

Globalization and the Universality of Human Rights (A Critical Glance over the Western Approach)

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Introduction

In the world today several global processes, largely interlinked in nature and structure, are moving forward. Though characterized with particular features, they are in the constant process of close interaction leaving far reaching impacts on the various aspects of the modern life. The normative contemporary human rights concept as a worldwide phenomenon have gone a long way in defining and shaping the present day international politics and relations. Various national, regional and international treaties and pacts shaping the contemporary alliances and partnership in the security, political and even economic spheres are not concluded without at least a human rights clause. Apart from the global consensus on the very basics of human rights at the United Nations

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represented in the Universal Declaration of Human Rights, decisive treaties within the framework of the powerful regional arrangements such as Helsinki pact between the West and the East with the policy of detente at the center in the cold war atmosphere, the human rights conventions and structures in America, Africa and to some extent in Asia embody human rights in part or in full, representing the extent to which human rights is integrated and mainstreamed in the current global affairs.

Globalization, on the other hand, is progressing with all its potentials and dynamics affecting the old definitions and structures including in the area of peace and security as well as human rights. I would avoid dueling upon the detailed aspects of the process of globalization as I would turn to it in other parts of this paper. What is important, however, is that there is much to be discussed on the mutual impacts of the process of globalization and the universality of human rights and the future global attempts to make the protection of human rights of all peoples a reality. At the core of this project, I believe is a just and impartial attempt to identify the negative and positive trends in the two, in order to find potentials and strengths to empower the institutions effective in the protection of human rights worldwide. The interaction between globalization and human rights has been the subject of heated debate at various levels. This debate has in fact multifaceted dimensions. One may argue this topic in terms of the impact of globalization in

spreading democracy and human rights in different societies. Surely globalization will be decisive force in the opening up societies around the world owing to the rapid growth of the new information system. One may tackle it from the development perspective and the impact of globalization in spreading poverty in the countries. The present work is a small attempt to highlight some challenges and threats, in a selective manner that might be arisen from some negative trends in the process of globalization toward the universal application of human rights. This work is as brief as introducing some critical headings followed by an extremely brief explanation. The purpose is to contribute to the collective endeavors to identify stumbling blocks and impediments with global reach proved counterproductive and even devastating in the way of the universal application of human rights.

Globalization and the Universality of Human Rights

In our globalizing world where things are rapidly changing, the international human rights discourse permeates wide variety of global concepts. Human rights have gone a long way in shaping definitions and determinants in the areas such as peace and security including human security and debates such as economic and social threats, poverty, development and democracy worldwide. Perhaps the most crucial debate in terms of its impact on the national and international politics even in the social and economic domain is the universality of human

rights. Owing to this concept being comprehensive and broad based, one could elaborate on it in its several aspects and ramifications. To be more precise, however, I, d focus on the critical features within the ambit of the universality of human rights, the globalization of human rights and the threats or challenges to the related processes with particular reference to the approach held by the west in this domain especially on the human rights of women.

Perhaps the defining feature in the field of human rights is the transformation of a concept once being regarded as a domestic affair confined within the national jurisdiction to a far reaching legitimate international concern. In fact this transformation went through a revolutionary process during the events led to the elaboration of the Charter and the establishment of the United Nations in 1945. As a matter of fact, the core development in this process was the transformation of human rights from a horizontal movement to a vertical one. According to the Charter, the human rights and most particularly, the individual rights were no longer a domestic affair within the westphlian system of nation states, rather it became the subject of the international relationship and politics where the treatment of individual by the state constitute the criterion to measure the legitimacy of governments at the international level. This concept became the central tenet in the wider debate on the universality of human rights. Several approaches flow from this underlying concept.

The philosophical approach is that every human being is entitled to human rights without distinction based on sex, race, age, religion, social status, etc...All men, women, children, adolescents, elderly and vulnerable groups such as refugees, migrants, asylum seekers and minorities from different races should be regarded as beneficiaries of human rights. This approach is clearly evident in the preamble and different articles of the Universal Declaration of Human Rights. It was further strengthened by the two Covenants on Civil and Political as well as Economic, Social and Cultural Rights (altogether constitute the International Bill of Rights) and reiterated further, in one way or another, by the 1993 Vienna Declaration on Human Rights.

Another concept which is implicit in the first approach to the universality is that all individuals and peoples are entitled to all rights in all parts of the world. No matter what is the origin and where the individual is coming from. Whether the individuals belong to Asia, America, Europe or Africa, the central tenet is that all of them are entitled to all human rights. Flowing from this very basic approach advocated by the UDHR and the two Covenants, the political connotation is that human rights, as stipulated in the section I (5) of the Vienna Declaration, is the legitimate concern of international community and that this concept defines the vertical direction of human rights. It is in this context that the universality of human rights intersects with the westphalian notion of state sovereignty. The intersection of these two concepts which form

the pillars of the contemporary and modern system of international politics is the subject of an intense debate at the international level. The new entries to the international discourse such as the concept of human security vs. state security as well as “the responsibility to protect” which is recently reaffirmed by the report of the High Level Panel appointed by the UN Secretary General are largely interlinked with the application of the universality of human rights. I would elaborate more on these aspects in the next part. Elaborating on the universality of human rights, one is obliged to discuss the most decisive feature of the 21st century, the process of globalization and its impact on human rights. First of all, I would like to draw your attention to the historic report presented by the Secretary General of the United Nations Mr. Kofi Annan to the Millennium Summit in the year 2000. Illustrating the situation, he particularly calls the attention of the international community to the role the globalization played in transforming the system the United Nations established in 1945. He asserted that: “Simply put, our post-war institutions were built for an inter-national world, but we now live in a global world” The forces of globalization are constantly at work allowing the world situation to become evermore complicated and challenging.

Population growth and migration from developing countries to developed world of the people seeking better life , the phenomenon of the millions of refugees and the plight of the people fleeing from foreign

aggression and occupation as well as the situations of internal conflicts, revolution in the information system and telecommunication etc,...all of them brought about far reaching changes to the global landscape giving new dimensions to the definition and scope of the concept of the collective security as well as the universality of human rights. On the other hand new dimensions arising from the process of globalization raised new opportunities, challenges and threats to the contemporary modern life. In response to the new circumstances, the international community attempted to redefine the basic concepts and identify solutions in a way that new threats to the global protection of human rights could be addressed effectively. It is in this context that the world conferences on different aspects of human rights were organized over the closing years of the 20th century and in the beginning of the III rd millennium to adjust the world to the new and emerging circumstances. Wide rang of challenges and threats from spreading poverty and pandemic diseases, the causes of underdevelopment, inequalities between and among nations, large and small, in wealth and power, international order and justice, the rights of minorities, cultural diversity and the need to respect differences and international cooperation were among the pressing issues were discussed in the world conferences. The Millennium Development Goals outlined by the Millennium Summit at the United Nations in the year 2000 are the result of the collective wisdom and effort of the world leaders to confront the menaces and risks threatening the

human security.

Obviously, the process of globalization offers opportunities as well as threats to international community. What is at the core of our discussion to day is that what poses serious threat to the globalization of human rights. What risks are currently eroding the universality of human rights and its application for all peoples around the globe. Conceptually, the question whether or not human rights are universal belongs to the past and no longer it is the subject of intense contention at the international level. There have never been such a unique but complicated circumstances ever before. There exist several and even at times conflicting images about the factors responsible for the constant erosion of the universality of human rights and its application. Some say poverty and underdevelopment among the people of the south is a total negation of human rights. Some believe the suffering of the peoples living in the situations of armed conflict ruins the very basic human rights, the right to life. Some suggest the menace of terrorism and the threat of weapons of mass destruction destroy humanity and humankind. Some are of the view that religious extremism and such manifestations of violence against women as honor crime and customary and harmful traditional practices nullifies the rights of women in some parts of the world.

We share all these approaches to the question. However we, like many in the world, believe there are other factors as well that are

responsible for the erosion of the universality of human rights leading to the gross violation of human rights but taking place under different rubrics.

Observing the universality of human rights in the ever growing globalization in the world- taking into account particularly the changing dynamics in the global governance, the ever increasing monopoly of power and wealth in the hands of a few, the ever shrinking role of the state and the emergence of the new actors at the global level, the coming to surface of different cultural identities and the confluence of various ideologies- carry with it complications, urgencies and certain imperatives. If human rights were to be above all and regarded as universal, all other concerns should be subsumed and subjected to this universal value. But this is not always the reality. Some times it proves to be other way round. And there are reasons for it:

Security Considerations

The political and cultural atmosphere prevailing in the world particularly after the tragic events of the September 11 leads us to an alarming situation where every development is interpreted by the west within the peculiar security and political considerations. A situation in which the human rights values became the instrument of the foreign policy to serve the self centered security analysis originated in the theory of clash of civilizations. In this state of affaires, the human rights are

nothing but the victim of the policies of domination and hegemony. The communist like ideology declaring that those not being with us are against us is already trampling on human rights resulting in tragic incidents where thousands of people accused of committing terrorist acts are being kept without trial in the custody for months in and outside the United States. In another development, the US refusal to ratify the statute of the International Criminal Court on the account that its soldiers committing acts of crime should not be prosecuted by the Court, indicates clearly that human rights for Americans are not universal and the rights of some criminals are above the rights of the victims coming from other parts of the world. The same tragic incidents of violations of human rights occur elsewhere and all in the name of fight against terrorism. In addition, one court in Belmarch in the UK recently ruled for the admissibility of the confession extracted by torture in the process of interrogation. In fact the human rights of thousands of individuals in and outside a large number of the western countries are being violated in the name of fight against terrorism and protecting the security of these countries.

Political Considerations

At the political level what hampers the totality of the universality of human rights is the treatment of human rights as the political tool in the foreign policy. In many European countries it is publicly declared

that besides other basic elements namely security and economy, human rights is an integral part of their foreign policy to serve as a means to promote and protect human rights throughout the world. And this is, per se, a considerable progress in the field of human rights. Nevertheless the irony is that the architectures of the integration of human rights in the foreign policies of the European countries were equally conscious that the policy of protection of human rights should be closely kept in conjunction with other two elements- security and economy- and that this policy should, as a matter of urgency, follow the economic and security interests already articulated by these countries within the framework of the foreign policy. And this is very much evident from the text of the human rights policy elaborated and published by the foreign ministries of some European countries.

The Netherlands is a clear example in this regard. In Chapter 7 of the Part III of the text published under the name of "Human Rights and Foreign Policy", the Netherlands Ministry of Foreign Affairs stipulates that: "The government's desire to work for human rights does not alter the fact that this is a part of its total policy and cannot under all circumstances enjoy priority over the other aims of that policy. In foreign policy it is always necessary to co-ordinate the promotion of human rights with the promotion of other values and interests. In this context conflicts can sometimes arise which necessitate a difficult weighing up. For example, maintaining good relations with other countries is a

precondition for the realization of many of the aims of the foreign policy, not only as regards direct promotion of Netherlands interests but also as regards bringing about international activities which the Netherlands considers desirable." Many European countries particularly Sweden declared the same policy in their relevant statements and publications.

These statements of policy clearly indicate that considerations other than human rights are the driving force and thus decisive in the overall process of policy making by the European countries in regard to human rights. Based on this strategy, the European countries have frequently pursued the exercise of double standards in approaching important issues and the examination of the human rights situations in total disregard of objectivity and impartiality which are the pillars of the human rights activity in the United Nations system. Furthermore the political stands of targeted countries and their economic potentials and the nature of their relationship play a major role in determining the human rights framework in which the European countries formulate their activity. It is not coincidence that all targeted countries within the framework of the Commission on Human Rights is among the developing world. Western countries and their political and economic allies are permanently exempted from being scrutinized by the Commission.

Cultural Diversity

The confluence of different cultural identities particularly in the aftermath of the cold war and the urge of the peoples pursuing their identities constitute a major challenge in the process of globalization with a far reaching impact on the universality of human rights worldwide. Here it is that the far right ideologies in the west pose a threat to peace and security causing gross violation of human rights particularly women and minorities. It is exactly why the international community took it serious in the process of the world conferences held during the 90,s and the beginning of the 21st century. In fact some countries tend to benefit the opportunities provided by the process of globalization namely the globalizing economy, unhindered and free transfer of capital and the exploitation of the individuals with particular expertise from the south without having to confront the realities arising from migration and growing population of minorities i.e. the emergence of cultural identities. They should be reminded that the universality of human rights in the globalizing world carry with it certain imperatives including the respect for cultural diversity within and between states. Without respect for and observance of cultural diversity and taking into account various cultural and religious background, there will be no universality of human rights as the application of universal human rights is possible only if the rights of the people following their religions are respected. It is in this context that the section I (5) of the Vienna Declaration and program of Action Clearly

stipulate: "All human rights are universal, indivisible interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with same emphasis. While the significance of national regional particularities and various historical, cultural religious backgrounds must be born in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms." In addition, there are ample references by a number of the world conferences to the need for respecting cultural diversity and the practice of religion by their followers. The General Assembly of the United Nations also passes on the annual and recently biannual basis the resolution entitled "Human Rights and cultural diversity" in which the international community frequently states: "Considering that tolerance of cultural, ethnic and religious diversities is essential for peace, understanding and friendship among individuals and people of different cultures and nations of the world. ,,

The same resolution further stipulates: "Affirms the importance for all peoples and nations to hold, develop preserve their cultural heritage and traditions in a national and international atmosphere of peace, tolerance and mutual respect." How strong the migrants and minorities including Muslims and particularly women in the western countries enjoy human rights and the benefits of cultural diversity. How far can the minorities and Muslims enjoy freedom of expression. Regrettably

the answer is not so promising. I would particularly mention the case of Muslim women in some western countries. The ban on the Hijab of the Muslim women in these countries is a sad story. Hundreds of thousands of Muslim girls were prevented from attending the school classes in total violation of their right of to education. More importantly they were forced to give up the observance of the mandatory religious precept in total negation of cultural diversity and the right of minorities and migrants to practice their religion. Ironically, the reasons put forward to justify this policy are indicative of the concerns being above the principle of the universality of human rights. The authorities in Franc, for instance, held the view that the Islamic veil for women is against the Laic principles that form the very basis of the political institution in this country. The central question is whether a political philosophy can take precedence over the universality of human rights. Theoretically the answer is in negative. And this in fact is advanced by the western countries during the cold war and particularly prior to the 11 September. And now that the cultural diversity becomes a reality in Europe the answer in practice is in positive. Why. Because Laic system is in danger. What makes this story even more painful is that while the Muslim Girls are denied sort of freedom of expression, girls pornography is advocated as a version of freedom of expression whereby French girls can express themselves and sell their body as commodity to sex industry owners.

Apart from the ban on Hijab against Muslim women, their right

to work are also frequently were denied on the account that they are Muslim or veiled. The case in point is the violent move against the recruitment of a Muslim veiled woman called Naeema in a company named REMERY in Belgium. The confrontation continued until Naeema was forced to resign. A very important contributing factor for these incidents is in fact the heated rhetoric's expressed frequently by the western leaders against Muslims. These adversary statements coupled with the restrictive policies by some western governments created a favoring atmosphere for even increased violation of human rights of women in Europe. Moreover, these policies have given rise to covert and overt form of Islamophobia and xenophobia against Muslims. This phenomenon is so widespread that special procedures of the Commission on Human Rights including the Special Raporturs took up the issue in the Commission alarming the international community on the gravity of the situation. The Special Raporture on Racism and Racial discrimination, Xenophobia and Related Intolerance in his report to the 60th session of the Commission of Human Rights repeatedly alerted the members of the Commission about different forms of Islamophobia.

Conclusion

The most significant development in the area of human rights is the transformation of this concept from one of being within domestic affair of the states in the framework of the westphalian system of

nation state to one of being an international standard as the subject of international relations. So, the universality of human rights became the cornerstone of a framework in which the United Nations started its activity for the promotion and protection of human rights. The central tenet is that the human rights are universal and its application is above all other considerations. This concept is threatened by some actors in the process of globalization. The powers, who as a result of benefiting the opportunities of globalization acquired decisive role in the global governance, subordinated the universality of human rights to their top security and political considerations. The universal value of the need to promote and protect the human rights of individuals and peoples was subsumed in the overall framework of unilateral and self-centered security arrangements formulated after the tragic event of 9/11. At the political level what put the universality of human rights at risk was the use of human rights as a tool in the foreign policy of many western countries to enhance the political and economic interests.

The confluence of various cultures in the aftermath of the cold war placed the respect for cultural diversity of all at core of the global attention within the process of the world conferences in the 90s. As an imperative of the time in the globalizing world, the international community recommended for the utmost care to respect the cultural diversity in all parts of the world. Regrettably however, this outstanding feature of the process of globalization was vehemently disregarded by

some European countries particularly in respect to the Muslim women's rights to keep their cultural and religious identity. The ban on Islamic veil of Muslim women (hijab) figure prominent in the pattern of disrespect for cultural diversity and trampling on the universality of human rights by some European countries. This was done within the wider circle of xenophobia and particularly Islamophobia in the western side whose grounds were made fertile by the activity of the far right movements and the restrictive policies executed by the western governments. Last but not least is that the best solution to eliminate the current chaos in the world and strengthen the universality of human rights is to salvage it from the self-centered security and political considerations aiming at the preservation of wealth and power for a few. □