Globalisation and human rights AMASC Congress, Sydney 16 April 2002
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Globalisation and human rights are often assumed to be at odds with each other. The term 'globalisation' is often used to describe our changing environments. National boundaries now seem almost antiquated notions in the face of great advances in communications technologies and the growth of international investment, trade and commerce. It is often pointed out that the wealth of the largest multinational corporations exceeds the economies of almost half the members of the United Nations. Popular culture tends to assume that globalisation is synonymous with a sort of predatory amoral capitalism.

Thus the various protests surrounding the World Economic Forum meetings in Seattle or Melbourne were depicted as an uneven contest between the sleek well fed globophiles discussing global profit making in five star hotels and the anti-globalisation protesters, outside in the street, chanting slogans in a vain effort to hold back the inevitable global tide. If globalisation simply means dissolving trade barriers between countries, giving economic growth priority above all else, it has little place for non-economic values such as human rights.

But globalisation is better understood as an umbrella word for many different and contradictory phenomena. It is typically used to refer to the great increase in economic activity across national borders and can thus make many a corporate heart rejoice and many a human rights activist heart fall. Governments tend to be attracted to internationalist discourse in the context of the world economy, but they often reject internationalist discourse in areas such as human rights which more radically challenge governmental power. Thus it is often assumed that globalisation is antithetical to commitments to human rights; that globalisation increases the power of private, economic actors such as transnational corporations and reduces their accountability for human rights violations.

Globalisation however has many other dimensions beyond the economic and the technological. It can include the growth of transnational networks concerned with protection of the environment or the promotion of health and human rights. John Braithwaite has pointed out that 'there can be paradoxes of sovereignty where globalisation is associated with an increase rather than a decrease in sovereignty, properly conceived as the capacity of citizens to understand decisions that will affect their lives and to raise their voices in a way that influences those decisions.' Richard Falk has used the terms 'globalisation from above' and 'globalisation from below' to capture two starkly different tendencies: 'globalisation from above' refers to the way that market forces have eroded the power of the state and created new alliances based on profit maximisation; 'globalisation from below' means cross-national alliances of group concerned with preserving the dignity of human life and the life of our planet.

To me, the challenge in this new century of ours is to harness the language of globalisation from below to restrain and humanise the forces of globalisation from above. One method of doing this is through the vocabulary of human rights, the most radical

discourse of the twentieth century. Although ideas of human rights have venerable pedigrees in classical and enlightenment philosophy and in natural law philosophies, they were not given any formal international status until the founding of the United Nations in 1945.

The Charter of the United Nations contains the first explicit recognition in international law that an individual is entitled to the observance of fundamental rights and freedoms. Among the purposes of the United Nations set out in Article 1 of the Charter is that of cooperation `in promoting respect for human rights and fundamental freedoms for all'. Article 55 commits the United Nations to promote `universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion' and Article 56 provides that all members `pledge themselves to take joint and several action in cooperation with the Organization for the achievement of the purposes set forth in Article 55'.

The Universal Declaration of Human Rights, adopted unanimously by the General Assembly of the United Nations in 1948, gave content to the undefined notion of fundamental human rights in the Charter. Although the Universal Declaration was not originally intended to be a formally binding instrument, it has always had the status of `an authoritative interpretation of the Charter of the highest order'. Together with the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, which were both adopted in 1966, the Universal Declaration forms the so-called `International Bill of Rights'.

While the Universal Declaration and the Covenants deal with human rights generally, a variety of other instruments dealing with specific areas of human rights have been adopted internationally. Human rights treaties either focus on particular vulnerable groups (eg women, children, migrant workers) or on particular human rights (eg genocide, racial discrimination, torture).

A major limitation of traditional understandings of human rights is that they restrain only governmental action: the idea is that the right to freedom of speech, or the right to health is one to be claimed from governments. This means that the obligations set out in international human rights treaties are not considered applicable to non-governmental entities such as corporations. On this analysis, corporations are unrestricted in their pursuit of economic gain.

Over the past decade however the traditional, government-focussed understanding of human rights has fundamentally changed. International organisations such as the United Nations and European Parliament have increasingly moved to holding non-state actors accountable for their role on human rights abuses. National courts are also being used to challenge the complicity of corporations in human rights violations, such as a case brought by Burmese farmers against United States multinational companies. I do not want to suggest that this trend has been without pitfalls or failures, but it is a sign of a significant change in the human rights movement. The major driver of this trend has been the work of global civil society &emdash one of the products of the expansion of

communications technology. Civil society encompasses non-government organisations of all sizes and interests, which monitor the social and political culture of various communities.

What can we do as individuals to ensure that 'globalisation from above' is made accountable? One way is to become part of the globalisation from below movement: to take an active interest in the work of human rights organisations, to pressure our own national governments to impose human rights obligations on private actors such as corporations