

IMPACT OF GLOBALIZATION ON HUMAN RIGHTS IN DEVELOPING COUNTRIES: SOME CRITICAL ISSUES

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Globalization is a process of interaction and integration among the people, companies, and governments of different nations, a process driven by international trade and investment and aided by information technology. It is phenomena that involves overall integration of people of the world into single process economic transaction and social transformation that has turned the world into global village. Globalization has effects on the environment, on culture, on political systems, on economic development and prosperity, and on human physical well-being in societies around the world

Human rights are those rights which are enjoyed by a human by virtue of being human. These rights are available to human being from the birth of persons to death indifferent aspect of life. Idea of human rights came in existence in 14th century in Western European society, however, its presence in abstract form can be identified in religious text of world since the beginning of human civilization. With the emergence of modern notion of State, and with enumeration and recognition of human rights by the United Nation in the form of United Declaration of Human Rights in 1948, the conceptualization of human rights have been widened much to incorporate various aspects like civil, political, social, economic and cultural human rights.¹

After the two famous revolutions, American and French, it has accepted that the rights are for all over humankind not only for a section of society. Today the human rights discourse is a larger project of democratization. Any nation-state is how much democratic is basically measured by the state of

human rights enjoyed by the citizen of that particular nation-state. The process of globalization brought drastic changes in societies in terms of thinking, working and attitude and affected to the old patterns of living. 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. Globalization has particularly adverse impact on poorer and weaker section of the society. A proper awareness of its nature, implication and impacts is necessary in the developing country.

International human rights aim primarily to protect individuals and groups from abusive action by the States and other non-state actors. Contemporary developments throughout the world, including failed states, economic deregulation, privatization, and trade liberalization across borders, global terrorism all are now influenced by the phenomena of globalization that have led to the emergence of powerful non-state actors like Multi-national Companies(MNC), market giants, who have resources sometimes greater than those of many developing states. Developed countries of western world have dominated on economies of developing countries through major institutions of new economic order like IMP, World Bank and GATT.

Two opposing views of globalization and its relationship to human rights have emerged: whether globalization has positively promoted the human rights of people particularly in developing countries and it has raised the voice of vulnerable through

networking of information and communication technology, or Globalization have adversely affected human rights of vulnerable sections, particularly in developing countries.

GLOBALIZATION

The term *globalization* is derived from the word *globalize*, which denotes to the process of an international network, transaction of economic systems around the world. Though it is difficult to give a definitive definition of globalization, however some scholars have used this term for denoting various processes economic, social and cultural transactions where western modern forms of transformation can be seen in different developing countries.

Globalization is a multidimensional phenomenon, comprising “numerous complex and interrelated processes that have dynamism of their own”². It involves a deepening and broadening of rapid Trans-boundary exchanges due to developments in technology, communications, and media.³ Such exchanges and interactions occur at all levels of social –economic and political structure, creating a more interdependent world.

In other words, the Globalization is a process of interaction among the people, companies, and governments of different countries, a process driven by international trade and investment and aided by information technology. Globalization is often measured by the international flows of trade, finance, investment, and people. It is well known that reductions in the costs of transportation, communications, and technology, as well as market forces have accelerated the pace of globalization and interdependence between economies and peoples.

But this kind of reduction in the casts directly benefited to developed countries and made dependent to developing nations upon them. So, globalization is not global yet. Indeed, globalization is not the same as globalism, which points to aspirations for an end state of affairs wherein values are shared by or pertinent to all the

world’s five billion people, their environment, their roles as citizens, consumers or producers with a n interest in collective action designed to solve common problems. Nor is it universalism—values which embrace all humanity, hypothetically or actually. The proponents of globalization have staunch belief in its process and argued that the economic development and prosperity can come in countries through this. But present scenario is different or far from ground realities. The determinants and process of globalization are under question in developing nations. It’s negative impact on environment, culture, socio-economic condition and human rights are now of serious concern.

IMPACTS OF GLOBALIZATION ON HUMAN RIGHTS

In present time, the Globalization has created powerful non-state actors that are violating human rights in ways that were not contemplated during the development of the modern human rights movement early twentieth century.⁴ This development poses challenges to international human rights law because, for the most part, that law has been designed to restrain abuses by powerful states and state agents, not to regulate the conduct of non-state actors themselves or to allow intervention in weak states when human rights violations occur.⁵ An increasingly globalized civil society is likely to respond to economic globalization by opposing liberalized trade and investment regimes that are not accompanied by accountability, transparency, public participation, and respect for fundamental rights. An increasingly globalized civil society is likely to respond to economic globalization by opposing liberalized trade and investment regimes that are not accompanied by accountability, transparency, public participation, and respect for fundamental rights. This resulted into “clash of globalizations”⁶. The clash plays out in the international institutional and normative system that has separated human rights matters from economic policy and regulation, creating distinct institutions, laws, and values for each field.⁷

GLOBALISATION, DEVELOPMENT AND HUMAN RIGHTS

Situation in Developing Countries

The relation between globalization, development and human rights raises policy and legal questions. One such question is whether globalization of market-oriented economic system is essential for development and protection of human rights? While searching for an answer to this question we should analyze how we perceive the concept of development and human rights, especially in the context of developing countries. Human rights have become an integral part of the process of globalization in many ways. The Western countries are increasingly using their view of human rights concept as a yardstick to judge developing countries and to deal with economic and trade relations to extend development assistance. At the same time globalization intensifies impoverishment by increasing the poverty, insecurity, fragmentation of society and thus violates human rights and human dignity of millions of people.

Development or economic development is widely perceived as a historical process that takes place in almost all societies characterized by economic growth and increased production and consumption of goods and services. Development is also often used in a normative sense as a multi-valued social goal covering such diverse spheres as better material well-being, living standards, education, health care, wider opportunities for work and leisure, and in essence the whole range of desirable social and material welfare. But, in today's globalization, the concept of development itself is interpreted differently and the concept of right to development is not taken seriously.

Human rights violations (whether of individual civil/political, economic/social, or minority rights) as a consequence of destructive social change resulting from globalization might result, at least in some instances, in radical shifts in a society's cultural values and norms that, in turn, may lead to a reconfiguration of the substance of traditional or historic notions of human rights. The outcome of this

search for a revitalized identity and meaning is unpredictable. There may be a reinforcement of an exclusive communalism with little personal autonomy or there may be a loosening of communal ties and an expansion of individual demands based on class. The evidence points in both directions. Apparently, globalization has had a deleterious effect on the entire complex of human rights, resulting in significant transformations in the behavior and values of masses of humanity across the globe. The negative impact globalization has, affected not only non-Western societies, but those of advanced, industrialized Western Europe, the United States, and Japan.⁸

The emphasis on competitiveness and economic development has had especially negative impacts on vulnerable groups such as migrant workers, indigenous peoples and migrant women. Globalization has been cited as a contributing factor in violations of the right to life, the right to protection of health, the right to safe and healthy working conditions and freedom of association in many countries.

Rights of Workers

The competitive pressures of the new international economy have had negative effects on the rights of workers. Textiles and other goods produced more cheaply in developing countries are taking over markets in the developed world. Governments of developing countries thus have little or no incentive to improve working conditions – on the contrary, their competitive advantage depends on these conditions. Developing countries oppose the linking of labour standards to trade issues, pointing out that such linkages would take away their competitive advantage through cheap labour and low labour standards. This argument is quiet understandable since it is essential to increase the trade of developing countries, however in such case, the cost falls on the most vulnerable elements in the developing countries: unskilled or semi skilled labourers whose rights to organize labour unions, to engage in collective bargaining or to protest against unsafe working conditions are denied under the direction of developed countries.

Rights of Indigenous People and Dalits

Globalization has seriously affected the human rights of indigenous people and Dalits as they are mostly inhabited in forest land and areas of mineral resources. It is generally found that land of these communities are generally acquired or encroached by the MNCs and industries or even the State for development purpose. The land encroachment and denial of right to livelihood are basic problem of indigenous communities in the developing countries. Indigenous people in the world particularly in US, Latin America, Canada, Africa, Australia are striving for right to self-determination, rights of livelihood etc. The international community has become concerned over violations of the rights of indigenous peoples in recent years, after many years of neglect. In order to protect the human rights of Indigenous People, the United Nations has adopted the United Nations Declaration on Rights of Indigenous People in 2006.

The violation of the rights of the indigenous has been taking place for centuries, the recent emphasis on economic development and international competitiveness has resulted in new onslaughts on their rights. The link between the rights of indigenous peoples and globalization was demonstrated by coming into effect of North American Free Trade Agreement of 1994, for the uprising by Indians in Chiapas, Mexico, drawing attention to the violation of their economic and social rights.

Oil, Uranium, minerals and timber are found throughout the world on indigenous lands, and prospectors and entrepreneurs have been permitted to encroach on them in the name of economic development. Indigenous lands in many parts of the world have been trespassed upon in pursuit of traditional medicines which are then brought in international pharmaceutical markets. Economic development has resulted in serious violations of the right to health, the right to healthy environment, the right to life and the cultural rights of the indigenous peoples.

Rights of Women Workers

Under the impact of Globalization, the condition of women workers deserves meticulous attention. On the one hand, globalization has increased opportunities for women. Women have entered the workforce through jobs in export processing zones or through becoming migrant domestic workers, jobs that are mostly produced by globalization. Their work has significantly contributed to family income and to sense of independence and freedom for women workers. But, these jobs have also led to social disruption of the family and expose women to exploitation, at times even to violence and sexual abuse. As a faction of society which lacks power and status in society, their human rights are frequently violated.⁹

Women migrant workers are often drawn from the poorer segments of the society of their own communities and are thus already in a situation of vulnerability. Their vulnerability is increased during their stay at foreign places as they are regarded as a form of cheap and exploitable labour, their passports are sometimes confiscated and, alone in a foreign country whose laws and customs they do not know, they are unable to find recourse against abuses.

CONCLUSION

Globalization has both its positive and negative impacts. It creates both help and hindrance in realization of human rights. With the expansion of trade, market, foreign investment, developing countries have seen the gaps among themselves widen. The imperative to liberalize has demanded a shrinking of State involvement in national life, producing a wave of privatization, cutting jobs, slashing health, education and food subsidies, etc. affecting the poor people in society. In many developing countries, liberalization has been accompanied by greater inequality and people are left trapped in utter poverty. Meanwhile, in many industrialized countries unemployment has soared to levels not seen for many years and income disparity to levels not recorded since last century.

The collapse of the economies of the Asian giants is an example of this. The Human Development Report revealed that poor countries and poor people too often find their interests neglected as a result of globalization. Although globalization of the economy has been characterized as a locomotive for productivity, opportunity technological progress, and uniting the world, it ultimately causes increased impoverishment, social disparities and violations of human rights.

It can be conclude that process of Globalization is neither pro human rights nor anti human rights, it could offer opportunities for promotion of human rights as well as abridgement of human rights, at national and international scene. Now we are to decide that whether globalization should be boon for human rights or bane!

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¹ JACK DONNELLY, *Universal Human Rights in Theory and Practice* (1989)

² *Globalization and its Impact on the Full Enjoyment of All Human Rights: Preliminary Report of the Secretary-General*, U.N. GAOR, 55th Se.

³ *Globalization and its Impact on the Full Enjoyment of All Human Rights*, G.A. Res. 55/102, U.N. GAOR 3d Comm.

⁴ Surya Deva, *Globalization and its Impact on the Realization of Human Rights*, extracted from C. Raj Kumar, K. Chockalingam *Human Rights, Justice, & Constitutional Empowerment*, (New Delhi: Oxford University Press) 2007

⁵ Louis Henkin, *The Age Of Rights* (1990).

⁶ Stephen Kobrin, *The MAI and the Clash of Globalizations*, 112 FOREIGN POL'Y 97, 97 (1998).

⁷ See Philip M. Nichols, *Trade Without Values*, 90 Nw. U. L. Rev. 658, 672-73 (1996)

⁸ See generally Dinah Shelton, *Remedies In International Human Rights Law* (2000)

⁹ See Anne Orford, *Contesting Globalization: A Feminist Perspective on the Future of Human Rights*, in THE FUTURE OF INTERNATIONAL HUMAN RIGHTS 157, 157