

Globalisation, social action, and human rights

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Introduction

The concern with social action and development dates back to the struggles for independence in the period following World War II. The original notion of development was to open up spaces for deprived social sectors who were themselves often deeply involved in the struggles for self-determination. In that context the Universal Declaration of Human Rights (UDHR) was conceived, and the United Nations (UN) was set up to promote processes which subsequently gave rise to the concept of development. The state was supposed to be, in its counter-imperial and post-colonial role, a catalyst for social action: a role that received serious attention from civil society organisations (CSOs).¹

The state's role as a catalyst for social action was, however, subverted by monopolistic tendencies. Soon after the post-colonial phase, both the state and international agencies began to emphasise social and economic policies that focused on wealth-creation. 'Development' thus became tied to the creation of national market economies, to be integrated into a global economic system that was based on market principles. This approach, much accelerated by the deregulation of global markets from the 1980s, has led to growing disparity in the distribution of wealth, polarisation of social classes, and increasing dependence on foreign aid and international capital in many Third World countries. The most recent of these tendencies, especially after the collapse of the socialist states and the emergence of a unipolar world, is known as economic globalisation.²

This paper argues that there is a major crisis in the philosophy, the reality, and the very notion of development which, instead of being a

process to create conditions for self-reliant, sustainable communities, has become simply a *project*. The misuse and atomisation of the original understanding of development, which was directly linked to the achievement of social justice, has led to deepening poverty, even in times of economic boom for investors and soaring stock-market indices. This misappropriation has left a painful legacy whose lexicon of acronyms — IMF, WB, SAPs, GATT, WTO, NAFTA — represent lost ideals, lost decades, and a consistent assault on the true development capacities of people and communities.

For those who advocate stable social institutions that can foster policies, laws, and programmes aimed at bringing about social justice, respect for human rights, and development, economic globalisation is already leaving pernicious and long-lasting effects. Further, the dismantling of socially conscious legislation, institutions and programmes, is eroding the social gains made through decades of civil-society struggle.

This paper also argues both that the onus is on CSOs to recapture the radical notion of development and that, ironically, the catalyst for doing so is to be found in the very processes that have been produced by economic globalisation.³ Ever more intense collaborative transnational alliances are needed to restore what has been destroyed in recent decades. But the inability to understand the many dimensions, some quite technical, of globalisation, the reluctance to challenge the institutions that spearhead it, and a focus only on local-level action will serve to marginalise CSOs, and to consign many millions of people to further exclusion and poverty.

At the dawn of the twenty-first century, economic globalisation is the phenomenon that dominates the world stage. Its many manifestations are all around us, as are its manifold failures. The iniquitous outcomes of economic globalisation have been confirmed in numerous UN reports. Even the international economic policy forums now recognise that the so-called ‘trickle down’ effect, for long the social justification for economic liberalisation, is not occurring. Studies such as UNCTAD’s *Trade and Development Report 1997* and UNDP’s *Human Development Report 1997 (HDR)* convincingly show that the opposite is true. UNCTAD demonstrates that since the early 1980s the world economy has been characterised by rising inequality, both among and within countries, that income gaps between North and South continue to widen, and that the income share of the richest 20 per cent has risen almost everywhere, while that of both the poorest 20 per cent and also the middle class has fallen.⁴ The *HDR 1997* similarly shows that,

although poverty has been dramatically reduced in many parts of the world, one-quarter of the human race remains in severe poverty; that the human development index (HDI) declined in the previous year in more than 30 countries — more than in any year since the *HDR* was first issued in 1990; and that economic globalisation had indeed helped to reduce poverty in some of the largest and strongest developing economies, but had also produced a widening gap between winners and losers among and within countries.⁵

The USA, whose ideology created and sustains the global architecture on which economic globalisation depends, is disgraced, both politically and in terms of its own domestic dispossession and poverty.⁶ Poverty is now more widespread and extreme in the USA than in any other industrialised country. What right, then, does the USA have to dictate the world's economic ideology? Powerful voices are now emerging within the USA to question the 'Washington Consensus', the basis of economic globalisation as we know it, including such establishment figures as the Chief Economist of the World Bank, Dr Joseph Stiglitz.⁷

As if the adverse effects of the liberalisation of trade and investment were not enough, attempts are being made to create conditions which will allow for uncontrolled capital flows. The trend began with the establishment of global deregulated markets in the 1980s and 1990s. While massively increased financial mobility has become a primary danger to the health of national economies — as demonstrated by the crisis in Southeast Asia — the scale of such financial flows is astounding and indicates the exponential growth in this area.⁸

For those pushing for further liberalisation of investment, the past two years have witnessed the attempt to adopt a Multilateral Agreement on Investment (MAI). This was until recently being negotiated at the Organisation for Economic Co-operation and Development (OECD), the international club of the world's 29 richest countries. If adopted, the MAI would have contributed a significant chapter in what has been called the 'constitution of a single global economy', or 'a bill of rights and freedoms for transnational corporations ... a declaration of corporate rule'. Until February 1997, when a draft was leaked, it was for the most part negotiated in secret and was driven by the aggressive advocacy of the International Chamber of Commerce, the US Council on International Business, and other corporate-backed groups. Essentially, the MAI sought to complete the economic liberalisation agenda, favouring the rights of transnational investors and corporations over the rights of workers, consumers, communities, and the environment.

In December 1998, under intense pressure from CSOs (described below), and in response to the withdrawal of France from the negotiations, the OECD abandoned the MAI. However, the increased freedom for investment is very much on the agenda at various global and regional forums. Provisions that made the MAI notorious with the environment, human rights, and development NGOs are cropping up at the WTO, the IMF, the FTAA (the Free Trade Agreement of the Americas), and elsewhere. CSOs thus need to be more, and not less, vigilant.

It is against the background of attempts to liberalise finance, trade, and investment still further that we contemplate perhaps the greatest challenge to social action: how to sustain countervailing forces that challenge, expose, demystify, and discredit the lure of economic globalisation and blunt the power of those who are devising ways to push the world closer to the edge of economic and social disaster — processes already evident with the recent crises in Southeast Asia, Russia, and Brazil.

It is imperative that CSOs recognise this omnipresent threat and use all available international instruments and mechanisms, as well as government commitments from the recent series of UN conferences. For social actors and activists who want to remain relevant in a rapidly changing world, the pressing need is to grapple with the world's economic systems, at whatever level possible — from gathering information and gaining understanding to carrying out research on the impacts, from advocacy work aimed at reform of global institutions to staking claim to space during international and regional negotiations on economic treaties, and an increased role for the UN. Without such forthright countering of economic globalisation and without taking advantage of the spaces it has inadvertently opened up, social action and development have a bleak and fragmented future.

Approaches to social justice and sustainable development

While ever more people and institutions now acknowledge the problems with the economic liberalisation model, what is conveniently being overlooked is the framework within which economic policy needs to be formulated for the benefit of humankind. The existing international human-rights instruments⁹ and UN monitoring mechanisms for compliance with these instruments already provide such a framework and confer upon states the legal obligations to protect, promote, and fulfil human rights. A number of instruments of a declamatory nature

also exist. Together, these form useful points of departure in articulating and putting into practice *collective* rights, such as the right to development and to a clean environment. Certain instruments also promote the rights of specific population groups such as indigenous and tribal peoples, minorities, and disabled persons.¹⁰ Collective rights are emerging as an important area of articulation and action among social movements and campaigns around the world for rights such as clean drinking water, or for the rights of women, indigenous peoples, peasant farmers, and so forth.¹¹

Underpinning the human-rights instruments are the basic principles of non-discrimination, equality, and self-determination, and the right to political participation. Viewed from the perspective of people and communities fighting for adequate food, health care, housing and living conditions, education, and a voice and representation on political bodies, these instruments provide a bulwark, a standard to aspire to, and, for civil-society groups, a set of rights to be claimed. A more forthright and comprehensive approach to human rights can provide for a sharper critique of government responsibility and provide benchmarks for interventions by all sectors of society, including those who are marginalised and suffer discrimination.

Human rights provide the perspective, the context, and the substance (through the entitlements contained in numerous instruments) to realise sustainable development and social justice for all. The holistic approach offered by the concept of human rights can strengthen (to take some examples) struggles for women's rights and for the environment. Viewed in such a light, the realisation of human rights for every woman, man, and child is the primary system through which international investment, finance, and trade regimes can be held accountable. For the policies, programmes, and instruments emanating from economic globalisation affect people at the local level, both directly through the acquisition of natural resources and indirectly through the influencing of national policies that undermine the capacity of people and communities, especially the marginalised, to control their own space and resources. Such impacts are clearly a violation of internationally accepted obligations under human-rights treaties.

The four fundamental principles that are under threat, as outlined by the International NGO Committee on Human Rights in Trade and Investment, form a useful framework to explain the all-encompassing scope of this approach, and also offer clear directions for gaining and retaining human rights:¹²

The primacy of human rights: The promotion and protection of human rights must be accepted as the fundamental framework for and goal of all multilateral and bilateral investment, trade, and financial agreements. Such agreements cannot exclude or ignore human-rights principles and objectives without losing their most fundamental claim to legitimacy.

Non-retrogression: All states have a duty to respect, protect, ensure and fulfil international human-rights obligations and cannot derogate from or limit them except as expressly provided for in the relevant human rights treaties. 'Rollback' and 'standstill' requirements, as formulated in the MAI, are incompatible with the requirement that economic, social and cultural rights be realised progressively, as explicitly stated in the International Covenant on Economic, Social and Cultural Rights (CESCR). Governments must demonstrate that they are taking concrete steps towards realisation of these rights. Moreover, state parties have a specific duty not to take retrogressive measures that would jeopardise economic, social, and cultural rights.

The right to an effective remedy in the appropriate forum: The right to an effective remedy for anyone whose rights have been violated cannot be contracted away by the state nor denied by the operations of intergovernmental institutions. Investment or trade bodies should not adjudicate concerns that fall firmly into the human-rights domain, as disputes between corporations and state actors, but these should be dealt with by appropriate domestic, regional, and international human-rights fora and enforcement mechanisms.

Rights of participation and recourse of affected individuals and groups: Human rights cannot be effectively realised unless the right of participation of the affected populations in planning, implementation, and seeking redress for violations is respected. The participation of women in all these processes is particularly important.

The new social movements which have adopted this holistic approach have done much not only to strengthen the pro-environment lobby and women's movements, but also to demonstrate the imperative of viewing human rights and development as complementary and mutually reinforcing means of achieving social justice for all.

There are also valuable insights and directions offered by the resolutions emanating from the UN human-rights programme. Take, for example, the resolution adopted on 20 August 1998 by the UN Sub-Commission for the Prevention of Discrimination and the Protection of Minorities and entitled:

'Human rights as the primary objective of trade, investment, and financial policy'. In this resolution the Sub-Commission emphasised that the realisation of the human rights and fundamental freedoms described in the international human-rights instruments is the 'first and most fundamental responsibility and objective of States in all areas of governance and development'.¹³ This phrase reaffirms language adopted by the world's governments in the Declaration and Plan of Action from the 1993 World Conference on Human Rights.¹⁴ The Sub-Commission also expressed concern about the human-rights implications of the MAI 'and particularly about the extent to which the Agreement might limit the capacity of States to take proactive steps to ensure the enjoyment of economic, social and cultural rights by all people, creating benefits for a small privileged minority at the expense of an increasingly disenfranchised majority'.

Taking these international instruments as point of departure, several international NGOs have mobilised at local, national, and international levels to promote economic, social, and cultural rights in the context of economic globalisation. Two examples will serve as illustration.

Habitat International Coalition (HIC): Basing its work on the right to housing and land, HIC works through its three committees: housing and land rights, women and shelter, and housing and environment.¹⁵ The Coalition's work proceeds from a holistic perspective which seeks, through alliance building, training, use of the UN system, research and fact-finding, to counter the negative effects of economic globalisation through stressing the inviolability of the gaining and retaining of housing and land rights as essential to the realisation of all human rights.

FoodFirst International Action Network (FIAN): A global coalition promoting the human right to feed oneself, FIAN works through national chapters and urgent actions against violations of the right to food and land. FIAN has been the principal force, in collaboration with CSOs and NGOs across the world, behind the drafting of a Code of Conduct on the Right to Food, following successful advocacy at the 1997 Rome Food Summit to get the right to food into the formal Declaration. The Code contains particular provisions on the accountability of non-state actors.

Viewed from the perspective of entitlements offered by existing international instruments, it is clear that a system more sensitive to human rights and to environmental concerns would have afforded better protection to the vulnerable individuals and communities who are now bearing the brunt of the global economic crisis, through no fault of their own and with no opportunities to participate in shaping international

economic structures and policies. It is also clear that, unless reforms to the international economic system explicitly incorporate respect for human rights and the environment at a structural level, they will not address the fundamental and practical concerns and suffering of the overwhelming majority of the world's people and communities, whose welfare and economic development they must surely be intended to promote.

New forms of social action

Recent years have witnessed some remarkable CSO initiatives, surmounting cultural, thematic, and language barriers, building solidarity, and successfully taking on powerful global institutions in the process.

The coalition in opposition to the MAI

One such is the global coalition which developed to counter the MAI. Over 650 CSOs and NGOs from 70 countries joined to steer a global campaign, using a variety of instruments, media, advocacy, alternative investment policies and treaties, and a range of collectively agreed strategies. The anti-MAI coalition consists of environment, development, human-rights, and church-based CSOs and NGOs, as well as local governments and parliamentarians. While the MAI was being debated at the OECD, the coalition also included national anti-MAI campaigns from more than half the OECD member countries and from a number of developing nations.

The anti-MAI coalition used electronic communication as a primary means of spreading information, building solidarity, and co-ordinating multi-level activities. Its strength was acknowledged in the report ('the Lalumiere Report') prepared for the French government which led to its decision to withdraw from the MAI negotiations.¹⁶ The report refers to the surprise felt by the OECD member governments at the 'scale, strength and the speed with which the opposition appeared and developed' and goes on to say '[t]he MAI thus marks a stage in international negotiations. For the first time, one is seeing the emergence of a "global civil society" represented by NGOs which are often based in several states and communicate beyond their frontiers. This evolution is doubtless irreversible.'

The Lalumière report points to the Internet as a major source of power for the MAI opposition. The coalition's members used the e-mail to its maximum effect from the beginning of their campaign. In order to maintain contact and share strategies, they used e-mail listserves and websites, created and maintained by NGOs, and were able to inform millions of people worldwide

about the MAI negotiations. Drafts of the text were circulated via the Internet, enabling large numbers of diverse groups to engage in critiques and analyses, which were then redistributed. The Internet has enabled groups from all over the world to work together, share knowledge and expertise, move towards becoming a global civil society — and gain credibility in the process.

The anti-MAI coalition is still vigilant, as the main provisions pushing financial liberalisation are emerging at regional and international economic forums and treaty-making processes such as the IMF, FTAA, and WTO. Since the principal resources in developing countries are in agriculture, mining, forestry, and fisheries, MAI-like provisions could considerably exacerbate existing pressures on these sectors, and on the often vulnerable people and communities whose livelihoods depend on them.

People's Global Action

Another example of spirited global opposition to economic globalisation is that of the People's Global Action (PGA). Over 300 representatives of people's movements from 70 countries met in February 1998 in Geneva to initiate an international popular movement against various aspects of globalisation. Uniquely, the PGA is primarily composed of social movements and people's organisations such as the National Alliance of People's Movements (India), the National Zapatista Liberation Front (Mexico), the Landless Peasant Movement (Brazil), the Peasant Movement of the Philippines, and the Canadian Postal Union.

This meeting resulted in a people's manifesto against global 'corporate rule' which argues that '[t]he WTO, the IMF, the World Bank, and other institutions that promote globalisation and liberalisation want us to believe in the beneficial effects of global competition. Their agreements and policies constitute direct violations of basic human rights (including civil, political, economic, social, labour and cultural rights) which are codified in international law and many national constitutions, and ingrained in people's understandings of human dignity.'¹⁷

During the May 1998 second ministerial meeting of the WTO, the PGA launched a series of co-ordinated protest actions across the world, including demonstrations in Geneva. The resulting negative publicity has caused much concern within the WTO. Among the actions planned for 1999 is an InterContinental Caravan, which will attempt to bring 500 Indian peasant farmers to Europe to protest before national parliaments, and the WTO, multinational companies, and banks that are pushing for global free-market policies.

International NGO Committee on Human Rights in Trade and Investment

Also worthy of mention is an alliance of development and human-rights NGOs which in May 1998 formed the International NGO Committee on Human Rights in Trade and Investment,¹⁸ with the express goal of ensuring that human rights are no longer ignored in international economic policy and practice. In a policy statement quoted above, this Committee outlines four fundamental principles of human rights as being under threat from the way in which economic globalisation is proceeding and calls for these to be accepted as the 'organising principles for all bilateral and multi-lateral trade, investment and financial agreements, laws and policies'.

The statement also stresses the need for 'alternative international investment and trade agreements and processes that would genuinely seek to ensure that international investment and trade regimes are fully consistent with international obligations arising from standards relating to human rights, environmental protection and sustainable development', and goes on to observe that 'Such alternative measures, promoting the establishment of an integrated international agenda, would serve to strengthen democratic control of capital flows and to stimulate investments and commerce that would benefit disadvantaged groups especially women, children and vulnerable communities.'

The NGO Committee was also instrumental in convincing the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities to adopt the resolution on trade, investment and financial policy alluded to earlier. In a press release on 21 October 1998, the NGO Committee stated:

We are convinced that if international economic policy initiatives (including the WTO agreements and rulings, the policy prescriptions and structural adjustment provisions of the IMF and the World Bank, and the MAI under negotiation at the OECD) were genuinely tested against existing international legal human rights and environmental obligations, the international economic policy environment would be dramatically different, as would the institutional architecture of the system.

The principal message of such groups is that a reformed international economic architecture must necessarily be built upon the foundation of explicit recognition of obligations stemming from the key human-rights principles relating to self-determination, participation, non-discrimination,

an adequate standard of living, food, housing, work, and education; and the specific rights of women, indigenous people, and children.

Space does not permit a summary of other initiatives against economic globalisation.¹⁹ Over the past two years, however, it is clear that at national, regional, and international levels numerous initiatives have been taken which point towards a nascent movement of counter-globalisation led by CSOs and NGOs.

Challenges ahead

Although human rights offer a principle on which to base opposition to the challenges posed by economic globalisation, significant obstacles remain. At the same time, some existing CSO and NGO strategies point to recommendations for enhancing the struggle. These agencies must also overcome three inter-related obstacles of a somewhat different order. One is the need to define the nature of the state, faced as we are with opposing views, some calling for its withdrawal and others for it to play a more 'regulatory' role. Another is the need to revitalise the United Nations to play the role that was envisaged in its Charter and developed during the 1980s but then abandoned under the pressure of the forces of economic globalisation. A further crucial obstacle is the unwillingness of actors at all levels, including CSOs and NGOs, to understand and address the impact of economic globalisation on women.

Recasting the role of the state

With the onset of economic globalisation, much concern has been expressed by CSOs and NGOs about the withering away of the state. However, advocates of globalisation, pushing for the increasing privatisation and commodification of all spheres of life, have referred to the economic unviability of the welfare state and the need for states to 'harmonise' their economic priorities with their 'dependency-creating' social responsibilities. Such visions have contributed significantly to states' desperate search for better 'economic indicators' that are divorced from better 'social indicators'. The advocates of a strong state fear the bargaining away of state sovereignty under multilateral trade, investment, finance, and intellectual-property agreements, and under the regimes of structural adjustment and debt repayment.

It is essentially argued by the proponents of economic globalisation that the state can no longer (in fact needs no longer) play a proactive role in

terms of guaranteeing the economic, social, and cultural rights of its citizens. The private sector (national and international) along with a vibrant NGO sector (primarily development and humanitarian agencies) can well handle these tasks. By the same logic, and when the state is itself found to violate these rights, the dissenting roles of the human-rights and environmental movements should be reinforced, to press the state to adopt an unequivocal pro-people stance and oppose its repressive tendencies. (Of course, it is not only the state that violates rights. There are cases of politicians and right-wing ideologues (often belonging to CSOs) using economic globalisation as a scapegoat for all ills, or whipping up anti-imperialist sentiments and appealing to religious identities to create a base for nationalistic policies on the economy, immigration, and other matters.)

It is critical to keep in mind that the struggle is not limited to blunting or reforming the forces of economic globalisation but also pertains to the recognition of existing violations of economic, social, and cultural rights and the need to improve the conditions in which a significant part of humanity lives.²⁰ The fundamental priority is to halt the worsening conditions that are directly linked to the growing disparity of wealth, whether due to the forces of economic globalisation or to socially unjust policies at national levels. This is all the more critical as it is now abundantly clear that the poor do *not* gain from periods of economic boom and stock-market euphoria. They had no part in planning the policies that led to economic globalisation and yet, when economic crisis strikes, they suffer disproportionately. The responses of the global institutions, such as the IMF's bailout loans, are designed to assist loss-making banks, not to help those who are caught in a downward spiral towards joblessness, homelessness, and destitution.

In the past year, however, the very voices which have ardently advocated a 'reduced' role for the state are now, in a dramatic overturn, calling urgently for it to recast its critical 'regulatory' role. These voices now want the state to be the arbiter, the protecting guardian for the social sectors against the ravages that are being wrought by an increasingly unbridled global economic system. They include well-known economists like Jagdish Bhagwati and Joseph Stiglitz, prominent businesspeople such as George Soros, and influential media organs including *The Financial Times* and *The Economist*. What is needed, then, is to strengthen the state to stand up to the forces of globalisation by reasserting its transformative role: not only to regulate but also to guarantee conditions for the sustenance and development of conditions that allow for the realisation of human rights for all its residents.

What should the role of the state be? And how should CSOs respond to state violations of human rights? Once again, existing human-rights instruments offer the most precise and sensitive framework, obliging the state 'first and foremost' to promote the human rights of the vulnerable sections of society and not to take any retrogressive steps (through policies, programmes, and laws) that would further dispossess these groups or marginalise other sectors. States have legal obligations to respect, promote, and protect human rights, including the right to political participation and the right to an adequate standard of living. If they were to follow these (voluntarily accepted) obligations, then much of what passes as the global economic regime would be in violation of the human rights of the all residents of these states. As pointed out by Yash Ghai:

[t]he regime of rights provides the nearest thing to a coherent challenge to economic globalisation. It emphasises the importance of human dignity, the right to work in just conditions and in return for fair wages, the right to welfare, the care of the children, the equality of women, the respect for cultural and economic rights of indigenous peoples, the protection of the environment, the exercise of popular sovereignty through democratic constitutional orders, and the accountability of holders of power. It seeks to conserve natural resources for future generations while at the same time aiming to distribute the fruits of their contemporary exploitation on a more equitable principle, returning in some cases to the concept of communal ownership on a global basis, redefining the concept of property, the commons of the world. It promotes cosmopolitanism and respect for diversity. It has produced a greater consciousness of rights and provides an important foundation for networking (of individuals and NGOs) around rights and against the dehumanising effects of globalisation. Contemporary globalisation is self-evidently inconsistent with these objectives.²¹

While the state's transformative role is being reasserted by CSOs and within parts of the UN system, it is also important to find ways and means to sustain and increase the spaces for human-rights and development groups to collaborate with its more progressive elements. This is perhaps the most promising means by which to strengthen the state, both to stand up to the deleterious forces of globalisation, and to take advantage of the positive social benefits that can accrue from interacting with global institutions, legitimised by reference to international treaties, norms, and standards.

The need for a revitalised UN

If the international economic institutions are to be more accountable, then the UN has to play a central role and devise ways to create democratic structures (including participation of CSOs and NGOs) which will lead to the development of new multilateral treaties on trade, investment, and finance. This role is crucial, because all these issues have an impact on the social sphere.

The perspective and specific duties required to perform this role are already contained in numerous international human-rights instruments which, in the rush to push the 'market' solution, have been cast aside. Valuable provisions and guidance are offered, for instance, in addition to the international Covenants and Conventions, in the Declaration of Social Progress and Development, the Declaration and Programme of Action of a New International Economic Order, and the Charter of Economic Rights and Duties of States.

Various efforts were made in the 1980s to promote social justice in the process of economic liberalisation and the growth of transnational corporations (TNCs), by organisations and initiatives such as the UN Centre on Transnational Corporations (UNCTC), the UN Fund for Economic Development (SUNFED), the New International Information Order (NIIO), and the New International Economic Order (NIEO). However, these valuable efforts were systematically undermined by the proponents of wholesale liberalisation.

Subsequently, the UN has taken the lead in cautioning against unguided liberalisation and in highlighting the need to define the obligations of states, and equip them to meet their commitments. For instance, the 1993 Vienna Declaration and Programme of Action (PoA) confirmed that the protection and promotion of human rights and fundamental freedoms is the first responsibility of governments, and that the human person is the central subject of development. Similarly, the 1995 Copenhagen Declaration and PoA recommended that states should intervene in markets to prevent or counteract market failure, promote stability and long-term investment, ensure fair competition and ethical conduct, and harmonise economic and social development.

The development of a principled leadership within the UN is vital to counter three obstacles to implementing human rights, halting the negative affects of economic globalisation, and offering a framework for the reform of economic institutions so that these work together towards social-justice and economic goals:

1 Currently, the effectiveness of the enforcement mechanisms of institutions such as WTO and NAFTA is in stark contrast to the lack of attention given to developing similar mechanisms for the international human-rights instruments.

2 A major obstacle to the development of human rights, particularly economic, social, and cultural rights is, unsurprisingly, the USA. For example, in the 1998 UN General Assembly, the USA reneged on its endorsement of the 1993 Vienna Declaration and Programme of Action, and was the sole member-state to vote against a resolution recognising the Right to Development. Ways need to be found to rein in US power, even if that country is becoming more isolationist.

3 There is a need to restrain the UN Secretary-General's enthusiastic embrace of the global business community, represented by groups such as the International Chamber of Commerce (ICC), which is composed of many of the most powerful TNCs and is hardly the partner that the UN needs if it is seeking to 'promote and encourage respect for human rights and fundamental freedoms ...', as its Charter obliges it to do.

In tackling these obstacles, the UN can regain its leadership role through a serious commitment to the various Declarations, Covenants and Conventions to which its member-states have agreed, and by underpinning this with an approach based on respect for human rights: something that would be very much in keeping with the policy of 'mainstreaming human rights' being pursued by Kofi Annan.

Women and economic globalisation

Perhaps the most neglected aspect of the social dimensions of trade, investment, and financial policies and programmes is their impact on women.

The principal and lasting impact of a liberalised economy results in ever fewer controls protecting job security (for men as well as women), routine reductions in social expenditures, uncontrolled food prices due to the emphasis on agricultural export and the lack of protection for local food production and food-security regimes, the absence of safety-nets to prevent women having to take up casual labour and carry out multiple jobs, and the failure to protect women's access to land and credit. All these trends have an adverse impact on women. For example, a recent study of women workers in the electronics industry in India reveals their gradual displacement from secure jobs:

There is a two-step process of restructuring. The first step is casualisation of the workforce. The next step is redundancy of the existing workforce and relocation of units to lower wage areas with a temporary workforce. In fact, apart from transfer of jobs from permanent to temporary categories, companies also resorted to direct reduction of workers.²²

Lacking opportunities for education and training, women are less well equipped than men to deal with the challenges and complexities of international trade. Their traditional reproductive and child-rearing responsibilities reduce the time they can devote to earning a living. The result is a reduction in household spending on education and health care. The stress on 'cash crops' for an export economy confines their access to land to marginal areas, which in turn curtails women's capacity to carry out subsistence agriculture and crop production for local markets. Combined with the fact that credit and extension services favour men, all these factors present obstacles to the productive role that women can play.

A study from Ghana presented at the parallel NGO Forum to the 1998 WTO Ministerial Conference concluded:

Given women's disadvantaged situation and family responsibilities, trade and WTO rules do not provide women with as much income generating opportunities as men; or worse, they undermine women's trading activities and food production. Less income for women means less expenditure on education and health care, less purchasing power and productivity, and more reproductive work in the households. This moves the country away from raising standards of living and improving its production capacity.²³

Economic globalisation has certainly brought about opportunities in the form of greater labour mobility. This has allowed some women to choose between agricultural labour and paid employment, and some studies suggest that women may sometimes prefer independent wage employment to the oppressive social structures and isolation in which they live, and the arduous, often erratic agricultural labour on which they depend. Of course, the objective working conditions are exploitative, as the jobs are generally insecure, badly paid, and part-time, denying employees their trade-union rights, and exposing women to sexual harassment and other threats. Given the global economic scenario, without changes that are sensitive to women's needs, the long-term prospects are bleak, because capital always seeks to reduce labour costs and to avoid stringent environmental and human-rights standards. This approach is all too evident, for example, in the proliferating

export-processing zones (EPZs) which characterise economic globalisation worldwide, and whose principal workforce is young women.

A major reason for the failure of the global financial architecture in achieving even a modicum of social progress for vulnerable social sectors has been its failure to take into account or even acknowledge the role that women play in everyday development activities. It is critical, therefore, that all attempts to blunt the impact of economic globalisation and to offer alternative economic or legal frameworks recognise and develop benchmarks to assess to what extent women's role is being taken into account in 'designing development'. The few groups that have taken on the task of disaggregating the impact of economic globalisation and its associated processes have offered a number of recommendations that are useful starting points for further advocacy work to ensure gender-sensitive policy-making within the global trade, investment, and finance bodies (see below).

Opportunities for growth

Only recently has it become clear that economic globalisation offers opportunities as well as posing problems. International campaigns for limits to economic globalisation, such as the anti-MAI and Jubilee 2000 debt campaigns, have opened up the possibility for creating alliances across national boundaries, based on common values and objectives and a common perception of the power of solidarity to halt or at least gain time through delaying potentially harmful international economic initiatives stemming from the economic institutions that drive globalisation.

One clear advantage of such collectivities is that they are informally linked and non-hierarchical, and are organised around multiple focal points, each with its own programme, structured around national campaigns, yet all coalescing into a formidable whole. We might even say that economic globalisation provides a platform from which to launch a hundred transnational movements. It should now be possible, through the spaces opened up for international action and the confidence gained by knowing of and working with hundreds of like-minded people and communities across the world, for these transnational movements to tackle local problems that may not even have originated in, and are not perpetuated by, global processes.

The transnational solidarity created by the collective opposition to economic globalisation is bringing multiple benefits. Formerly diffused initiatives have joined together to promote common causes, and local struggles have gained the confidence that comes from the knowledge of

support from other CSO and NGO sources. We should now look to develop strategies to counter local violations of economic, social, and cultural rights, and processes of exclusion and dispossession. The horizontal and vertical solidarity that has been built from these transnational initiatives needs now to be harnessed to promote local change.

The opportunity is then enhanced for CSOs to push at local, national, and international levels, sometimes simultaneously, for states to be accountable and representative — to fulfil the promise of the post-colonial phase. The devolution of power that was to come from above must now be demanded from below, in collaboration with global forces such as transnational collectivities of CSOs, as well as within institutions such as the UN, where opportunities exist or can be created for the support of local struggles for human rights and social justice.

This creation of new political spaces, carved out by cross-border, transnational initiatives, nevertheless raises a number of questions which need deep reflection and action. What is needed to sustain these collective transnational actions, campaigns, and movements (processes)? What are the limits of such initiatives? The human-rights regime provides a sufficient approach and a set of organising and intertwined principles, as this paper has argued, to gain and sustain social justice, equality, and democracy. What steps are necessary to move towards a wider adoption of this approach and to enhance its effectiveness? Can these forces continue to show positive results in the face of the simultaneous phenomena of fragmentation (often at the local levels) and integration inherent in globalising processes?²⁴ Can these collectivities, which work from a basis of a multi-centric world, constructively rival the traditional state-centric global system? What are the preconditions for these processes to reinforce local solidarities to counter local violations of economic, social, and cultural rights stemming from exclusion, discrimination, and dispossession?

A cursory overview of the national and international actions taken to date by CSOs in confronting globalisation, and a review of the opportunities and challenges in terms of existing and potential multilateral instruments within the economic globalisation mould reveal actions and directions that must be pursued by CSOs if they are to remain relevant and true to the task of both countering and offering alternatives to the forces of economic globalisation. These need to focus on hitherto neglected issues such as the impact of economic globalisation on women as well as on children, indigenous peoples, and poor peasant communities. Other valuable starting points are examples from India, Canada, and Mexico, where CSOs have developed useful local strategies and transnational alliances to expose and counter the

negative tendencies of globalisation. One useful lesson from work done thus far is that it is important to keep breaking down the North–South barriers. Essentially, CSOs, particularly those working at the local level, must break loose from the isolationism that can mar local efforts and join national and transnational efforts to hold economic globalisation accountable to people’s processes. This is critical to the formation of a global civil society.

Deepening knowledge

CSOs and NGOs need to know about and deal with the processes and institutions that are driving economic globalisation — for example, the forces of financial liberalisation — and to seek relevant information and collaborate with CSOs that are dealing with hitherto low-profile institutions such as the Bank of International Settlements (BIS) and the International Organisation of Securities Commission (IOSCO).²⁵

North–South barriers need to be broken down. The consequences of economic globalisation show clearly that everyone is in the same boat and that transnational alliances are of benefit to all CSOs. If anything, there is a need for far greater knowledge in the Third World countries of the scale of poverty, material and cultural, existing and growing in the First and Second Worlds.

Research and analysis

Given the paucity of case studies which examine the impact of economic globalisation on human rights and on the environment, there is an urgent need to develop appropriate methodology and research plans; search for available data, case studies and legal materials; analyse and compile data into succinct case studies on the specific, verifiable effects of trade and investment treaties; and prepare and disseminate materials in plain language as well as technical publications. Such work must include a gender-sensitive assessment of the impact of trade policy on women workers, farmers, entrepreneurs, and traders. There is a need for disaggregated data from reviews of trade policy and rules, without which it is difficult fully to assess the different impacts of economic globalisation on women and men.

It is also important to collaborate, for instance in joint research activities, with ‘progressive’ UN institutions that are seeking to counter economic globalisation — UNCTAD, UNRISD, OHCHR, ILO — to suggest how the UN could play a more active role on economic issues, including through the formation of democratic and representative bodies to examine issues and draft instruments likely to have an impact on millions of impoverished people across the world.

Joining alliances in solidarity work

Joining the active global coalitions such as the anti-MAI coalition or the International NGO Committee on Trade and Investment will bolster their strength and contribute to the growth of a movement towards the creation of a global civil society. We need platforms where 'horizontal' exchange can take place. For example, it is far easier to get information on what struggles are being waged against the WTO in industrialised countries than to get this information from countries in the South. This also illustrates the need within the South for more information-exchange, strategy-sharing, and solidarity-building.

Developing alternatives

It is important to learn about, publicise, and develop campaigns premised on valuable ideas such as the Tobin Tax²⁶ and the alternative agreement on investment proposed by some of the groups that are part of the global anti-MAI campaign. We need to learn from, test, and develop further alternatives.

Some groups are also proposing alternative means of judging the human-rights and environmental impact of economic globalisation forces such as TNCs. Joining these groups and participating in efforts such as People's Tribunals (such as the Permanent People's Tribunal, the PPT) and the tribunal on TNCs and human rights currently being planned is a way to increase the accountability of the proponents of globalisation.

In some countries, such as India, groups like Social Watch are proposing alternative economic surveys and alternative indicators and benchmarks to assess the state of the world's people. Social activists need to learn from, contribute to, and attempt similar exercises, particularly at national levels.

Advocacy, intelligence, and gaining new allies

Advocacy work aimed at global economic institutions is critical to make these institutions (such as WTO, NAFTA, and IMF) democratic and sensitive to human rights, development, and environmental concerns. Use should be made of the working paper being prepared by the UN Sub-Commission for the Prevention of Discrimination and the Protection of Minorities 'on ways and means by which the primacy of human rights norms and standards could be better reflected in, and could better inform, international and regional trade, investment and financial policies, agreements and practices, and how the United Nations human rights bodies and mechanisms could play a central role in this regard'.

It is also important to call for the development of in-house capacity in gender analysis and to stress the need to mainstream gender analysis in all sectors within the purview of the IMF, WTO, and NAFTA. In the case of the latter two, it is equally vital to call for women's participation in all negotiations and dispute-resolution mechanisms, and more generally to assist in tracking MAI-like provisions in emerging multilateral and regional economic instruments.

All advocacy work needs to push organisations such as the WTO to adopt human-rights and environmental instruments as the basis of their work, for example in drafting new instruments and in dispute-settlement processes, and to respect the obligations placed upon states by these regimes.

It is also necessary to make alliances with the new converts, such as the economists and media cited earlier, which until recently were in favour of reducing the role of the state and are now calling for it to play a regulatory role.

Calling the state to account

In addition to the points made on this earlier, there is a need to push states to act in accordance with the human-rights and environmental instruments that they have ratified and also to respect the provisions agreed to in the Declarations and PoAs signed at the UN conferences in Rio, Vienna, Beijing, Cairo, Copenhagen, Istanbul, and Rome. At Beijing, for example, governments recognised that they should take account of women's contributions and concerns in economic structures. They also committed themselves to adopting a gender perspective in all policies and programmes by making an analysis of the effects on women and men respectively 'before decisions are taken'. Obviously states have failed to do this. Specifically, governments should be called on to explain the adoption of any new obligations, such as many instruments that drive economic globalisation, if they conflict with their existing ones.

At the national level, governments and multilateral institutions should be called on to ensure that technical assistance is gender-sensitive and that it promotes the upgrading of technology and skills, including opportunities to acquire new skills, for women as well as for men. Governments must also ensure the adequate flow of information and technological transfer between the North and the South, and between men and women, and must ensure that women have access to land and credit.²⁷ To this can be added the need for women to have access and inheritance rights to housing and land.

Conclusion

Despite all the counter-evidence, countries across the world continue to be lured by the false promises of free-market ideology, privatisation, and the withdrawal of the state from basic responsibilities to its citizens. The lure seems so great and the pressures so intense that states are willing to pursue the free-market agenda no matter what the social cost. Tragically, the harsh lessons from the lost decades of structural adjustment and debt seem not to have registered in the minds of the decision-makers.

The developing global economy urgently needs to be informed and guided by the principles and the imperatives inherent in the international human-rights regime. Such a task is critical to the revival of the leadership exercised by the UN in the 1980s and for the consolidation of peace and justice worldwide. Conditions need to be created for the harmonisation of international trade, investment, and financial regimes with existing human-rights obligations. This would ultimately lead to the establishment of an integrated international agenda which would cover not merely agreements, policies, and practices in international trade and investment, but also (more importantly) international obligations and standards relating to human rights, environmental protection, and sustainable development. Focusing merely on the former will only undermine the far more basic obligations underscored by the latter.

In order for this to happen, it is again the task of CSOs to hold international and regional economic actors accountable for respecting human rights as the primary basis for global economic policies and programmes. In the process, it is essential for CSOs to use the UN, to press for international democratic forums, and to push the UN to work primarily for the world's downtrodden peoples. By establishing such an overarching framework, national governments can also be pushed in the same direction. Engagement in social action for achieving just and humane development involves such an all-encompassing approach, particularly keeping in mind the well-being of the deprived and the oppressed.

The challenge is for all of us to keep moving forwards and to keep taking advantage of the tremendous solidarity that now exists among groups representing or consisting of marginalised and oppressed people and communities across the world. The struggle in which these groups are engaged is for the sovereignty (self-determination) of people and communities, beyond national borders, against the forces of economic globalisation, using as their principal basis international instruments concerning human rights, the environment, and development. If economic

globalisation signifies a breaking down of national borders and controls, then the answer that is being given by civil society is also transnational and inspired by fundamental human values based on the belief in solidarity and comradeship that is missing in the technology-driven, hierarchy-based system of economic globalisation. The struggle is between those working for dignity and justice for all and those bent on creating a world driven by mechanistic and profit-driven motives that benefit a small minority only. Nothing more or less.

The overriding challenge is to find ways of getting people to mobilise politically so that the ownership of the existing instruments and of the process of refining and developing them is democratised, and the states and the international economic agents and forums are held accountable for our human rights and our fundamental freedoms.

Notes

1 In this paper, the term 'CSOs' includes community-based organisations, social movements, issue-based campaigns, and NGOs. For clarity, the term 'NGO' is sometimes used to connote an intermediary support organisation.

2 For a discussion on the post-colonial hijacking of the development agenda in Africa, see Firoze Manji: 'The depoliticisation of poverty' in Deborah Eade (ed.) (1998) *Development and Rights*, Oxford: Oxfam.

3 The term 'economic globalisation', as used in this paper, encompasses institutional processes that deal with trade, investment, finance, intellectual property, structural adjustment, and debt, within an ideology of economic liberalisation.

4 UNCTAD: *Trade and Development Report 1997*, Geneva: UNCTAD, 1997.

5 UNDP: *Human Development Report 1997*, New York: Oxford University Press, 1997.

6 63.8 million people (one in four US residents) live below the poverty line,

and there are 2 million homeless people, of whom 500,000 are children. From 1979 to 1994, real family income for the top tenth of the US population increased by 83 per cent, while the bottom tenth lost 14 per cent, and the next tenth lost 5 per cent. Figures taken from the Congressional Hearing on Hunger and Homelessness in the US, 23 September 1998.

7 See for example Dr Joseph Stiglitz, Ninth Prebisch Lecture, 19 November 1998, UNCTAD, Geneva. Stiglitz stated that the Washington Consensus had failed to foster development because it 'all too often confused means with ends — taking means such as privatisation, "getting the price right" and trade liberalisation as ends in themselves'. His alternative development paradigm is, however, disappointing, because it falls short of recognising the valuable process already in place in the form of numerous CSO and NGO initiatives and through the international instruments on human rights, environment, and development.

8 In 1980, foreign-exchange trading alone was US\$80 billion on average per day, and the ratio of such trading to world trade was about 10:1. In 1995, daily trading averaged US\$1260 billion, and the ratio to world trade was nearly 70:1. This is equal to the entire world's official gold and foreign-exchange reserves.

9 See in particular the International Covenant on Civil and Political Rights (CCPR), the International Covenant on Economic, Social, and Cultural Rights (CESCR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the Convention on the Rights of the Child (CRC), texts available in *Human Rights — A Compilation of Instruments* (1994) Vol.1 (First and Second Parts), New York and Geneva: UN. The texts are also available at: <www.unhcr.org>

10 See in particular the Declaration on the Right to Development, the Declaration on Social Progress and Development, and the Charter of Economic Rights and Duties of States. CEDAW is also a powerful instrument promoting the collective human rights of women. Also see regional instruments such as the African Charter on Human and People's Rights, and NGO instruments such as the Universal Declaration of the Rights of People (Algiers).

11 Numerous UN mechanisms exist, from Special Rapporteurs to treaty bodies to technical assistance intended to guide and facilitate the implementation of the human-rights instruments.

12 See Policy Statement of the International NGO Committee on Human Rights in Trade and Investment, *Investment, Trade and Finance: the Human Rights Framework: Focusing on the Multilateral Agreement on Investment (MAI)*, September 1998.

13 UN Sub-Commission resolution 1998/12, adopted on 20 August 1998.

14 'Human rights and fundamental freedoms are the birthright of all human beings; their protection and promotion is the first responsibility of Governments' (Paragraph 1 of the Vienna Declaration and Programme of Action. Adopted at the Vienna World Conference on Human Rights, June 1993).

15 HIC is a global alliance of 350 CSOs and NGOs from 70 countries. For a description of its work on housing and land rights, see Miloon Kothari: 'The global struggle for the right to a place to live', *Development in Practice*, 7(1), reprinted in Deborah Eade (ed.): *Development and Rights*, Oxford: Oxfam, 1998. See also Miloon Kothari: 'Homelessness and the right to adequate housing: confronting exclusion, sustaining change' in *The Universal Declaration of Human Rights: Fifty Years and Beyond*, Amityville, NY: Baywood Publishing Company for the United Nations, 1998.

16 Lalumière Report, October 1998, commissioned by the French Government and prepared, after consultation with negotiators of the MAI and civil-society representatives, by MEP Catherine Lalumière, Inspector General for Finance Jean-Pierre Landua, and Advisor at the Court of Auditors Emmanuel Glimet.

17 People's Global Action Manifesto, People's Global Action (PGA) February 1998.

18 The NGO Committee includes Habitat International Coalition, the People's Decade on Human Rights Education, Lutheran World Federation, the Latin American and Caribbean Committee for the Defence of Women's Rights, Youth for Unity of Voluntary Action, the Centre for Equality in Rights

and Accommodation, and the Mazingira Institute. See the annotated bibliography in this volume for contact details.

19 See, for example, the work of the Third World Network (Malaysia), Public Citizens Centre (USA), Polaris Institute (Canada), Focus on the Global South (Thailand), Informal Working Group on Gender and Trade (Sweden), National Alliance of People's Movements (India), ATAC (France), and the Jubilee 2000 Debt Campaign (UK), among many others. See Annotated Bibliography for further details.

20 See, for example, *HDR 1997*, which calculates a series of measures, comprising the Human Poverty Index, against which countries are annually ranked. They include the prevalence of illiteracy, life expectancy, degree of malnourishment, and access to health services and safe water. In 1996 over one billion people fell below this index, a figure reflecting a deteriorating position in 30 countries.

21 Yash Ghai: 'Rights, social justice and globalisation', in Joanne Bauer and Daniel Bell (eds.): *The East Asian Challenge to Human Rights*, Cambridge: Cambridge University Press, 1998.

22 Amrita Chachchi 'The new labour market', quoted in Bharat Dogra 'Women are shouldering the burden of liberalisation in India', InterPress Third World News Agency (IPS) 7 December 1998.

23 Informal Working Group on Gender and Trade: 'The Need for a Gender Analysis of the WTO: Ghana Case Study', leaflet distributed during the WTO Ministerial Conference, Geneva 1998.

24 The tension between 'the fragmenting consequences of conflict and the integrative effects of co-operation' has been called *fragmentation*. See James Rosenau, 'States and Sovereignty in a Globalising World', paper presented at the seminar 'International Solidarity and Globalisation: In Search of New Strategies', Columbia Presidency of the Non-Aligned Movement and the Swedish Government, Stockholm 27-28 October 1997.

25 For a useful discussion on this issue and other ideas for action from CSOs, see Kavaljit Singh 'New challenges for People's Movement', *Mainstream*, 12 December 1998.

26 The Tobin tax is named after the economist and Nobel Prize laureate, James Tobin. He proposed a low-rate uniform tax on transboundary short-term speculative investment flows to raise several hundred billion dollars a year for development purposes.

27 See Angela Hale (ed.): *Trade Myths and Gender Reality: Trade Liberalisation and Women's Lives*, Uppsala: Global Publications Foundation and International Coalition for Development Action (ICDA), 1998.

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