

Culture, Globalization and Human Rights

Section One: Culture and Human Rights

- ✓ The end of the cold war has created a series of tentative attempts to define "a new world order". So far, the only certainty is that the international community has entered a period of tremendous global transition that, at least for the time being, has created more social problems than solutions.
- ✓ The end of super-power rivalry, and the growing North/South disparity in wealth and access to resources, coincides with an alarming increase in violence, poverty and unemployment, homelessness, displaced persons and the erosion of environmental stability. The world has also witnessed one of the most severe global economic recessions since the Great Depression of the 1930s.
- ✓ At the same time, previously isolated peoples are being brought together voluntarily and involuntarily by the increasing integration of markets, the emergence of new regional political alliances, and remarkable advances in telecommunications, biotechnology and transportation that have prompted unprecedented demographic shifts.
- ✓ Climate of change and acute vulnerability raises new challenges to our ongoing pursuit of universal human rights.
- ✓ How can human rights be reconciled with the clash of cultures that has come to characterize our time? Cultural background is one of the primary sources of identity. It is the source for a great deal of self-definition, expression, and sense of group belonging. As cultures interact and intermix, cultural identities change. This process can be enriching, but disorienting. The current insecurity of cultural identity reflects fundamental changes in how we define and express who we are today.
- **Universal Human Rights and Cultural Relativism**
- ✓ **Cultural relativism** is the assertion that human values, far from being universal, vary a great deal according to different cultural perspectives. Some would apply this relativism to the promotion, protection, interpretation and application of human rights which could be interpreted differently within different cultural, ethnic and religious traditions. In other words, according to this view, human rights are culturally relative rather than universal.
- ✓ This relativism would pose a dangerous threat to the effectiveness of international law and the international system of human rights that has been painstakingly constructed over the decades. If cultural tradition alone governs State's compliance with international standards, then widespread disregard, abuse and violation of human rights would be given legitimacy. Accordingly, the promotion and protection of human rights perceived as culturally relative would only be subject to State discretion, rather than international legal imperative.
- ✓ By rejecting or disregarding their legal obligation to promote and protect universal human rights, States advocating cultural relativism could raise their own cultural norms and particularities above international law and standards.
- **Universal Human Rights and International Law**
- ✓ Largely through the ongoing work of the United Nations, the universality of human rights has been clearly established and recognized in international law. Human rights are emphasized among the purposes of the United Nations as proclaimed in its Charter, which states that human rights are "for all without distinction". Human rights are the natural-born rights for every human being, universally. They are not privileges.
- ✓ The Charter further commits the United Nations and all Member States to action promoting "universal respect for, and observance of, human rights and fundamental freedoms". As the cornerstone of the International Bill of Rights, the Universal Declaration of Human Rights affirms consensus on a universal standard of human rights.
- ✓ Universal human rights are further established by the two international covenants on human rights (International Covenant on Economic, Social and Cultural Rights, and International Covenant on Civil and Political Rights), and the other international standard-setting instruments which address numerous concerns, including genocide, slavery, torture, racial discrimination, discrimination against women, rights of the child, minorities and religious tolerance.
- ✓ These achievements in human rights standard-setting span nearly five decades of work by the United Nations General Assembly and other parts of the United Nations system. As an assembly of nearly every State in the international community, the General Assembly is a uniquely representative body authorized to address and advance the protection and promotion of human rights. As such, it serves as an excellent indicator of international consensus on human rights.
- ✓ Everyone is entitled to human rights without discrimination of any kind. The non-discrimination principle is a fundamental rule of international law. This means that human rights are for all human beings, regardless of "race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status". Non-discrimination protects individuals and groups against the denial and violation of their human rights. To deny human rights on the grounds of cultural distinction is discriminatory. Human rights are intended for everyone, in every culture.
- ✓ Human rights are the birthright of every person. If a State dismisses universal human rights on the basis of cultural relativism, then rights would be denied to the persons living under that State's authority. The denial or abuse of human rights is wrong, regardless of the violator's culture.
- **Human Rights, Cultural Integrity and Diversity**
- ✓ Universal human rights do not impose one cultural standard, rather one legal standard of minimum protection necessary for human dignity. As a legal standard adopted through the United Nations, universal

human rights represent the hard-won consensus of the international community, not the cultural imperialism of any particular region or set of traditions.

- ✓ Like most areas of international law, universal human rights are a modern achievement, new to all cultures. Human rights are neither representative of, nor oriented towards, one culture to the exclusion of others. Universal human rights reflect the dynamic, coordinated efforts of the international community to achieve and advance a common standard and international system of law to protect human dignity.

➤ **Inherent Flexibility**

- ✓ Universal human rights emerge with sufficient flexibility to respect and protect cultural diversity and integrity.
- ✓ The flexibility of human rights to be relevant to diverse cultures is facilitated by the establishment of minimum standards and the incorporation of cultural rights.
- ✓ The instruments establish minimum standards for economic, social, cultural, civil and political rights. Within this framework, States have maximum room for cultural variation without diluting or compromising the minimum standards of human rights established by law.
- ✓ The Vienna Declaration provides explicit consideration for culture in human rights promotion and protection, stating that "the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind". This is deliberately acknowledged in the context of the duty of States to promote and protect human rights regardless of their cultural systems. While its importance is recognized, cultural consideration in no way diminishes States' human rights obligations.
- ✓ Most directly, human rights facilitate respect for and protection of cultural diversity and integrity, through the establishment of cultural rights embodied in instruments of human rights law. These include: the International Bill of Rights; the Convention on the Rights of the Child; the International Convention on the Elimination of All Forms of Racial Discrimination; the Declaration on Race and Racial Prejudice; the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief; the Declaration on the Principles of International Cultural Cooperation; the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities; the Declaration on the Right to Development; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; and the ILO Convention No. 169 on the Rights of Indigenous and Tribal Peoples.
- ✓ Human rights which relate to cultural diversity and integrity encompass a wide range of protections, including: the right to cultural participation; the right to enjoy the arts; conservation, development and diffusion of culture; protection of cultural heritage; freedom for creative activity; protection of persons belonging to ethnic, religious or linguistic minorities; freedom of assembly and association; the right to education; freedom of thought, conscience or religion; freedom of opinion and expression; and the principle of non-discrimination.

➤ **Cultural Rights**

- ✓ Every human being has the right to culture, including the right to enjoy and develop cultural life and identity. Cultural rights, however, are not unlimited. The right to culture is limited at the point at which it infringes another human right. No right can be used at the expense or destruction of another, in accordance with international law.
- ✓ Cultural rights cannot be invoked or interpreted in such a way as to justify any act leading to the denial or violation of other human rights and fundamental freedoms. As such, claiming cultural relativism as an excuse to violate or deny human rights is an abuse of the right to culture.
- ✓ There are legitimate, substantive limitations on cultural practices, even on well-entrenched traditions. For example, no culture today can legitimately claim a right to practice slavery.
- ✓ Similarly, cultural rights do not justify torture, murder, genocide, discrimination on grounds of sex, race, language or religion, or violation of any of the other universal human rights and fundamental freedoms established in international law. Any attempts to justify such violations on the basis of culture have no validity under international law.

➤ **A Cultural Context**

- ✓ The argument of cultural relativism frequently includes or leads to the assertion that traditional culture is sufficient to protect human dignity, and therefore universal human rights are unnecessary. Furthermore, the argument continues, universal human rights can be intrusive and disruptive to traditional protection of human life, liberty and security.
- ✓ When traditional culture does effectively provide such protection, then human rights by definition would be compatible, posing no threat to the traditional culture. As such, the traditional culture can absorb and apply human rights, and the governing State should be in a better position not only to ratify, but to effectively and fully implement, the international standards.
- ✓ Traditional culture is not a substitute for human rights; it is a cultural context in which human rights must be established, integrated, promoted and protected. Human rights must be approached in a way that is meaningful and relevant in diverse cultural contexts.
- ✓ Traditional cultures should be approached and recognized as partners to promote greater respect for and observance of human rights. Drawing on compatible practices and common values from traditional cultures would enhance and advance human rights promotion and protection. This approach is not only encourages greater tolerance, mutual respect and understanding, but also fosters more effective international cooperation for human rights.
- ✓ Recognition and appreciation of particular cultural contexts would serve to facilitate, rather than reduce, human rights respect and observance.

Section two: Globalization and Human Rights

- ✓ The word 'globalization' is now used widely to sum up today's world order. It means they increasingly integrate the world into one capitalist political economy operating under a neo-liberal free market ideology.
- ✓ Economic globalization as witnessed in the world today is not a new phenomenon. It has been evolving for the past several years and gaining momentum day by day. The trend, at present, is a shift from a world economy based on national market economies to a borderless global market economy increasingly governed by one set of rules. In this context, globalization means global economic liberalization, developing a global financial system and a transnational production system which is based on a homogenized worldwide law of value. The demise of the Cold War helped the emergence of a new aggressive competitive global economic order.
- ✓ Although globalization and market liberalization have made some progress in terms of economic growth in certain countries, it has also had many negative impacts in developing societies.
- ✓ Richard Barnett of the Institute of Policy Studies describes globalization in terms of four increasing webs of global commercial activity: *global cultural bazaar*, *the global shopping mall*; *the global financial network*; *the global workplace*.
- ✓ The **global cultural bazaar** promotes the notion of uniform cultural values and products across the world.
- ✓ The cultural bazaar and shopping mall intersect through the vehicle of advertising. Media has become a powerful player in the globalization process. In fact, globalization of economies has also led to the globalization of media. Media is used to impose the culture and power of the wealthy nations from the global North.
- ✓ The global financial market has created a new atmosphere to search for quick profits.
- ✓ In an article titled "The Human Rights Debate in an Era of Globalization: Hegemony of Discourse", Nikhil Aziz describes two kinds of globalization based on Richard Falks theory on the making of Global Citizenship. He argues that we can see globalization in different perspectives: Globalization from Above (GA) and Globalization from Below (GB).
- ✓ At the political level, GA manifests itself in its action of the Western countries, particularly the United States of America, and global financial institutions in pressuring countries of the South to democratize. This translates as the adoption of a Western-style liberal democratic system of governance.
- ✓ They closely tie economic Globalization from Above to the political aspect in that (1) the source of pressure for change is the same, and (2) close links are alleged between the ideologies of free markets and free societies. Economic Globalization from Above entails countries of the South to accept - within the parameters of the dominant World capitalist system - the imposition of structural adjustment programs neo-liberal economic policies, including the wholesale liberalization of domestic economies, to allow unrestricted entry to transnational capital. On a cultural level, GA arises from the control of the global information and communication networks by Western media corporations; and the spread of modern technologies of a consumerist culture, and western cultural expressions as the global culture.
- ✓ The transnational companies are the spearheads of globalization and have become the dominant economic and political force in the world economy. Increasing competition and pressure on transnational companies to increase profits leads to a relentless search for cheap labor markets. Many of the companies from the developed and the Newly Industrialized Countries (NIC) have shifted their manufacturing and service industries to developing countries.
- ✓ There may be short-term advances in the living standards of a small group of workers. Nevertheless, when some workers elsewhere lead the race to the bottom, those jobs may disappear.
- ✓ Globalization has substantially contributed to the intensification of debt, poverty and economic crisis in the developing world.
- ✓ The Structural Adjustment Programs (SAP) designed and imposed by the global creditor institutions is a typical instrument to create a favorable atmosphere for globalization, which ultimately affects developing countries. In order to meet the mandates set by the SAP, a country spends less by cutting back government expenditures, social services, and economic investments so that resources can be placed elsewhere. More money is being spent on export orientation, which results in local economies becoming dependent on the integration with the world economy.
- ✓ Globalization has created a situation where the role and importance of nation-state is becoming irrelevant.
- ✓ Several other Asian countries are also witnessing the emergence of a few - rich and middle class people at the expenses of many poor. These new-rich and middle class are really the products of globalization and they provide the market for imported products and further strengthening the economy of the developed countries.
- ✓ Well, one group is considering this an achievement of globalization. On the other hand, the reality is that, "globalization requires the humiliation of hundreds of millions of people keeping them in constant insecurity, pitting them against one another in a competitive struggle for survival". The Human Development Report of 1997 says; Globalization can also shift patterns of consumption. Luxury cars and soft drinks can rapidly become a part of daily life, heightening relative deprivation. The pattern can increase absolute poverty by undermining the production of goods on which poor people rely. A flood of imported wheat can shift consumption away from sorghum or cassava, making them scarcer in loyal markets.

Globalization, Development and Human Rights

- ✓ 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?

- ✓ 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 gamut 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.
- ✓ The Preamble of the Declaration of the Right to Development, adopted by the UN General Assembly in 1986, describes "development as a comprehensive economic, social, cultural and political process that aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of resulting benefits".
- ✓ The 1990 UN Global Consultation on the Right to Development as a Human Right, stated that the right to development is an inalienable human right with the human being as the central subject to the right and that all the aspects of the right to development set forth in the
- ✓ Declaration of the Right to Development is indivisible and interdependent, and these include civil, political, economic, social, and cultural rights. It was further maintained that the right to development is the right of individuals, groups and peoples to participate in, contribute to, and enjoy continuous economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.
- ✓ A development strategy that disregards or interferes with human rights is the very negation of development.
- ✓ The aims and objectives of the so-called development models promoted by different governments or international development agencies are not compatible with human rights standards. A new model of development ideology is being promoted that is based on the market and its logic. Several decades of discussion on alternative development model is withering away and a dominant model of market-oriented development taking roots in that place.
- ✓ As a result of the globalization process, more negative effects are visible now. Global integration of the structures, processes, and ideologies produce injustice, oppression, exploitation and mal-development in society. The systematic integration of the forces that are dominant in the globalization process intensifies human rights violations.
- **Development Aid and Human Rights**
- ✓ It has long been accepted by the United Nations and in most international forums that "developed" countries should provide aid in the form of grants and loans to the developing countries.
- ✓ The General Assembly has, by consensus resolutions, called for such development aid to reach 0.7 per cent of the GNP of developed countries. Actually less than half of that target has been attained. For example, the United States gives only less than 0.2 per cent, instead of 0.7 per cent.
- ✓ Overseas Development Aid (ODA) presents debatable issues from the perspective of human rights. For example, it raises the question whether aid should be directed mainly to reducing poverty and providing social services to the needy or whether priority should be given to economic growth and strengthening infrastructure. Another key question of a legal political characteristic is whether the recipient government or the donor state should have a decisive voice.
- ✓ The developing states emphasize their primary responsibility for development of the country and their right to self-determination in respect of the economy and resources. Donor countries tend to emphasize their narrow concepts of human rights as a prerequisite to sanction development assistance. They also emphasize the pragmatic political fact that aid is not likely to be provided if the beneficiary states violated basic human rights. According to Mikhail Assize, human rights have become another arsenal of Western countries in their bid to bring recalcitrant Third World nations to heel in their New World Order.
- ✓ The question whether aid should be given to countries where human rights are substantially or systematically violated has been analyzed by Katherine Tomasevski in the following statement. *Donor governments and agencies are continuously making decisions which country to assist, how much and what for, because aid needs are much larger than available aid. Human rights have entered the already numerous criteria for allocating aid fairly recently. this entry has been neither easy nor smooth because no general criteria have been developed by donors and consequently decisions have been made on case-to-case basis. Moreover, these decisions have been limited to some human rights violations in some aid-receiving countries. Thereby human rights terminology has often been used to justify decisions to provide aid or to terminate it; while human rights criteria - to the extent that there is such a thing in the aid policy of any donor - have been confined to the search for those human rights violations which could justify cutting off aid.*
- **Trade and Human Rights**
- ✓ Global trade is being liberalized and opened up in this era of globalization. A set of new rules and regulations have been promoted through international firms like WTO and new initiatives have been taken through the formation of regional economic trading blocs.
- ✓ At the same time several developed countries in the world have been trying to inter-relate trade policy with human rights policy.

- ✓ Under the Generalized System of Preferences (GSP) which provides for trade benefits for developing countries, the USA has withdrawn or threatened to withdraw preferences from some countries that violate human rights.
- ✓ Some developed countries are pressing for trade sanctions against states found to violate human rights, especially human rights standards that are generally based on the Conventions and Recommendations of the International Labor Organization. They have tended on the whole to oppose trade liberalization treaties such as NAFTA and currently WTO. The developing countries have generally objected to such measures since they would reduce their comparative advantage through cheap labor and constitute a major barrier to their industrialization. From their point of view, workers rights enforced by trade barriers would contribute to greater poverty in their countries.
- ✓ A UN Commission on Transnational Corporations devoted about 15 years of study and negotiation on a draft Code of Conduct for Transnational Corporations that included a general provision requiring transnational corporations to respect human rights and fundamental freedoms in the countries where they operate and more detailed provisions on observance of laws on labor relations and involvement of trade unions. Objections of the USA and a few other countries have prevented its adoption.
- ✓ The TNCs which have gained strength in the post-globalization era is the main actor in several developed countries in formulating new foreign policies to shape a new global order. This trend has been highlighted in a recent study that the emerging global order is spearheaded by a few hundred corporate giants, many of them bigger than most sovereign nations. By acquiring earth-spanning technologies, by developing products that can be produced anywhere and sold everywhere, by spreading credit around the world, and by connecting global channels of communication that can penetrate any village or neighborhood, these institutions we normally think of as economic rather than political. Private rather than public, are becoming the world empires of the twenty-first century.
- ✓ The impact of these global giant's operations have negative impact on human rights. Virtually all developing countries at the present time seek private foreign investment for development. Such investment now greatly exceeds loans or grants from official sources. The growth of Transnational Corporations - now numbering about 35,000 with 1, 50,000 foreign affiliates - is evidence of the increased role of the private sector and of market economies in developing countries. New technologies have transformed the nature of production and facilitated re-location of firms.

Impact of Globalization on Human Rights

- ✓ Globalization has its winners and losers. 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 cases, 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 Tigers is examples of this.
- ✓ The Human Development Report of 1997 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.