



## Impact of Globalisation on State Authority as the Protector of Human Rights

Sanjeev, G<sup>1</sup> & Sajith, V.S<sup>2</sup>

<sup>1</sup>Assistant Professor, Department of Humanities, NSS College of Engineering, Palakkad, Kerala.

<sup>2</sup>Assistant Professor, Department of Mathematics, NSS College of Engineering, Palakkad, Kerala.

Received 24th January 2015. Accepted 23rd March 2015

### Abstract

*The paper is an attempt to enquire the impact of globalisation on state authority in discharging its celebrated duty as the protector of human rights. Evolution of the concept of human rights and the united nation's declarations are discussed. The ongoing pace of globalisation based on market fundamentalism is affecting the right to development by deteriorating the authority of state. Only a strong government can protect the civil economic and political rights of the people. The paper highlights the scenario in third world in general and India in particular.*

**Keywords:** Globalisation, Human Rights.

© Copy Right, IJRRAS, 2015. All Rights Reserved.

### Introduction

Would globalization enhance the implementation of human rights as stated in the Universal Declaration of Human Rights ( 1948 ) and the subsequent United Nations agreements , particularly the covenant on civil and political rights ( 1966 ) ,the covenant on economic, social and cultural rights (1966 ) and the declaration on the right to development (1986 ) ?If globalization is conceived as turning the whole world into one global village in which all people are increasingly interconnected and all the 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 rights everywhere because globalization is bringing prosperity to all the corners of the globe together with the spread of the highly cherished values of democracy , freedom and justice. On the other hand if globalisation is conceived as turning the global population into a global market for goods and services dominated and steered by the powerful gigantic multinational corporations and governed by the aim of profit maximization then all the human rights of the people in the world, particularly in the third world would be seriously threatened. From visible evidences we can say that Globalisation is instrumental in changing not only the market structure but also the socio- economic and political order of the world. It isn't just individuals and neighbourhood institutions that have felt the impact of de-localization. A major causality of this process has

been a decline in the power of national governments to direct and regulate their national economies both at policy formation and implementation.

### Objective

In this study we are making an attempt to enquire the impact of globalisation on state authority in discharging its celebrated duty as the protector of human rights. The study is restricted to literature review and personal observations due to paucity of time. Repeated interactions with the resource persons also helped a lot in conducting the study.

We shall start our discussion with an enquiry into the historical evolution of the concepts of human rights. Various approaches to the study of human rights and the debate between the Western scholars with Asian philosophers for the legacy of the concept are also mentioned. In the following chapter the changes that happened in the development concept along with the Universal Declaration of Human Rights (1948) will be analysed. Earlier social scientists were depending on national income (GDP) to measure Economic Development, later it was on newly developed parameter of Physical Quality of Life Index (PQLI) to measure Human Development. Empirical discussions on globalisation are recollected in the next chapter to analyse its role in redefining the role of national governments. It will help us to understand its influence in the capability of state as a human right protector.

### Human Rights: Evolution of the Concept

A right is an interest protected by law. Human rights may be simply defined as those minimal rights which every individual must have against state or other individuals or authorities by virtue of his being a

### Correspondence

Sanjeev, G

sanjeevg@nssce.ac.in

member of the human family irrespective of other considerations

A cluster of human rights has been firmly embedded in the minds of every civilized society with the Universal Declaration of Human Rights-(UDHR). A group of scholars from the west considers that the concept of human rights disseminated as the underlying concept of liberal individualism. It was challenged by Indian philosophers by pointing that the ideas of liberty and freedom were prevalent in Buddhism, Hinduism, Islam and Confucianism. The principles of Confucianism, the loyalty to family and obedience to the state constitute the two pillars of Asian values. The need for tolerance on an egalitarian basis can be found in the inscriptions of Asoka. The object of his governance is described thus: "Non-injury, restraint, impartiality and mild behavior to all creatures". Egalitarianism and tolerance were advocated by Indian thinkers and religions in ancient and modern times. But the western scholars regard that the Asian values are less supportive of freedom and more concerned with order and discipline.

Human rights can be classified into:

1. Civil and Political Rights (First Generation Rights)
2. Economic, Social and Cultural Rights (Second Generation Rights)
3. Group rights are the third generation rights
4. Recognition rights, Dalit rights, information rights etc are called the fourth and fifth generation rights.

First generation rights which give people the opportunity to draw attention forcefully to general needs and to demand appropriate public action. Political rights include voting, criticizing, protesting etc. Freedom of press, speech and expression are also part this. Response of the authority to acute sufferings of the people often depends on the pressure that is put on the authority by the people by enjoying these rights. For example when we scrutinize the history of famines a terrible one has never ever happened in an independent and democratic country. But we have witnessed many in Sudan, Ethiopia, and Somalia and even in China (during 1958-61) under dictatorial rule. Rights of a person not to be tortured and the recognition of diversity within different cultures are extremely important in modern world.

### **Economic Development and Human Development**

Traditional development economists considered economic growth as a sustained rise in per capita income of a country. For them economic development was change in the socio-economic structure of the economy along with rise in per capita income. The classification of world into developed and underdeveloped was based on the distinction between growth and development. Economic development is regarded as the aim of under developed traditional economies where as economic growth has been considered was the problem of rich industrialized countries. Growth has been regarded as a

purely economic phenomenon and development as a socio-economic phenomenon. Growth is the ultimate end of all economic efforts and development is a means for attaining that end.

The above discussed approach of the traditional school was called as 'commodity centered' approach. This approach ignored that increase in income is only a means for enhancing the well-being of mankind. The arbitrary classification of countries into 'developed' and 'underdeveloped' was criticized heavily by Lewis. Development economics deals with "the structure and behavior of economies where the output per head is less than 1980 US \$ 2000". The traditional approach treated GDP per capita as the base for defining entirely different concepts of Growth and Development. They have wrong perceptions that the increase in income level will automatically bring increase in human welfare and all societies have equal capacity in converting income to welfare.

Taking GDP as the sole measure of development was criticized on the ground that GDP normally count only monetized sectors but contribution of non-monetised sectors are innumerable in the economy. Environmental degradation was not adequately addressed in the approach and the restoration activities were counted as economic activity. GDP cannot necessarily be a micro variable as it doesn't reflect distributional statistics.

### **Commodity Centric Development to Human Centric Development**

In 1950s the ECOSOC of UN used the term 'socio-economic development' in the place of 'economic development'. The idea of Human Capital Formation was put forward by T.W Schultz in 1961. The 'basic need approach' based on social justice principle got momentum in 1970s. This approach argued that basic needs like food, shelter, clothing, health facilities and education are all primary goods of development. It was later developed by Morris D Morris with his Physical Quality of Life Approach. According to Dr.Leni there are three main contributors to the emergence of the Human Development Approach

They are:

1. The elaboration of the idea of 'Capabilities Welfare' as an important complementary to 'commodities welfare' in promoting human well-being by Amartya Sen
2. The declaration of Right to Development by UN in 1986
3. Publication of the first Human Development Report by UNDP under the leadership of Mahabub Ul Haq in 1990.

### **Human development**

UN defines Human Development as "the process of widening people's choices and the level of their achieved well-being".

According to Mahbub Ul Haq, "The basic

purpose of development is to enlarge people's choices. In principle these choices can be infinite and can change overtime. People often value achievements that do not show up at all or not immediately, in income or growth figures: greater access to knowledge, better nutrition and health services, more secure livelihood, security against crime and physical violence, satisfying leisure hours, political and cultural freedom and a sense of participating in community activities. The objective of development is to create an enabling environment for people to enjoy long, healthy and creative lives".

UNDP is measuring the Human Development based on knowledge, health and command over resources. From these three indicators the Human Development Index (HDI) is calculated. Advantages of human development approach are:

- a. It is a clear shift from 'commodity centered' to 'human centered' approach in development
- b. It recognises the role of development in enhancing 'human capabilities'
- c. Compared to other measures of development progress, the HDI has more methodological flexibility. It is possible to include additional indicators or drop some existing ones, in accordance with the requirements of the situation.
- d. It accepts development as a human right
- e. It recognises assurance of human rights as a necessary condition for development.

Haq explains "The human dimension of development is not just another addition to the development dialogue. It is an entirely new perspective, a revolutionary way to recast our conventional approach to development. With this transition in thinking, human civilization and democracy may reach yet another milestone. Rather than the residual of development, human beings could finally become its principal object and subject -not a forgotten economic abstraction, but a living, operational reality, not helpless victims or slaves of the very process of development they have unleashed, but its masters".

### Human Rights Vs Globalisation

The underlying basic assumption upon which all UN human rights agreements were based was governments' responsibility. But from the very beginning the globalization assumes the relief of government from any responsibility regarding human rights. All the declarations were addressed to governments and all human rights agreements were discussed, negotiated and signed by governments and who were held responsible for either their implementation or violations. Governments were asked to take whatever political, economic, social, cultural and legislative measures to enhance the implementation of human rights in their countries. All human rights annual reports on the state of human rights in countries of the world published by UN, human rights societies or some countries such as USA held government

responsible for violations of human rights. Governments were assumed to be policy and decision makers for all economic, political and social domains in their countries

With the Universal Declaration of Human Rights in 1948 many countries of the world, irrespective of the classification into the north or the south succeeded in enhancing the implementation of human rights, particularly in the economic, social and cultural domains simply through policies of subsidizing food, housing and services such as health care, transportation, sanitation, culture and education. Considerable number of third world countries, particularly in the south made considerable achievements in the field of the right to work simply by taking decisions to protect local industries from competition and thus creating job opportunities for their population.

On the contrary globalization agreements require governments to abide by the global market mechanisms and to follow the instructions and conditions of the international institutions such as WTO, IMF, and the World Bank. So governments have to be decision takers rather than decision makers particularly in the economic domain and they have to make all necessary structural adjustments in their societal systems. They have to issue new laws in every sphere to facilitate the operations of the free market mechanism and to cancel any existing laws which hamper this process. They may even have to amend their constitutions, such as those related to public and private sectors. Many of those changed laws are related to human rights particularly the economic, social and cultural rights. The most important of these changes are related to taxation, worker-employer relations, owner-renter relations, government subsidization of basic needs goods such as food, water and housing and services such as education, health, transportation, and even mass communication and cultural services (such as telephones, newspapers, theatres, books and television). Everything has to be dealt with as a market commodity judged by its economic value rather than its social value.

Legislations allowing the free flow of capital and goods with almost no restrictions on imports through tariffs adversely affect local developmental projects. This open door policy by governments requires issuing laws which impedes another fundamental human right declared by UN, which is the right to development.

### Third world crisis

Governments of the developing countries have been persuaded and pressured to sacrifice human rights for the sake of globalization. Violations of human rights agreements on economic, social and cultural rights are not met by practical punishments or deterrence measures. The reactions of both international organizations and local human rights groups do not exceed criticism, condemnation or demonstrations at most. On the contrary violations of economic rules of globalization and agreements are met with very severe practical

measures such as economic boycotting and cutting of aids.

Vandana Shiva states that “In India , the per capita cereal consumption declined by 12.2 for rural areas and 5.4 percent in urban areas . “ she explains these figures by saying that countries cannot ensure that the hungry are fed because this involves laws, policies and financial commitments which are” protectionist “.She also offers evidence on the impact of globalization agreements on the right to health : “ Under the trade Related Intellectual Property agreement of the world Trade Organization, countries have to implement patent laws granting exclusive , monopolistic rights to the pharmaceutical and biotech industry. This prevents countries from producing low cost generic drugs. Patented HIV/AIDS medicine costs \$15,000, while generic drugs made by India and Brazil cost \$250-300 for one years treatment. Patents are, therefore robbing AIDS victims of their rights”

Multinational companies will definitely opt capital intensive method of production which will cause massive unemployment. T.Rajamoorthy states that “globalisation resulted in the violation of the fundamental right to work. In their drive for profits, companies, in particular TNCs, have been restructuring their operations on a global scale. The result has been massive unemployment. In 1995, the ILO announced that one third of the world’s willing to work population was either unemployed or underemployed ....the goal of full employment , which was one of the pillars of the social consensus that prevailed after the Second World War , has been jettisoned by nearly all governments .... Globalization has also engendered or accentuated the process of the casualisation and informalisation of labour”. He mentions that only 8% of the labor force in India is in the formal economy while 90% work in the informal economy with no legal protection or security and are subject to ruthless exploitation. Many companies ,including TNCs got rid of their unionized labor force and moved their operations to law wage and depressed areas to avail themselves of the large supply of unorganized and unprotected , mainly female labour.

The right to education has been also adversely affected by the privatization policies and the turning of education into a profit generating enterprises in the developing countries. Due to the reduced governmental expenditure on education the quality of public free education has suffered a lot. Investors established educational institutes covering all the range from kinder gardens to universities offering better but much more expensive quality of education for the elites and motivated mainly by profit. However most developing countries still suffer a high rate of illiteracy and graduates of the governmental low quality educational institutions are not well prepared for the labour market so they suffer unemployment.

One of the adversely affected fundamental rights in the south is the right to development. “When countries lose their right to regulate the entry, behaviour and operations

of foreign investment in the interests of their own people, it is not difficult to appreciate why it is bound to result in an impairment of the right to development .

### Consequences of violations of human rights

No doubt that the widespread violations of human rights are related to the widening gap between the rich and the poor, both on the global and on the local levels. International Statistics prove the following facts.

- Half the world –nearly three billion people – live on less than two dollars a day
- The wealthiest nation on earth has the widest gap between rich and poor of any industrialized 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%
- In 1960, the 20 % of the worlds people in the richest countries had 30 times the income of the poorest 20%--in 2007, 74 times as much
- A few hundred millionaires now own as much wealth as the world’s poorest 2.5 billion people.
- The combined wealth of the world’s 200 richest people hit \$ 1 trillion in 2009; the combined incomes of the 582 million people living in the 43 least developed countries are \$ 146 billion.

### Necessity for a new approach

A key characteristic of economic globalization is that the actors involved are not only states, but private power in the form of multinational or transnational corporations. 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. States have to make holding companies accountable through legal rules for the human rights and environmental impact of their policies.

But transnational corporations are much powerful than the states, particularly those of the dependant developing countries then who would issue those badly needed legal rules and who would implement them ? Transnational corporations which are steering the economic globalization are not at all directed by ethical or humanitarian principles. The maximization of profit is the major if not the only driving force for all their activities.

### Summary

- a. a.Globalisation is a process designed by the capitalists to build up a chain of relations to protect the interests of them. In modern globalisation what features is market fundamentalism.
- b. b.The advocates of globalisation are for a uniform standard and trade laws which will be emerged because of trade linkages. These standards will be detrimental to the interests of the third world. The market laws aimed at profit will always be in collision with the social laws

aimed at values. Ultimate result will be weakening of the government and declining of the state.

- c. In future there are limited chances for a geographic centre and thus the concept of 'law of the land disappears'. The transnational corporations are much powerful than the states, particularly those of the dependant developing countries then no body will be there to issue those badly needed legal rules and implement them. Transnational corporations which are steering the economic globalization are not at all directed by ethical or humanitarian principles. Weakening of institutional mechanism like state and government may be a threat to establish the second generation human rights.

6. T W Schultz, 'Investment in Human Capital', American Economic Review
7. Thomas L. Friedman : The Lexus and the Olive Tree,; Understanding Globalization, Cairo international Publishers,1999.
8. Anthony Giddens : "Globalization" ,BBC Reith Lectures)
9. T. Rajamoorthy, Development and Human Rights Vandana Shiva, Violence of Globalization ,the Hindu ( New Delhi, India ) March25,2001.

### Indian experience

- a. Government is withdrawing from its social obligations of implementing social security measures
- b. Nearly 2 lacks people from the primary sector committed suicide since the introduction of new economic policy in India
- c. Government is implementing only some leveling mechanism rather than structural adjustment programs addressing the down trodden sections
- d. Government is a provider in welfare state. With the advent of globalisation, role of the government is changed into a facilitator and a regulator then. Now with the institution of regulatory authorities, like TRAI, IRDA, PFRDA, electricity tariff regulatory authorities etc, government is only a party to a decision making process.

### Conclusion

Ongoing pace of globalisation based on market fundamentalism is a violation of the right to development as it reduces the people's choices rather than widening it. It causes decline of the state authority. Only a strong government can protect the civil, economic and political rights of the people. "If we fail to secure the poor, we will fail to reach our larger, global goals for human rights and economic development" (UN).

### References

1. Arjun Sen Gupta, 'Right to Development as a Human Right' EPW July 7 2001.
2. Mehabub Ul Haq(1996), Reflections On Human Development, New Delhi,OUP
3. Leni.V(Dr.) Human Development, UGC-ASC(Talk),
4. UNDP ,Human Development Report, various years
5. W A Lewis (1984)"The State of Development Theory', American Economic Review.