

**RGICS Working Paper Series  
No. 16, 2000**

**HUMAN RIGHTS AND GLOBALISATION  
'What-if' Questions, Expanding Scope,  
and Recent Initiatives**

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## HUMAN RIGHTS AND GLOBALISATION

### 'What-if' Questions, Expanding Scope and Recent Initiatives

**Kalyan Raipuria\***

The undeterred trend for globalisation has added a new dimension to the discussion on Human Rights (HRs) entailing several social and economic issues. An array of issues can be raised in the discussions. The issue of feasible state policies in the face of high standards in regard to universal Human Rights is the most important issue relating to ethics, philosophy, political economy and sociology.

To what extent the trend for globalisation has marred or promoted the possibilities for Human Rights is, however, a crucial question arising in the present context while we step-in in the new millennium.

Undoubtedly, there is a widespread and growing international movement for Human Rights, clear from the extensive ratification of treaties and the covenants by more than 125 countries. NGOs' active role at international, regional and national level has added a new dimension.

How much longer is the International Bill of Human Rights can be seen from the *Annexure I*.

Basically, Human Rights are supposed to be derived from human dignity and are considered universal and indivisible. Thus, if people are dying of starvation or some disaster, they cannot

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\* The views expressed are personal and not those of the organisation or association.

exercise their right to vote in an election for a democratic government. While Right to Vote can be claimed and the qualitative aspect can be commanded by the State, there is no way claims over a bundle of goods and services can be made under law, though they may be part of right to basic human needs. Courts cannot summon a State to command such resources which enable the basic needs for all its citizens, in a poor country. Furthermore, when civil and political rights are amenable to legal protection, they are subject to the nation's accepted practices which differ even among the most developed countries, say of Europe and America.

#### **Not by Law Alone**

The European Court of Human Rights which administers the most effective international regime allows countries what it calls a 'margin of appreciation' in its judgements, rather than insist on legal uniformity. Human Rights are, therefore, not achieved by law alone, but in addition require respect for them, in words and spirit with a margin for due differences among the nations in regard to socio-economic parameters and capacity for enforcement.

Europeans accept some restrictions on the media that Americans would find intolerable. The extreme is control of the media by China. Human rights are relevant and useful so long as the countries respect them in practice to the best of their capacity in terms of resources, enforcing machinery and social co-operation.

The issue is: Can something really be achieved by including the minimum levels of living for every person in an international covenant.

#### **Globalisation**

Globalisation as such is not a new trend of this decade. Globalisation in terms of integration of finance, capital, markets (of commodities and services) and technology is, however, a phenomenon of the nineties and is likely to be spurred in the coming decades.

For brevity, discussion provided by J. Bhagwati\* is recommendable. Increasing harmonisation not only of consumption and productive activities, but also of labour and environmental standards is in store. Already, global observers are indicating to the change which is notable in the erosion of powers of the 'nation states' due to globalisation by way of the expanded activities of the transnational corporations (TNCs).

That is not the only big change. There has been a significant transformation of the international relations among the countries due to the increased role of multilateral organisations, particularly due to the setting up of the World Trade Organisation (WTO). The magnitudes of financial transactions have grown to mind-boggling levels, amounting to trillions of dollars. It was reported recently that transactions in foreign exchange reached to about two trillion dollars *per day* in *April 1999*, mainly accounted by the UK, the USA, Japan and Singapore, in that order, followed by Hong Kong and Australia. The emerging centres are South Korea and Taiwan. Such developments would indeed have ramifications for international relations as also Human Rights, with wide-ranging implications for the well-being of the people at large, including education, social welfare, gender equality, environment, labour and employment, incomes and trade.

#### **Human Rights and Globalisation**

A big question is if the emergence of new international relations, and erosion, or the end, of the 'nation states' (a' la interesting discussion by Kenichi Ohmae), as also of different United Nations organisations/agencies will result in dilution of the present Human Rights at the same time bringing the others into force.

Besides the problems of erosion of the 'nation states', there are apprehensions of 'globalution' of policies meaning that changes or

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\* J. Bhagwati, "Globalisation, Sovereignty and Democracy" in *Democracy's Victory and Crisis*, edited by Fritz Stern, et. al, (1997).

reforms or resolutions may be inspired not "from below", or "from above", but "from beyond", i.e. recommendations of the IMF, the World Bank, or the WTO, as recently from the WTO which may force wide-ranging economic and political reforms on the Chinese system globalising even the interiors.

"Globalisation", the phrase of Thomas L. Friedman (Newyork Times), who also used "globalution", stands for reconciling the world with local culture, practised by Japan and recently by South Korea and, among low-income countries, by Bangladesh and Sri Lanka. The above cute phrases are not liked by all being, over-simplified and may be lacking substance, according to Jagdish Bhagwati who thinks that it is the policy decision like removal of trade barriers and not technological advances alone which brought globalisation and global prosperity. He rightly argues for the right methods of research, i.e. "read and reflect techniques for analysis."

#### **'What-if' Questions**

Apparently, there is no single and definite answer to the above kind of questions. There remains two sides in evaluation of the relationship between globalisation and human rights. It is important that a balanced and objective analysis is focussed on by all concerned which has to be an on-going process. Analytical simulations of economic activities with respect to different aspects of this relationship would provide clue to the 'what-if' kind of questions and would enable certain choice sets for decision-makers as also for the organisations concerned about Human Rights in determination of priorities. The 'what-if' questions include effect of demographic changes, gender awakening, migration of people, capital movements, technology transfers, and 'development co-operation' as it has evolved over a period but got diluted in recent years of globalisation.

#### **Simulation Gap**

One reason why Human Rights are deemed to be idealistic, and likened only to an international manifesto for economic, social and political activities of different nations which is least implementable, is that the simulation results are not readily available, be in terms of qualitative observations, or be the quantitative dimensions of Human Rights, according to regions and countries. All Human Rights seem to have an equal place, with no prioritisation and discussion of trade-off and with no resource dimensions brought out by the concerned fora which got them incorporated in the Bill.

How financial resource availability at global level can be uncertain causing havoc with the developing/emerging economies was clear at different points of time in the past decades, most noticeable being during 1997 and 1998, the years of crisis, first in East Asia, then in Russia, and later in Latin America. Nor, there is corresponding Charter of obligations and codes of behaviour for those entitled for Human Rights. Undoubtedly, it is the rights and the obligations which put together only would lead to a genuine and practical 'compact'.

The decision-makers as also the lobbyists would have benefited a great deal if at the multilateral organisation level, as also at the country level, the planning and development agencies would have taken up discussion of both the above dimensions (Rights and Obligations) with due analysis and their wider dissemination.

#### **Expanding Scope for Human Rights**

In the absence of the kind of above inputs, globalisation -- if seen in the light of expanded availability of knowledge, technology and capital around the world, all at comparative cost and speedy mobility of natural persons, as also low-cost possibility of speedy communications -- should also expand the scope for exercising

Human Rights, to the extent information is power and resources can command anything. It looks as if the *Right to Trade* and *Right to Development* are written on the walls all around the globe, and as if we have now *Global Rights* in 21st century, notably Right of the TNCs to globalise production and distribution, as there were *Natural Rights* (to life, literacy and property) in the earliest period, *Civil Rights* in 18th Century, *Political Rights* in 19th century, and *Social Rights* in 20th century. Provided empowerment of minimum knowledge and training, it would appear as if even sky is not the limit for Rights, given the possibilities in airways services, satellite transmission services, Internet, and the like.

### **Empowerment from Globalisation**

Globalisation has undoubtedly empowered those who are ready to chip-in in the expanding network of transport and communications, education and training, finance and capital, technology and R&D.

To the extent finance and capital are globally available to those who can make their economic use, and technologies are unbundled and can be bought in the world market, the importance of resource mobilisation through internal and international capital markets has increased. These developments require wider discussion of the role of the State, on the one hand, and that of the private corporate players on the other. The partnership of countries depends, besides international political relations, on the market fundamentals and the structures, meaning the institutional wherewithal for trade and technological developments.

### **Select International Targets**

In this scenario the possibilities of increased well-being universally have increased which would go a long way for multiplying achievements in respect of Human Rights, be it the right for universal primary education, higher education, gender equality, access to health services, or be it environmental

protection. International development targets in their regard are brought out in *Annexure II*. The beauty of these targets is that certain quantitative analyses, though narrow and limited, are being made available, under the auspices of several United Nations Conferences as also World Bank agencies which enable the decision-makers to understand the implications of what are they going to aim at. Certain regional and country-level analyses have been coming up in the conferences, notably in the popular Human Development Reports of the UNDP. However, these are insufficient and it remains a problem to perceive any probability or insurance for their actualising by way of resources needed at global level.

Much more difficult is to derive analysis in respect of purely qualitative Human Rights. The problems are not insurmountable though, as many political and social scientists have recently developed the techniques for such analyses (Guetzkow, Chadwick, to name a few).

### **Integrated Approaches**

Thus, there is need, on the one hand, for expanding the analyses of Human Rights in the non-economic areas, and, on the other, to provide integrated approaches, all in consonance with the resource mobilisation possibilities, as also the scope for enforceability. The latter would point to the sums to the top policy makers who may be aiming at medium and long-term changes and who may be seeking views from the public at large for transparency, as also for obligations corresponding to the Rights, all towards trying to increase local, regional and international interaction for support to enforce the Rights.

### **Protection of Losers in Globalisation**

Recalling that globalisation has its own rules and imperatives for survival and growth -- and that this trend which is associated with 'creative destruction', i.e., perpetual replacing of products and

services with more efficient ones entailing competition --, how far Human Rights will be in vogue is a big question. The competition may be such that no matter how many times one wins, he or she has to run again to be in the race. Of course, many are likely to lose in the race. The issue arises that the losers will need protection of some kind whether in terms of 'social safety nets', or compensation or lowering of standards as well as rights, and who is going to manage the resources and organisation to rescue the unfortunates. The so-called 'safety net' measures can, however, act only as palliatives to cushion the impact of any crisis on poor and vulnerable groups, and they are not a lasting solution. For example, only the resumption of rapid and sustained growth can bring unemployment and poverty levels back down to the pre-crisis levels in East-Asia.

#### **New International Economic and Financial Disorder**

At international level, there are likely to be no permanent enemies or friends due to globalisation. The international relations can change according to the possibility of winning the economic race. In such a situation, disarray in international relations would be the rule of the day leading to lowering of the weaker nations' position and thus lowering of welfare of their people. It is observed that a "new international economic and financial disorder" has recently emerged which marked the years of 1997 and 1998, leading to crisis after crisis in different regions of the world. How these crises affected the peoples' rights, and their welfare, even ethnic structures, can easily be seen in the East Asian countries, Russia and Latin American countries like Brazil, while the fate of the poorer economies and least-developed countries continues to be the same.

#### **Reverse Transfer of Resources**

There has been emergence of reverse transfer of resources (gross receipts minus repayments and interest payments) from the developing

countries, and drying up of concessional aid about which neither donors nor recipients any more talk. Notable is the reversal of the resource transfers from the private sources to the crisis-hit countries at (-) US \$ 20.4 billion in 1997, (-) \$ 25.6 bn in 1998, (-) \$ 24.6 bn in 1999, and is estimated to be (-) \$ 40.6 bn in 2000, compared to (+) \$ 65.8 bn in 1996 (see Table). In case of other Asian emerging markets also (including China and India), total net private capital flows declined to \$ 12.0 bn in 1997 compared to \$ 30.8 bn in 1995 and \$ 38.3 bn in 1996, and were (-) \$ 17.0 bn in 1998 and (-) \$ 2.5 bn in 1999. The estimate is at \$ 10.6 bn only for 2000. This is despite the fact that net direct investment to these countries continued to grow until 1998. While the surplus countries like Japan, Germany, France, Italy and Britain continue sitting tight on resources, and are silent on sharing of responsibilities, though sharing may be in self-interest in every economic sense, keeping aside revival aid plans to substitute their banks' pullout of credit of much larger scale from East-Asian countries and Brazil during the crisis period.

What Japan announced in October 1998 is \$ 30 bn revival aid (Miyazawa) plan for next 4 years, later added with \$ 3 bn Growth and Recover Initiative with Asian Development Bank (ADB) and more recently \$ 10-30 bn in April 1999 for crisis-hit countries, namely, Indonesia, Malaysia, Thailand, South Korea and the Philippines may be seen in the light of \$ 42 bn which was pulled out by Japanese banks from these countries, during a short period of the crisis (July-June 1998), according to the Bank for International Settlements (BIS).

There is special importance of highlighting the major stories of serious failures as is made out for China. But, Human Rights as such carry so much socio-political importance that China has signed the International Covenant on Civil-Political Rights in October 1998. It means that China agrees that "every one shall have the right to hold opinions without interference," and people will have

“freedom for expression” and “freedom of association with others.” Ratification of the Covenant is to be watched.

The issue also arises if different existing Human Rights (besides Right to Development) will not suffer rather than getting enriched due to increase in certain pockets of prosperity with globalisation.

A positive conclusion which comes out from such discussion is that there is much utility in highlighting a number of success stories, may be at micro-level, may be partial, for the time being confining to Human Rights which would be more rewarding for mutual inspiration among countries, and for forward-looking approaches without constraining the resources of the overwhelming dimensions required from the international community.

#### **‘Post-Washington Consensus’**

The emergence of “Post-Washington Consensus” (PWC) is of some interest in the present context in so far as it could provide a more balanced approach to international development strategies which would be supportive to Human Rights. The available literature on this, however, remains confined to motherhood statements and wishful thinking.

The Washington Consensus held that good economic performance required liberalised trade, macro-economic stability, and getting prices right. Once the Government left the markets free to allocate resources efficiently they would generate robust growth.

The ‘Post-Washington Consensus’ holds that making markets work requires more than liberalisation, low inflation and determination of prices by market forces. It requires some system of regulations, promotion of competition and markets, facilitation of technology transfers, and active role of the State in building up physical and social infrastructure. Indeed, there are macro-economic underpinnings along with macro-economic stability. There are several trade-offs

requiring policy deliberations and interaction between the State and the private markets. The goal of the policies should be, besides good economic performance, sustainable - egalitarian - democratic development which would require complementary strategies. Joseph Stiglitz, presently of the World Bank, has expounded the theme in his 1998 WIDER (Finland) Annual Lecture.

But the ‘apple pie’ approach underlying the ‘Post-Washington Consensus’ would equally suffer from the shortcomings we discussed above in respect of the existing Charter of Human Rights.

#### **Right to Development**

The Right to Development which is under discussion of the United Nations’ auspices may be found very attractive in the present context, as primarily it would provide legitimacy to the States in the coming years when the role of market and private sector players will overwhelmingly be emphasised and will be observed operationally. It is well recognised that an individual today is not self-sufficient, nor any country. Thus, the Right to Development points to those rights which can naturally be shared by collective action at national as well as international level. It is claimed that by making the Right to Development a Human Right, i.e., recognised by all States, it enjoins upon them a code of conduct that not only disrupts the conditions required to fulfil that right, but also actively assess and promote its fulfilment.

#### **Main Hindrances**

All concerned who have been involved in development processes know the apparent, and serious limitations of such a “will-o-wisp” approach, a characteristic of international thinking, which is mostly bereft of ground level realities particularly of the poorer and populous countries. The issue is in what way, such a right will strengthen and empower the hands and minds

of those who are on the 'periphery', against the 'centre', at global level, as also within countries particularly faced with resource shortages and organisational gulfs which hinder minimum growth even now.

### **New Initiatives: Role of Corporate Sector**

Thus, basically there is need for new initiatives by a newly recognised set of players. Perhaps, it is for this reason that the United Nations Secretary General recently made an appeal to world business in terms of the need for a 'compact' on the global scale, asking corporate leaders "to embrace, support and enact a set of core values in the areas of Human Rights, labour standards, and environmental practices". It is a wholesome truth that the corporate sector today by its conduct and through its resources is in position to help this emerging 'compact'. This approach is fully consistent with the trend of globalisation. In the final analysis, governments, corporate units, pressure groups, international organisations, ethical/religious leaders all together need to make the existing Human Rights a practical and enforceable set of codes.

The recent Asian crisis and discussions over measures for its solution at all levels amply has shown that globalisation (free short-term capital movements in this case) calls for acceptable global institutions and global rules, when not only organisations like the IMF and the WTO are made politically accountable and there is adequate co-ordination of economic as well as social concerns at the level of all other global organisations, but corporate units, say the top (Fortune) 500 in particular, became conscious of their global obligations, given their resources (including management) and earnings, to share the concerns in their own interests, in the long-run.

Indeed, there is a considerable scope to bring wide awareness about obligations, corresponding to the rights, at national and local

levels, and at individual and corporate levels, and in rich as well as poor countries. The information revolution ushered in by new IT and Internet can definitely come to aid to this need and has potential to change the perspective, outlook and understanding of people, at large, of the emerging global village in respect of Human Rights and obligations.



**TABLE**  
**DECLINE IN CAPITAL FLOWS TO (A) CRISIS COUNTRIES\***  
**AND (B) OTHER ASIAN EMERGING MARKETS**

Countries	1995	1996	1997	1998	1999	2000 (Forecast)
<b>A. Crisis Countries</b>						
<b>1. Net Private Capital Flows</b>	74.2	65.8	-20.4	-25.6	-24.6	-40.6
i) Net Direct Investment	7.5	8.4	10.3	8.6	10.2	12.0
ii) Net Portfolio Investment**	17.4	20.3	12.9	-6.0	6.3	6.6
iii) Other Net Investment**	49.2	37.1	-43.6	-28.2	-41.1	-59.2
<b>2. Net Official Flows</b>	0.7	-0.4	17.9	19.7	-4.7	5.0
<b>3. Increase in Reserves</b>	18.5	5.4	-30.5	52.1	44.5	17.2
<b>B. Others Asian Emerging Markets</b>						
<b>1. Net Private Capital Flows</b>	30.8	38.3	19.0	-17.0	-2.5	10.6
i) Net Direct Investment	39.1	44.6	45.1	49.7	39.6	41.3
ii) Net Portfolio Investment	-3.2	-7.4	-9.4	-11.9	-11.9	-0.4
iii) Other Net Investment	-5.1	6.1	-16.7	-54.7	-30.2	-30.4
<b>2. Net Official Flows</b>	5.8	4.1	3.7	7.9	3.8	5.1
<b>3. Increase in Reserves</b>	27.6	44.8	46.7	18.2	15.9	32.9

\* Indonesia, South Korea, Malaysia, the Philippines, and Thailand

\*\* Includes short-term investment flows, and official and private borrowings.

Source: IMF, *World Economic Outlook, April, 2000*.

**ANNEXURE - I**  
**THE INTERNATIONAL BILL OF HUMAN RIGHTS**

Rights	Documents and Articles		
Life	D3	C6	
Liberty and security of person	D3	C9	
Protection against slavery	D4	C8	
Protection against torture and cruel and inhuman punishment	D5	C7	
Recognition as a person before the law	D6	C16	
Equal protection of the law	D7	C14	C26
Access to legal remedies for rights violations	D8	C2	
Protection against arbitrary arrest or detention	D9	C9	
Hearing before an independent and impartial judiciary	D10	C14	
Presumption of innocence	D11	C15	
Protection against ex-post-facto laws	D11	C15	
Protection of privacy, family and home	D12	C17	
Freedom of movement and residence	D13	C12	
Seek asylum from persecution		D14	
Nationality		D15	
Marry and found a family	D16	E10	C23
Own property			D17
Freedom of thought, conscience and religion	D18	C18	
Freedom of assembly and association	D20	C21	C22
Political participation	D21	C25	
Social security	D22	E9	

Work under favourable conditions	D23	E8	E7
Free trade unions	D23	E8	C22
Rest and leisure		D24	E7
Food, clothing and housing		D25	E11
Health care and social services		D25	E12
Special protections for children	D25	E10	C24
Education	D26	E13	E14
Participation in cultural life		D27	E15
Self-determination		E1	C1
Humane treatment when detained or imprisoned			C10
Protection against debtor' prison			C11
Protection against arbitrary expulsion of aliens			C13
Protection against advocacy of racial or religious hatred			C20
Protection of minority culture			C27

Source: Jack Donnelly, *International Human Rights*, Westview Press, Quoted in *The Economist*, December 5, 1998.

D = Universal Declaration of Human Rights.

C = International Covenant on Civil and Political Rights.

E = International Covenant on Economic, Social and Cultural Rights.

## ANNEXURE - II

### SELECT INTERNATIONAL DEVELOPMENT TARGETS

An OECD-United Nations-World Bank conference (held in Paris on 16-17 February 1998) identified 6 social goals and 16 complementary indicators to be monitored by the development community as part of a new international development strategy.

#### Reduce Poverty by Half

- Headcount index
- Poverty gap index
- Income inequality: share of income accruing to poorest 20 percent
- Child malnutrition

#### Provide Universal Primary Education

- Net primary enrollment ratio
- Progression to grade 5
- Illiteracy rate of 15-to 24-year-olds

#### Improve Gender Equality in Education

- Gender differences in education and literacy

#### Reduce Infant and Child Mortality

- Infant mortality rate
- Under-five mortality rate

#### Reduce Maternal Mortality

- Maternal mortality ratio
- Births attended by skilled health staff

#### Expand Access to Reproductive Health Services

- Contraceptive prevalence rate
- Total fertility rate
- HIV prevalence in pregnant 15-to 24-year-olds

Source: World Bank, *World Development Indicators*, 2000 (March 2000).

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