

HUMAN RIGHTS AND GLOBALISATION

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Abstract

Globalization, which is often used to describe the process of global economic integration, has also been an effective analytical tool for comprehending significant shifts and changes taking place in the political and cultural spheres. The primary strands of political globalization include the modern conception of state sovereignty, the ascent and worldwide standardization of a universal norm, as well as the regime of human rights. Cultural norms and concepts tend to become universal as markets and consumer goods become more standardized on a worldwide scale. There are intricate connections between modernization, westernization, inter-nationalization, and universalization. To what extent do the unique, localized, and distinctive cultural norms and ideas survive if cultural concepts like human rights become universal.

Keywords: Globalization, Modernization, Human Rights, Cultural Norms.

Introduction

These two concepts are both current academic buzzwords and share a universal and global nature. Human rights are based on the Kantian ideal of "Human dignity" and the Lockean theory of "natural rights." The need for international norms on human rights was recognized in the backdrop of the atrocities done by Hitler against Jews during the Second World War, despite the fact that this concept is very old and has its roots in antiquity. Therefore, in the years following World War II, it became a serious concern for everyone in the world to put an end to the atrocities states committed against specific groups of people, and it was thought to be time to do away with the conventional belief that states have complete freedom to decide how to treat their citizens. Hence, the concept of human rights sprang from the requirement to defend the person from the arbitrary exercise of state power. The UN charter made clear that one of the organization's four goals is to "promote and encourage the realization of human rights and fundamental freedoms for all, without discrimination on the basis of race, sex, language, or religion." This desire to uphold human rights was reflected in the UN charter.

The Universal Declaration of Human Rights, which established human rights as being universal, inalienable, and indivisible, was approved by the UN in 1948 to further the goal of human rights. The civil, political, economic, and cultural rights that were not defined in the UN Charter are almost all included in this proclamation. Although though this declaration lacks legal force, it has gained moral authority and is now recognized as customary law by international law. The Universal Declaration of Human Rights (UDHR) was also supported by numerous international and regional human rights treaties, conventions, and agreements, including the 1966 International Covenant on Civil and Political Rights (ICCPR), the 1966 International Covenant on Economic, Social, and Cultural Rights (ICESCR), and numerous other inter-State and regional agreements. Other institutions and methods for supervision, like the European Court of Human Rights and the UN Human Rights Commission, have also been established concurrently. With its UDHR serving as a template for numerous international and regional human rights treaties and declarations, the UN has thus played a significant role in the globalization of the concept of human rights. Human rights are those unalienable rights that everyone has the right to enjoy regardless of their race, class, nationality, or any other form of prejudice.

Human rights are simply the rights that everyone has access to equitably, regardless of gender, ethnicity, nationality, or economic status. These rights are thought to be essential for living a life of dignity. Human rights differ from other rights in that they are applicable to everyone, unlike constitutional rights, which are only available to state residents. Other rights are guaranteed by the

state, while human rights are guaranteed by the world community. Human rights are universal rights that transcend all boundaries. Human rights are now a broad notion that encompasses practically all types of rights, including natural, legal, economic, cultural, and developmental rights. One such phenomenon that has led to excessive discussion in modern literature is globalization. The definition of globalization has generated debate among academics. The term has been described in a variety of ways by various scholars, including "increasing global interconnectedness," "the rapid intensification of global social relations," "the compression of time and space," "a complex range of processes, driven by a mixture of political and economic influences," and "the free flow of capital, people, and ideas across national boundaries," among others. Steger has noted these and other descriptions of the term. "Globalization is changing trade, money, employment, migration, technology, communications, the environment, social systems, ways of living, cultures, and patterns of government," claims Streeten. "Globalization is a process combining not just business but culture, technology, and government, people everywhere are increasingly connected-affected by events in every part of the world," according to UNDP.

According to William Twining, "those processes that tend to build and cement an united international economy, a single ecological system, and a complex network of telecommunications that encompass the entire globe" are what constitute globalization. Twining deduces that we live in an interdependent world as a result of this. Globalized localisms, in which a local culture is exported on a global scale, and localized globalism, in which the impact of globalization transforms local cultures in response to this external influence, were two concepts used by another scholar, Boaventura de Sousa Santos, to describe globalization. Simply expressed, globalized localisms refer to the globalization of a local phenomena, such as the "expansion of the English language or Coca-Cola." On the other side, localized globalism refers to situations in which local communities are impacted by global forces and ideologies, such as how tourism affects ecological systems and how local laws are changed to address international trade.

The aforementioned definitions make it evident that globalization is a multifaceted process with not just economic but also political and sociocultural components. The most common way that globalization is interpreted is in terms of economic globalization, which refers to the fusion of the domestic and international economies. Globalization, however, encompasses all facets of contemporary life, including the economic, the cultural, the political, the humanitarian, the social, and the ecological. It is not just an economic movement. The intensification of global flows is a result of globalization. These cross-regional and cross-state flows involve the movement of people, things, ideas, services, and money. The integration of economic, political, social, and cultural forces beyond national boundaries is what is known as globalization. Scientific and technological advances, particularly in the fields of transportation and communication, are what propel globalization.

Socio-political reasons that have aided globalization over the past three decades include the end of the Cold War, the fall of the Soviet Union, and the increase in interdependence between nations. It's possible to think of globalization, which has improved cross-border interactions, as the "end of geography." It is a process that gradually turns the world into a global village by erasing national boundaries. The social, economic, cultural, and other facets of human life have undergone significant change as a result of the globalization phenomenon. Today's societies are more dynamic, people are more mobile, conventional roles are changing, and social standards are shifting. The underlying presumption is that each individual is a thinking being deserving of respect. The spread of international institutions and standards, particularly those pertaining to human rights, was made possible by the process of globalization. The UDHR of the UN and numerous other agreements and covenants have established a set of standards and ideals as universal human rights.

Objectives of the study

- To study the relationship between globalisation and human rights
- To observe the scenario of globalisation of human rights
- To identify the Global civil society and Human Rights

Debating Relationship between Globalisation and Human Rights

This relationship can be examined in terms of how globalization affects human rights, namely whether it threatens human rights or offers opportunity for their growth. A clear assessment of the impact of globalization on human rights is hampered by disagreements about the definition of globalization. Regarding the effects of globalization on multiple generations of human rights, however, two models might be considered.

Beneficial relationship between globalization and human rights is the focus of this approach. It views globalization as an economic paradigm that stimulated economic growth and, as a result, enhanced civil, political, and economic rights protection. This paradigm basically holds that economic success brought about by globalization enhances societal wellbeing, defends numerous freedoms, and rights. According to Michael Griswold, globalization promotes respect for human rights. People become more powerful as a result, becoming less reliant on governments for their daily needs, more politically conscious, and less tolerant of violations of human rights. Furthermore, it becomes increasingly difficult for governments to restrict civil and political rights when they allow their citizens to participate in the global economy. This claim states that there are more prospects for growth and development as a result of globalization. This model is the "engine of progress." According to David Lerner, foreign investment fosters civil and political rights through fostering a supportive and stable environment, as well as economic rights through investment and employment development. According to this paradigm, human rights will naturally develop as societies become more globalized rather than requiring social actors to take any action. This model's ability to make connections between wealth and human rights is one of its additional features. Markets are made more accessible by globalization, and markets are the cornerstone of the liberal economic order, democracy, and human rights. Hence, this paradigm holds that the economic integration that globalization stimulates encourages and promotes respect for human rights.

Negative Model: This model looks at how globalization affects human rights protection and how underdevelopment and de-development are caused by it. This model examines the antagonistic link between human rights and globalization. The proponents of this concept contend that rather than the universalization of economic and political rights, globalization resulted in the universalization of capitalism. Citizens are therefore more likely to use their rights in a locally controlled environment than in a globally regulated one. Globalization's theory of the "free market" enhanced the power of some international actors, like the WTO, to defend free trade, which had an impact on state sovereignty as a defender of human rights. This market-driven globalization also reduced the state's ability to advance the common good, control private economic activity, provide services like education and healthcare, and enhance human development. As a result, globalization has worsened income and wealth disparities, unemployment, and poverty. For instance, Joseph Stiglitz criticizes the International Monetary Fund's (IMF) promotion of "hot money" ventures, which frequently disregards the objectives of the national economy. Many public services, including air traffic control, school meals, and even prisons, came under the control of private actors like corporations through deregulation and privatization, which is how globalization is carried out. As a result, these services' objectives shifted from serving the public interest to profit-oriented objectives. The privatization and deregulation of the economy as a result of globalization, according to academics, came at the expense of citizens' social and economic rights, which could weaken human rights.

Furthermore, it has been claimed that globalization has expanded the gap between the wealthy and the poor and has left many people without a voice. Last but not least, globalization endangers humanity's basic existence by encouraging unchecked expansion at the expense of environmental preservation, which has had fatal results like global warming. To assess the difficulties and opportunities that human rights face in the period of globalization, a balanced approach is required because both the supporters and opponents overstated their points of view. Nonetheless, it is obvious that today's globalization has produced a situation where states are under pressure from both governmental and private actors to protect human rights.

Globalisation of Human Rights

A major change in modern times has been the globalization of human rights. International human rights and the phenomenon of globalization have today's produced an atmosphere where states are under pressure from both state and private entities to uphold international and constitutional human rights. The Universal Declaration of Human Rights (UDHR) by the UN, which led to the global dissemination of the concept of human rights, marked the beginning of this process. Many UN treaties and covenants were based on the UDHR. At the regional level, numerous initiatives have been made to advance human rights, such as the Inter-American Human Rights Convention of 1969 and the European Convention on Human Rights of 1950. Because of these international and local initiatives, universal human rights principles have emerged and are now impacting how governments operate all around the world.

Since most constitutions include a list of rights and freedoms, the globalization of human rights has had an impact on constitution-making throughout the world. The "impressive corpus of international conventions and declarations can really be said to have elevated individuals to the level of subjects of international law, whose human rights are entitled to full protection under both national and international law," according to Herbert Morais. These pacts and conventions extended the protection of human rights beyond national borders to the global stage. A world that is so interconnected has taken many forms:

1. Democratic, human rights-respecting regimes have taken the place of communist ones throughout the former Soviet Union and Eastern Europe. This cleared the way for free market systems, which brought to a greater appreciation of people's rights and dignity.
2. The emergence of multinational firms has made it possible for private economic actors to contribute to the advancement of human rights through their global activities and investments. Yet, these economic actors don't always take advantage of this chance, and according to Anderson, both governmental authorities and private economic actors have the power to violate human rights. Nonetheless, the UN has established a code of conduct that governs these private economic players with regard to human rights issues. Human rights have gradually become a part of our societal consciousness. 16 Also, this led to the creation of numerous human rights groups.
3. The internet and technological globalization, in particular, have given human rights more clout globally. This stops states from covering up their abuses of human rights.
4. The advent of human rights NGOs, such Amnesty International, Human Rights Watch, Doctors Without Boundaries, and many others, has played a significant role in the promotion of human rights throughout the world.

Globalisation, State and Human Rights

An crucial component of the state is sovereignty. The supreme authority that a state has over its domestic territory is known as sovereignty, and it is regarded as sacred in international law. Long ago, sovereignty was given to the head of state who derived his authority from religion, history, or charisma. Over time, this idea evolved, and sovereignty came to be associated with the general will, or "will of the people," to use Rousseau's terminology. One of the requirements for the political legitimacy of the government had been created after World War II: sovereignty based on popular will. Article 21(3) of the 1948 Universal Declaration of Human Rights, which states that "the will of the people will be the basis of the authority of government, and that this will shall be expressed in periodic and authentic elections," confirms this in international law. Yet, a number of things, including national sovereignty, have been impacted by the globalization process.

National borders cannot halt the flow of knowledge or other advances in the globalized world of today. Power has shifted as a result of globalization from sovereign states to non-state actors and institutions. These non-state actors are affecting public policy and national legislation without respecting constitutional rights. It has strengthened the influence of multinational businesses and international financial institutions, whose economic might in many respects surpasses that of many nation-states. These international companies are viewed as representations of globalization. They are described by Zygmunt Bauman as "absentee landlords" and foreign investors who have no

responsibilities to the communities in which they invest. There have been serious concerns voiced about how much MNCs and TNCs have exploited their patent rights, sometimes even going so far as to withhold access to life-saving medications. This frequently leads to conflicts between the rights to health and life and the rights of pharmaceutical firms to their patents. The state continues to be the major actor in both the domestic and international arenas, despite widespread worries about the loss of sovereignty.

It is incorrect to believe that the state has become obsolete as a result of the creation of a global society and an increase in international commerce, economic, and investment flows. Although the world is getting smaller, boundaries still exist, and globalization is happening within a state-based international political structure. Under this system, borders may be permeable for some while remaining firm for others. For instance, capital is frequently free but people are not allowed to roam freely. It is still a state that participates in international organizations, signs agreements and treaties with other governments, and establishes policies that influence activity on a national and international scale. Even in this era of globalization, the state retains the authority to uphold human rights; in fact, the state, through independent courts, encourages respect for human rights while also ensuring the justice and welfare of its citizens. Nonetheless, non-state actors must adhere to the minimum international human rights standards.

Globalisation, Global civil society and Human Rights

A component of the current process of globalization is the emergence of a global civil society. Whilst the works of Cicero and other Roman political thinkers are where the term "civil society" first appeared, the globalization of civil society is a relatively new phenomena. Global civil society, according to Mary Kaldor, "is about civilizing or democratizing globalization, about the process through which groups, movements, and people somewhat might demand a global rule of law, a global justice system, and a global emancipation." Yet, the primary focus of global civil society is on challenges that are international in nature, such as terrorism and climate change. The emergence of a global civil society is the result of a number of factors, including capitalism and the economic integration facilitated by globalization. In his study, O'Brein noted that "the process of global civil society is being stimulated by the rising economic interdependence among the states. Additionally, because of the numerous global issues that the states are currently dealing with, including climate change, the stability of the financial markets, and the protection of human rights, they have moved to establish an increasing number of intergovernmental organizations that function on a global scale.

Global civil society has become a powerful force in contemporary politics to fend off attacks on public life, democracy, and particularly human rights by organizations and policies of economic globalization. Human rights advocacy and protection have taken on greater importance in the post-cold war era, with organizations like Amnesty International and Human Rights Watch publishing yearly assessments on the state of human rights around the world. The growing concern for human rights around the world has prompted the civil society to concentrate on holding those who violate those rights legally accountable. The impacts of economic globalization are currently a source of worry for international civil society. There is a widespread belief that some of the MNCs' and TNCs' actions have hurt or violated the communities where they operate's human rights. Hence, the global civil society voiced a number of concerns about these businesses and made an effort to put pressure on them to uphold human rights. In this setting, numerous intergovernmental organizations, including the WTO and the World Bank, have had their economic functions questioned. The issue is that powerful private actors are not held accountable for their acts. Thus, the safeguarding of human rights should be a standard function of the global civil society. A discussion regarding the function of the global civil society in regulating social issues has also resulted from this.

Democracy and Human Rights

Athenian democracy, the oldest democracy in the world, only granted rights to adult male members of the society and denied the same rights to women and slaves. Political scientists believe that democracy is the ideal form of government for the promotion and protection of human rights, and

there is a close relationship between the two. However, in most domestic societies, various sections of society had to agitate and struggle for their rights.

Democracies today have established institutions like India's NHRC for the protection and advancement of human rights, although human rights violations persist. So, in this context, some political academics suggest that the right to democracy should be elevated to the status of a fundamental human right because democracy and a strong record on human rights are considered essential for the legitimacy of modern states in the eyes of the world. However, globalization dictates that we must adopt a broader perspective of the global political economy, including our understanding of democracy, in order to establish forms of global democratic government. 21 The institutions of global governance also need to be democratic. In a globalized society, the question is whether national democracies can uphold human rights. In the era of globalization, it is challenging to see progress and the protection of human rights as the sole province of the state. Because of modern globalization, the state's only authority is in danger, and this issue is hotly debated in today's political dialogue.

Challenges to Human Rights

In the modern society, defending human rights comes with many difficulties. One of them is that both internationally and domestically, the concept of human rights has been politicized. Many nations initially opposed the concept of human rights because they perceived it as an intrusion into domestic affairs. According to this, the communist block did not endorse the UDHR because the majority of the rights enumerated in it are civil and political rights. As a result, there is a lack of consensus across nations regarding the importance and scope of human rights (socialism vs. liberalism)

2. The applicability of human rights has also been constrained because states are perceived as institutions that should support the implementation of human rights while also undermining state sovereignty.

3. In the era of globalization, strong nations like the USA have abused human rights as a tool for foreign politics.

4. There has been uneven global advocacy of human rights principles and practices. This is especially true in civilizations where war and violence are prevalent. Building a culture of human rights over the world is thus the biggest challenge.

5. The establishment of institutions and the formulation of standards are difficult tasks for the human rights system.

Conclusion

The process of globalizing norms and value systems has rekindled the argument, which is being driven by cultural relativists. Cultures may differ under any generic human rights regime. Values and standards vary depending on the cultural regime they are derived from. Human rights breaches are frequently justified or justified by citing cultural peculiarities within a particular country. Cultural relativism has been a persistent issue throughout history in a variety of forms, but since the United Nations was founded and the Universal Declaration of Human Rights was subsequently adopted, this issue has gained prominence among cultural anthropologists and human rights experts as having a significant impact on the exercise of fundamental freedoms and human rights. The use of cultural relativism as a justification for human rights breaches by authoritarian regimes should be firmly distinguished from genuine claims based on customs upheld by a particular cultural group and not at odds with fundamental human rights principles. The fundamental tenet of the cultural relativist theory entails particular methods in which evolutions or judgments are made, in addition to the awareness of cultural distinctions in thought or value. The proponents of cultural relativism contend that it is an infringement of state sovereignty to allow international norms to take precedence over cultural and religious beliefs.

References

1. Vijapur, Abdulrahim, P., Suresh, Kumar, ed. Perspectives on Human Rights, Manak Publications , (1999) New Delhi, p.04
2. Steger, Manfred B, Globalisation-The New Market Ideology, Rawat Publications, (2004), New Delhi, p.19

3. Streeten, Paul, Globalisation-Threat or Opportunity, Copenhagen Business Scholl Press (2001) Copenhagen, p.08
4. United Nations Development Programme (UNDP) 1999, p.07
5. Twining, William, Globalisation and Legal Theory, Cambridge University Press, (2000), Cambridge, p. 04
6. Santos, Boaventura de Sousa, Towards a New Legal Common Sense: Law, Globalisation and Emancipation, Butterworths, (2000) London, p. 167
7. Twining, William, Globalisation and Legal Theory, Op. Cit., p.05
8. Meyer, William H, "Human Rights and MNCs: Theory versus Quantitative Analysis," Human Rights Quarterly, 18:2 p. 368
9. Human Development Report, 2000
10. Stiglitz, Joseph, Globalisation and its Discontents, W.W. Norton & Company, (2003) New York
11. Gavin M. Anderson, Constitutional Rights After Globalization, Hart Publishing, (2005) , Portland p.08
12. Ibid, p. 04
13. Morais, Herbert V, "The Globalisation of Human Rights Law and the Role of International Financial Institutions in promoting Human Rights" The George Washington Journal of International Law and Economics (2000) 33:1, p. 09
14. Ibid, 76
15. Gavin M. Anderson, Constitutional Rights After Globalisation, Op. Cit., p. 09
16. Christopher Marsh, Daniel P. Payne, "The Globalisation of Human Rights and the Socialization of Human Rights Norms," Brigham Young University Law Review, Vol. 2007, Iss.03, p.665-687
17. Saskia Sassen, Losing Control: Sovereignty in an age of Globalisation, Columbia University Press, (1996) New York, p. 02
18. Universal Declaration of Human Rights, 10 Dec. 1948
19. M. Kaldor., "The Idea of Global Civil Society," in: G. Baker and D. Chandler, Eds., Global Civil Society: Contested Futures, Routledge, (2005) New York, P. 103-112
20. R. O'Brien, A. M.Goetz, J.A.Scholte and M.Williams, Contesting Global Governance: Multilateral Economic Institutions and Global Social Movements, Cambridge University Press, (2000) New York.
21. Evans, Tony, "If Democracy, Then Human Rights" Third World Quarterly, (2001), 22:4, P.623-642