the attacks of September 11, in their lack of discussion or analysis of why the attacks occurred.

Finally, human rights organisations all over the world rarely discuss their politics. Although we discuss solidarity and our vision for the kind of world we want to see, these things are inherently political. We reject globalization, but what do we want to see in its place? This is the greatest intellectual question of our time, and it is a political question. It is essential that the human rights movement become involved in the response.

Question and Answer Session

The following themes were raised during the discussion period:

The importance of networks

A growing number of NGOs in the South are working in human rights and are particularly concerned with the effects of globalization. These groups are making the connection between human rights work and the alter-globalization movement, which not only criticises the current state of affairs but also proposes alternatives. This connection could be very fruitful, putting an ever-increasing pressure on states and institutions to respect human rights. The two movements ultimately have the same goal, which is the respect for human dignity.

The impartiality of the UN and its role in the promotion of human rights

The United Nations is only as powerful as its members will allow it to be. While it is clear that there is great inequality in the UN system, would our situation be worse if it did not exist at all? We must continue to work towards the establishment of a democratic world order. In order to achieve this end, we must develop mechanisms of enforcement for existing treaties and strengthen UN institutions.

Challenges for human rights defenders

Human rights defenders around the world face greater and more complex challenges. We can note the following essential challenges:

- Encourage respect for the universality and indivisibility of human rights
- Force states to respect their human rights commitments
- Reinforce protection for economic and social rights
- Promote an alternative conception of human security, including respect for human rights in conjunction with alter-globalization movements.