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Relationship between Globalization and Economic Rights

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ABSTRACT

The term "globalisation" includes a variety of political, sociocultural, economic, and business environment that have changed the world over last five decades, ranging from the much-heralded development of information technology to the blending of geographic, political and economic borders of our globe where cross-border movement of information, movement of goods and services and investment is reaching new heights on a daily basis.

This paper focuses on the impact of globalisation on human rights protection, specifically human rights protection under international human rights laws majorly highlighting Economics rights and its relationship with globalisation. The researcher has tried to answer whether globalization promote economic rights or are economic rights promoting globalisation and determined the relationship between economic rights and globalisation

Keywords - Economic Rights, Human rights, Globalization

Methodology - The researcher has utilised doctrinal approach for the research on relationship between Economic rights and globalisation i.e. various Articles, journals and other websites and utilised numerous examples for more clarity of the points.

I. INTRODUCTION

Despite most of us are aware as to what globalisation has been, it is indeed a complex problem with numerous consequences for human rights. The term "globalisation" includes a variety of political, sociocultural, economic, and business environment that have changed the world over last five decades, ranging from the much-heralded development of information technology to the blending of geographic, political and economic borders of our globe where cross-border movement of information, movement of goods and services and investment is reaching new heights on a daily basis².

This paper focuses on the impact of globalisation on human rights protection, specifically human rights protection under international human rights laws majorly highlighting Economics

¹ Author is a LLM student, India.

²Gillian Teubner; Defining a changing words: The discourse of globalisation,2004; <https://core.ac.uk/download/pdf/147122613.pdf>

rights and its relationship with globalisation. Although Human rights are the combination of social, political and economic rights and are interrelated with each other but the main highlight of the study is to analyse relationship of globalisation and economic rights. This influence of globalisation must be examined since, as when the Former UN Secretary pointed out- “technological advancements are affecting the character and expectations of living all around the world. The revolution in communications has brought the globe closer together in terms of awareness, ambition, and increased cooperation in the name of justice”. However, growth also presents new threats to security: environmental harm, disturbance of family and communal life, and more interference into people's lives and rights”³.

This paper looks at globalisation and international human rights laws and regulations, and also the effects of globalization's economic processes on the preservation of certain human rights. The influence may be seen most clearly in Africa; hence examples from there are mostly used. Globalization's repercussions, including both risks and opportunities it generates, are evaluated not just in terms of human rights law, but also in terms of globalization's impact on the international law, of those which international humanitarian law is a component, in this research.

II. GLOBALIZATION

There is no commonly agreed definition of globalisation. Although enormous exclusive definitions have been supplied by a number of organisations and well-known economists. Globalization may be described as "the greater connectivity and interconnectedness of countries and people," according to a World Health Organization (WHO) official definition. “It is commonly believed to involve two interconnected aspects: the openness of geographical boundaries to more rapid movements of products, services, capital, workers, and information, as well as modifications in international and regional organizations and policies that support or foster such movements.”⁴

Globalization is a contentious phrase with no universally recognised definition. "We may better consider contemporary globalisation in its wider sense as a type of institutionalisation of the two-fold process that involves the universal applicability of institutionalism and the intense workout of universalism. There are several facets to this two-step procedure. It is, without a doubt, a geopolitical, social, and cultural process, but "it is first and primarily an economic

³ Robert McCorquodale & Richard Fairbrother, *Globalization and Human Rights*, 21 *Human Rights* 735 ;1999 *Globalization% 20and% 20Human% 20Rights% 20(1).pdf*

⁴World Health Organisation website- <https://www.piie.com/microsites/globalization/what-is-globalization> last accessed on 15 June 2021

process."⁵

Globalisation as an economic process that makes favourable circumstances for a variety of diverse but interconnected structural trends—in other words, it broadens the competitive environment on which diverse market participants and enterprises engage. It changes the international system from one composed of comprehensive and integrated regional economies able to interact upon on basis of national competitiveness with wherein a wide range of source of competitive advantage are established in aspects that are not highly dependent on the country as a socioeconomic and perhaps political unit. Economic globalisation is viewed as a series of "markets" in which the participants have evolved, as have the commodities and services on sale.

Globalisation is both a sign and a catalyst for the formation of worldwide economic institutions. The growth of organizations like the World Bank, the International Monetary Fund (IMF), regional organizations like the European Bank for Reconstruction and Development (EBRD), and, more recently, multilateral trade organisations like the World Trade Organization (WTO) shows a shift away from the country as the sole unit of observation in global relations. The state still establishes the laws for individuals under its control, but global events and international treaties are rapidly influencing its policies, according to the World Bank. Individuals are today more adaptable, educated, and aware of problems in other parts of the world. Furthermore, participation in the global market increases the limitations on inappropriate government regulation diminishes the nation's capacity to tax investment, and put fiscal and monetary policies under much tighter capital market monitoring.

In terms of rethinking state sovereignty in both international affairs and humanitarian treaties, globalisation has been transformational. States, of however, never have had complete authority over their socioeconomic, financial, political, and security issues. In terms of magnitude and fast response, however, the recent fashion of globalisation varies from previous overseas effects on national sovereignty. However, the termination of the Cold War ushers in a modern period of global analysis. Not just nations, but also multinational firms and intergovernmental agencies are participating in today's globalisation⁶.

Globalization nowadays functions in a variety of ways. There are two approaches to globalisation. The partnership between leading governments and the principal agents of capital production of the Globalist Agenda is reflected in global economy and it is concerned with

⁵ Supra Note 10

⁶ Supra note2

transnational firms, international economic organisations, and other comparable trends. Globalization, on the other hand, includes public participation at regional level, the development of civil social structures, and the shoring up of non-governmental organisations as step of the procedure the institutional aspects and activities coupled with international civil society improving over period. On the other hand the changing role of institutions(WTO, World bank etc.) had played a vital role that helps to overcome the uneven development in the nations in this globalizing world⁷.

III. INTERNATIONAL PERSPECTIVE OF HUMAN RIGHTS LAW

Governments used to handle with persons under their control however they chose, fighting off criticism by saying that human rights were indeed a subject of "domestic jurisdiction" and solely the concern of each nation. Civil rights have become a well-established aspect of international system, including an organizational framework that includes basic definitions and means for enforcing these rights, as well as universal application. At least one agreement with legal responsibilities to defend human rights has been signed by every nation. Human rights, as a legal concept, are now part of the world community's conversation.

Human rights concerns arise in global political, economic, sociological and cultural interactions. The development and preservation of all human rights is a serious issue of the international organizations, countries have agreed, at least theoretically. Human rights are becoming increasingly worldwide. They work outside of all national boundaries and systems. They are becoming an element of practically every society's conversation, addressing to both privileged and downtrodden and institutions. Human rights are indeed a component of that and a distinct aspect of globalisation. Human rights have been acknowledged to include economic, social, cultural, and collective rights in addition to human and civil rights.⁸ Furthermore, non-European systems have been more instrumental in the design of human rights. While the international regulatory regime for the basic human rights is founded on a universal perspective, the variety of cultures is now taken into consideration; both international agreements and human rights courts provide for every county's range of appraisal.

IV. CRITICAL ANALYSIS OF GLOBALIZATION WITH ECONOMIC RIGHTS AND ECONOMIC DEVELOPMENT

The question now is what exactly are economic rights?

⁷ John ren chen, Globalization and role of International Institutions, <https://searchworks.stanford.edu/view/5591808> accessed on 15 June ,2021

⁸ The Constitution of India,1950 <https://legislative.gov.in/constitution-of-india>

Individuals and collective economic rights also include right to a decent standard of life and the right to development. The right to an acceptable living standard refers to having access to the fundamental necessities of life, such as food, house, clothes, and medical care.

Economic rights include-

- *“The right to work,-*
- *The choice of employment,*
- *Just and favorable work conditions,*
- *The right to join a trade union,*
- *The right to strike,*
- *The right to social security and*
- *The right to own property”*

Every person and all peoples are given the opportunity to participate in, make a contribution to, and enjoy economic, socioeconomic, cultural, and political development, where all personal freedoms and basic rights could be realised, according to the concept of development, which is still controversial as a human right.

The Significance of these rights in future is that they've been safeguarded by the state to maintain, promote and protect enjoyment of basic needs under human right. As a result, Economic rights are not only respected and regarded within domestic territory but are also highly regarded in International law and worldwide. The International Covenant on Economic, Social, and Cultural Rights (ICESCR)⁹ is a multilateral treaty that was enacted by the United Nations General Assembly on December 16, 1966. The UN Committee on Economic, Social, and Cultural Rights administers the Covenant. And in Indian constitution the provisions with respect to economic rights are enshrined in Part IV- Directive Principles of state policy¹⁰.

Supporting the study of Relationship between Economic rights and globalization some of the best suited examples can be stated as-

1. MNCs operate on a worldwide scale, with subsidiary branch offices located all over the world. ABC CO., for example, has offices all around the world, with its headquarters in Switzerland. They can consider outsourcing their work to someone in a developing country, resulting in much-needed jobs for the individual and cost savings for the Multinational corporations. Because he was trying to find work, this would be a win scenario both for the company and the employee.

⁹ <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>

¹⁰ The constitution of India,1950, <https://legislative.gov.in/constitution-of-india>

2. Furthermore, each leather jacket sold in the U.S could have been created using China wool by employees in a Vietnamese plant and exported after being created aboard a German ship crewed by Indian people. This demonstrates how, as a result of globalisation, also the manufacture of a single item may employ labour from multiple nations to finish the task in a timely and price effective method.

V. DOES GLOBALISATION PROMOTE ECONOMIC RIGHTS OR ARE ECONOMIC RIGHTS PROMOTING GLOBALIZATION?

The three terms are interchangeably used and are co related too.

1. Economic globalization simply means the movement of goods, flow of capital, goods-services, technology and information not within domestic territorial boundaries rather internationally.
2. Economic development- Economic growth, we might claim, will boost the preservation of economic rights since it will enhance healthcare access, food, and housing, either directly via employment and more money or indirectly via the upgrading and expansion of these services to even more individuals.
3. Economic rights as Human right- Economic growth is frequently fuelled by big capital investments in most emerging countries, notably those in Africa and Asia. Global economic organisations, like the World Bank and the International Monetary Fund, as well as Trans - national firms, make these investments. As a result of this remark, it may be concluded that economic growth as a result of globalisation protects economic rights such as the right to a decent standard of life and the right to progress¹¹.

Hence both globalization and economic rights are interconnected with each other.

VI. FACTORS THAT EFFECT ECONOMIC RIGHTS IN THE GLOBALIZING WORLD

Economic rights are affected majorly via three factors¹²:

1. *The type of investments,*
2. *The foundation for investment strategies,*
3. *And the kind of growth in the economy.*

“Thus, economic rights are affected directly or indirectly by the investment strategy of another country in one's own country, and what kind of effect that investment has on an economy will

¹¹ Shabina Arfat, Globalisation and Human Rights: An Overview of its Impact-2013- https://worldscholars.org/index.php/ajhss/article/view/0101_3/pdf_1

¹² Supra note 2

decide and contribute to that state's economic growth."

VII. RESPONSES TO PROBLEMS OF ECONOMIC RIGHTS IN GLOBALIZING WORLD AT INTERNATIONAL LEVEL¹³

Budget reforms, budget planning and clearance procedures, taxation policies, accounting, and audit systems, banking system activities, and the official state role are among the topics covered. Market mechanism changes would similarly concentrate on the exchanges, commerce, and pricing systems, as well as components of the financial sector. Tax, banking system regulations and rules, and the promotion of fair and free entry into the market would be the emphasis of IMF regulatory and legal guidance. Whereas the IMF and the World Bank have changed their strategies to place less focus on structural reforms and more on reducing poverty, the ILO continues to criticise them for neglecting to prioritise employment. In its opinion, a multitude of country experiences clearly demonstrate that world market unification is consistent with good public policy, given that national social security protocols are sufficient, social dialogue institutions are functional, and income disparity is reasonably low.

VIII. CONCLUSION

To summarise, economic globalisation can help developing countries better their living standards, but it may also foster economic oppression and injustice. Globalization may appear to increase economic progress, but it does so at the expense of many people's economic rights inside a country. If human rights problems really aren't taken into consideration while making an investment decision, human rights are probably to be jeopardised as a result of such decision making. International trade does have an influence on human rights protection. It simultaneously generates possibilities and problems for human rights protection under international law.

Even as theological issues about economic globalisation and international legal protection of human rights are recognisable, both are part of the globalisation procedure, in which political, economic, social, civil, and cultural relationships are not limited by geographical borders and are not purely underneath the supervision of one nation. As a consequence, globalisation and the worldwide legal system provide potential to terminate the state's total sovereignty and, as a consequence, to advance the recognition that how a state deals with persons within its boundaries is no longer only a subject of domestic sovereignty.

Nonetheless, human rights law is still unable to cope adequately with the changes in state

¹³ OLAND ROBERTSON, GLOBALIZATION: SOCIAL THEORY AND GLOBAL CULTURE-1992

sovereignty hastened by globalisation since it is framed by state culpability for human rights abuses.

IX. RECOMMENDATIONS

- Globalization had already established institutions that exist together, if not in competition with, governmental authority. Non-state actors like the media, companies, and international organisations such as the World Trade Organization and the World Bank must be held accountable for human rights breaches now and in coming tomorrow, Countries and their agencies are no more the exclusive and even primary players responsible for making sure the protection of human rights.
- As contemporary world events have demonstrated, there are several ways to address this issue. The first step is to empower the state and hold it accountable for safeguarding that non-state actors don't really violate human rights. Another option is to empower vulnerable nations so that they can defend human rights while also imposing increasing international duties on non-state actors via transnational procedures.
- As a result, while governments will maintain direct responsibility for guaranteeing the protection and preservation of human rights, non-state actors would be held responsible when they sabotage objectives and planning or are involved in state abuses. Non-state actors always have played an important part in the development of human rights law; as a result of globalisation, they could now play an even bigger one.
