

# **Globalization and Its Impact on Human Rights by** **George Mathews Chunakara (ed.)**

Published by Christian Conference of Asia, Hong Kong. The Indian Edition was published in October, 2000 by Christava Sahitya Samithy, Tiruvalla - 689 101, Kerala, S. India, and is used by permission of the publisher. This material was prepared for Religion Online by Ted & Winnie Brock.

**(ENTIRE BOOK)** A highlighting of globalization's impact on human rights, assessing it in the light of ethical theological considerations and helping the churches to identify concerns that address the adverse impact of globalization and the search for alternatives.

## **Introduction**

The impact of globalization on the Third World is disasterous. The author hopes for an adequate response from the churches of the world.

## **Chapter 1: Globalization Threatens Humanism, by V. R. Krishna Iyer**

Humankind is in the ghastly grip of soulless forces, moneyocracies incorporated, and cannibalistic philosophies which validate satanic values and apotheosize social anathemas like violence, vulgarity and intoxicated hedonism. A new debate must begin on human rights-oriented economic policies where every person and his dignity matters.

## **Chapter 2: Globalization and Working Towards Alternative**

### **Development Paradigms, by M. A. Oomen**

The author suggests the formulation of development paradigms which are alternatives to globalization.

## **Chapter 3: Development and Human Rights, by T. Rajamoorthy**

The proponents of globalization appear sometimes to invest the whole process of globalization with a quasi-religious status. They claim that resistance is futile.

## **Chapter 4: The Emerging Global Scenario and the East Asian**

### **Perspective on Human Rights, by Michael C. Davis**

A consideration of various claims about 'Asian values' made in relation to the East Asian human

rights debate. 1. A challenge to the claims for exception from important international human rights standards made in the name of “Asian values.” 2. The offering of a special version of liberal constitutionalism as a proper domestic venue for contemporary human rights and values discourse in East Asia.

### **Chapter 5: Globalization and its Impact on Human Rights, by Mathews George Chunakara**

Although globalization has been characterized as a locomotive for productivity, opportunity, technological progress, and uniting the world, it ultimately causes increased impoverishment, social disparities and violations of human rights.

### **Chapter 6: Globalization and Asian Women, by Matsui Yayori**

What is needed is an alternative society based on gender justice, ecological sustainability and local-global democracy. Asian women should have the confidence to change their own daily lives and the world by supporting one another, and thus help bring about change.

### **Chapter 7: Some Ethical and Theological Reflections and Considerations, by Feliciano V. Carino**

In the Church’s teachings and highest traditions we find a meaningful contribution to the emergence and foundation of a global community, namely, the dignity of the human, the unity and universality of the human family, and the common human responsibility for all of creation.

### **Chapter 8: Globalization and Liberative Solidarity, by K. C. Abraham**

An analysis of the phenomenon of globalization and the raising of some issues that are pertinent in facing its challenges. A model is suggested of a Christian response, a liberative solidarity, that is rooted in the experience and spirituality of the poor and the message of the cross.

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## **Introduction**

The advocates of 'globalization' described it as the panacea for all economic woes, and that the only path to prosperity is to adhere to free-market principles. The nations in the South, in particular, are being urged to deregulate and open up their economies to free trade and foreign investment, to ensure their speedy transition to the status of developed economies. But it is also held that globalization has brought in its wake, great inequities, mass impoverishment and despair, that it has fractured society along the existing fault lines of class, gender and community, while almost irreversibly widening the gap between rich and poor nations, that it has caused the flow of currencies across international borders, which has been responsible for financial and

economic crises in many countries and regions, including the current Asian financial crisis, that it has enriched a small minority of persons and corporations within nations and within the international system, marginalizing and violating the basic human rights of millions of workers, peasants and farmers and indigenous communities.

Christian Council of Asia focused on these concerns during an international consultation on “Globalization and its Impact on Human Rights” held under the auspices of the Cluster III programme units of the Council.

The main objectives of this Consultation were to analyze globalization and its impact on human rights; to study ethical and theological considerations with regard to globalization; to search for alternative development paradigms; to study the policies of developed nations on development and trade policies in the context of globalization; to gain inputs on the experiences of indigenous people, workers and farmers who are affected by globalization; to consider the response of the Churches to the challenges posed by globalization and to study and identify concerns that the Asian churches can take up in order to address the adverse impact of globalization in the Asian context.

This book comprises edited versions of selected presentations at the Consultation. However, this book is not the synthesis of the rich diversity of the whole discussions in the Consultation. Hope, the papers included in this book will help clarify several issues related to globalization and its impact and to initiate more discussion on how the rush towards globalization is presumably affect our lives.

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## **Chapter 1: Globalization Threatens Humanism, by V. R. Krishna Iyer**

*Justice Iyer is a former  
Judge of the Supreme  
Court of India*

What man is there of  
you, whom if his son  
ask bread, will he give  
him a stone? This great  
biblical interrogation  
of history postulates  
basic compassion in  
humanity sans which  
the world is but an  
animal farm, our  
common cultural  
heritage a misnomer  
and the Universal  
Declaration of Human  
Rights nothing but  
sententious claptrap.

Today, more than at any time in the millennia gone by, mankind is in the ghastly grip of soulless forces, moneyocracies incorporated and cannibalistic philosophies which validate satanic values and apotheosize social anathemas like violence, vulgarity and intoxicated hedonism. Fair is foul and foul is fair is the paradox of our decade and the crisis of culture and character, with no happy denouement in sight, may well escalate to end in a collapse and chaos unless we act globally and locally to save *homo sapiens* from going back to barbarity. Science, not being a spiritually guided missile, may not rescue us; nay, on the gleaming wings of gory science, mankind may indulge in Operation Massacre, dig its own grave and bomb itself out - a quantum jump from Hiroshima to Globoshima. Beware! The finer values are withering away; the vision of a universal

human family is  
vanishing; and  
Ecclesiastes which tells  
us: the Lord is full of  
compassion and  
mercy... and forgive  
the sins and saveth in  
time of affliction is  
now anathema to those  
who wield power,  
accumulate wealth and  
crave after sensual  
pleasures. The  
governing passion is to  
join the glitterati and  
live a five-star life. The  
story of Cain is  
irrelevant to countries  
whose great leaders go  
to Church and kneel  
before Christ without  
missing any Sunday. Is  
there anyone who  
remembers, among  
church-going profiteers  
and racketeers,  
insatiable sexists,  
alcoholics, torturers,  
and myriad murderers  
of human rights - any  
of the exploiting  
respectables who  
remembers the story of  
Cain and Abel and the  
piteous words: The  
voice of thy brothers  
blood crieth unto me  
from the ground. These  
sophisters and  
calculators and  
billionaires ask of the  
Lord: am I my brothers

keeper? They believe, as in Bernard Shaw's words in *Major Barbara*: 'I am a Millionaire. That is my religion'. Indeed the World Wars were fought with such shockingly genocidal, and horrendously homicidal terror that nations, vanquished and victors, resolved to set up by a noble charter for the United Nations, followed by the triple instruments constituting the Magna Carta of Mankind. Human rights, in widest commonalty spread, gained the highest status accorded by U.N. authority. A new World Human Order, after all the blood and tears of war, was dawning, with colonies liberated, technology trained and tamed to make the pursuit of happiness a universally accessible opportunity and tranquil environs, with peace and security, a blessing for development and crimson unfoldment of total personality. These great expectations hardly materialized and the cold war between

the Soviet bloc and the Western nations, under American hegemony, made Asia, Cuba, Latin America and Africa tragic theatres of blood, sweat, toil and tears. Expectation darkened into anxiety, anxiety into dread and dread into despair. One shudders at the trauma inflicted on Vietnam, Korea and Pol Pot's Cambodia. The tribal massacres and mass starvation in Africa bring to mind vast scenes of brutality and inhuman privation which, even in the most devastating past, no kindly eye had seen, no compassionate heart conceived, no pathetic tongue could adequately tell. The *danse macabre* in the Middle East, the Israel-Palestinian conflict, the torrent of diabolic weapons showered by the U. S. for the use of Afghan rebels who first hung noble President Najibullah on a street pole and then indulged in mutual massacre flooding with blood the snow-white mountains (the sombre slaughter, even amidst

natural calamities, is still unabated) and other holocausts baffle description. And then come the Iraq imbroglio where America assumed the terrible role of waging on millions of Iraqi humans for the sin of President Saddam having occupied tiny Kuwait (whose oil resources and a foothold in that region were reportedly the real motivation behind the malignant invasion of Iraq). President Bush, according to former U.S. Attorney General Ramsay Clarke, was a war criminal. All we know is that the skies over Iraq were rent with the agonizing cries of women and children, denied food and medicine by a U.N. alias U.S. embargo. The travail continues and the threat of a ghastly butchery is looming, with a stunned world helplessly watching the advancing doom. Murders most foul, on a massive scale, in the name of the United Nations makes a mockery of human

rights and a trickery of  
the Universal  
Declaration. This -  
under the specious  
sanction of the  
Security Council - is  
'the most unkindest cut  
of all'. Each day's  
issue of the media  
makes us tremble  
about the right to life,  
to survive, of our  
brothers and sisters and  
children in many  
countries where  
mutilation, massacre,  
torturesome mayhem  
frustrate fellowship  
and crucify our faith in  
the human future. The  
human race is racing  
towards the peril of  
annihilation. 'The time  
is out of joint'. 'To be,  
or not to be: that is the  
question'. The poser to  
every sensitive  
member of the race is,  
in Shakespearean  
diction, "whether it is  
nobler in the mind to  
suffer the slings and  
arrows of outrageous  
fortune, or to take arms  
against a sea of  
troubles, and by  
opposing end them?".  
Humanity is at the  
mercy of the imperial  
majesty of Big Powers  
and of the only Super  
Power. No! If all

mankind catalyze  
world opinion in  
support of human  
dignity and the worth  
of personhood,  
together with all the  
wealth of rights and  
values already part of  
U.N. instruments and  
international  
jurisprudence, there is  
hope. The pity is that  
Corporate Power and  
State terror, the world  
over, buy with base  
bribes. Quislings and  
fifth columnists who  
betray human rights.  
T.S. Eliot versifies  
such people: 'We are  
the hollow men, we are  
the stuffed men leaning  
together Headpiece  
filled with straw'.  
Alas: In Pakistan,  
internecine killings  
have been colossal.  
Even India, ignoring  
Gandhian vintage, has  
scattered blood and  
fury of violence. Quo  
Vadis the World  
Order? And lovely Sri  
Lanka dies daily in  
bleeding battalions!

These general  
observations on the  
universal dilemma is  
not a wonder or  
thunder of a day but a  
simmering trend

slowly hotting up, with  
lucent forces of life  
and darker forces of  
death clashing over the  
decades. Materialism  
challenges spiritual  
values; but who wins?  
Will Durant sums up  
this battle of  
Kurukshetra in a  
Western perspective.  
In his book *The  
Pleasures of  
Philosophy*, there is a  
chapter titled: Is  
Progress a Delusion?  
He writes:

“Wealth came to  
Western Europe with  
the Renaissance and  
the Industrial  
Revolution; and as it  
multiplied, it displaced  
the hope of heaven  
with the lure of  
progress.

“Europe’s, *nouveau  
riche*, imported  
luxuries and exported  
ascetics and saints.  
Trade made cities,  
cities made  
universities,  
universities made  
science, science made  
industry, and industry  
made progress.

“Obviously, the  
conception of progress

is for industrial and secular civilization what the hope of heaven was for medieval Christendom. The dearest dogmas of the modern mind, the *crura cerebri* of all our social philosophy, are the beliefs in progress and democracy. If both of these ideas must be abandoned we shall be left intellectually naked and ridiculous beyond any generation in history”.

Durant proceeds to present the other side of the case:

“Disraeli was one of the first to sense the difference between physical and moral progress, between increase in power and improvement in purposes. “The European talks of progress because by the aid of a few scientific discoveries he has established a society which has mistaken comfort for civilization”.

“Enlightened Europe is not happy. Its existence is a fever which it calls progress. Progress

to what?" Ruskin, a rich man, questioned the identity of progress and wealth: were these wealthy shopkeepers and shippers better specimens of humanity than the Englishmen of Johnson's or Shakespeare's or Chaucer's days?

"Even the increase of knowledge may be part cause of the pessimism of our time. He that increaseth knowledge increaseth sorrow, says Ecclesiastes. And his modern avatar confirms him: "In all the World", says Anatole France (if we may believe secretaries), the unhappiest creature is man. It is said, "Man is the lord of creation". Man is the lord of suffering, my friend.

"Then the Great Madness came, and men discovered how precariously thin their coat of civilization was, how insecure their security, and how frail their freedom. War had decreased in frequency, and had increased in extent.

Science, which was to be the midwife of progress, became the angel of death, killing with a precision and a rapidity that reduced the battles of the Middle Ages to the level of college athletics. Brave aviators dropped bombs upon women and children, and learned chemists explained the virtues of poison gas. All the international amity built up by a century of translated literatures, cooperating scientists, commercial relationships, and financial interdependence, melted away, and Europe fell apart into a hundred hostile nationalities. When it was all over it appeared that the victors as well as the fallen had lost the things for which they had fought; that a greedy imperialism had merely passed from Potsdam to Paris; that violent dictatorships were replacing orderly and constitutional rule; that democracy was spreading and dead. Hope faded away; the

generation that had lived through the war could no longer believe in anything; a wave of apathy and cynicism engulfed all but the least or the most experienced soul. The idea of progress seemed now to be one of the shallowest delusions that had ever mocked man's misery, or lifted him up to a vain idealism and a colossal futility”.

Durant dolefully philosophizes about the mortality of nations, the obituary of cultures, the fatality of history and the decadence of time, past and present. Industry produced wealth but where wealth accumulates men decay. Durant laments: “The family has been the ultimate foundation of every civilization known to history. It was the economic and productive unit of society, tilling the land together; it was the political unit of society, with parental authority as the supporting microcosm of the state; it was the

cultural unit,  
transmitting letters and  
arts, rearing and  
teaching the young;  
and it was the moral  
unit, inculcating  
through cooperative  
work and discipline  
those social  
dispositions which are  
the psychological basis  
and cement of civilized  
society”.

“But today the state  
grows stronger and  
stronger, while the  
family undergoes a  
precarious  
transformation from  
homes to houses and  
from children to dogs.  
Men and women still  
mate, and occasionally  
have offspring; but the  
mating is not always  
marriage, the marriage  
is not always  
parentage, and the  
parentage is not often  
education. Free love  
and divorce abbreviate  
marriage”.

“And as wealth  
increases, luxury  
threatens the physical  
less and less in the  
work of their hands,  
more and more in the  
titillation of their flesh;  
the pleasure of

amusement replaces  
the happiness of  
creation. Virility  
decays, sexes multiply,  
neuroses flourish,  
psychoanalysts breed.  
Character sags, and  
when crisis comes,  
who knows but the  
nation may fail?"

The West has been  
rebarbarized, says Will  
Durant. How can  
human rights and the  
world order be safe  
with such Powers?  
Ruefully, the  
philosopher tells us the  
truth about his country  
of Stars and Stripes:

"An ever decreasing  
proportion of business  
executives (and among  
them an ever  
decreasing number of  
bankers and directors  
control the lives and  
labours of an ever  
increasing proportion  
of men. A new  
aristocracy is forming  
out of the once  
rebellious bourgeoisie;  
equality and liberty  
and brotherhood are no  
longer the darlings of  
the financiers.  
Economic freedom,  
even in the middle  
classes, becomes rarer

and narrower every year. In a world from which freedom of competition, equality of opportunity, and social fraternity begin to disappear, political equality is illusory, and democracy becomes a dream.

“All this has come about not (as we thought in hot youth) through the perversity of men, but through the impersonal fatality of economic development.

“Equality is only a transition between two hierarchies, just as liberty is only a passage between two disciplines”. See how the original equality in colonial America has been overgrown and overwhelmed by a thousand forms of economic and political differentiation, so that today the gap between the most fortunate and the least fortunate in America is greater than at any time since the days of plutocratic Rome. Of what use can equality be if political decisions must obey

the majority of dollars  
rather than the majority  
of men

I have been divagating  
into Will Durant, not  
irrelevantly but mainly  
to go to the roots of our  
moral bankruptcy in  
defending human  
rights and averting the  
gradual decay of  
democracy. Now the  
relevance of Jesus to  
the issue of human  
rights, often missed as  
Christian religion, is  
touched upon by  
Durant quite  
interestingly:

“From before the days  
of Solomon the  
position of Jerusalem  
of the cross-roads of  
the great trading routes  
that connected  
Phoenicia with the  
Persian Gulf, and the  
Mediterranean nations  
with Assyria,  
Babylonia and Persia,  
had led to the  
development of  
mercantile  
establishments and  
pursuits among the  
Jews, and had widened  
the gap between the  
rich and the poor. The  
Jews who returned  
from Babylon were

destitute. The conquering Greeks and Romans made barbaric slave-raids upon this helpless population, taking young men by the thousands. In the boyhood of Jesus whole towns near Nazareth were sold into slavery by the Romans. Everywhere in the larger ports of the Mediterranean a propertyless class was growing and a religious outlook was forming among them that was hostile and contrary to that of their maters. The rich, though privately agnostic, supported the old orthodox ritual and faith; the poor developed a moral code that made virtues of their weakness, misfortune and poverty, and a theology that culminated in a heaven for Lazarus the pauper and a hell for Dives, the millionaire. Hence Nietzsche's denunciation of Christianity as the victory of a poorer over a more masterful type of man. The proletarian world was ready for a religion that would take the side of

the underdog, preach the virtues of the meek and humble of heart, and offer the hope of a heaven in which all the slings and arrows of a prejudiced fortune would receive compensation in eternal happiness. The greatest tactical problem of modern Christianity is to reconcile its dependence upon the rich with its natural devotion to the poor”.

The essence of Jesus is the daring moral imperative, the universal goodness of human members, the spiritually catalyzed proletarianism which spread to the West, civilizing humanity and liberating the slave, man and woman. Says Durant: “I never got over my wonder that out of the ape and the jungle should have come at last a man able to conceive all humanity as one, able to love it, and suffer for it, without stint”. “Thou shalt love thy neighbour as thyself” is the well-spring of human rights. ‘The

kingdom of God is  
within you is a sublime  
statement of the  
divinity of every  
human being and is  
manifest in material  
terms as the dignity of  
every person. I must  
stress, as I sum up, that  
your very appellation,  
Christian Conference  
of Asia, obligates you  
to battle for the values  
of human rights, global  
and Asian, for which  
Jesus, the first  
spiritually non-violent  
but irrepressibly  
militant campaigner  
and founder gave his  
life. The Cross and the  
passion of Christ  
impart inspiration to  
millennia of  
generations to hold  
aloft the banner of  
human rights, be the  
enemy insidious,  
imperialist,  
intimidatorily armed or  
asuric avatar talking  
double-speak and  
robbing the neighbour  
subtly or savagely.  
This Consultation must  
have no hesitation in  
taking this fundamental  
stand that humanity is  
not mere marketable  
commodity, that  
divinity and dignity of  
every person is non-  
negotiable, that human

rights covered by both the Covenants are indivisibly integral, that vulnerable sections of people deserve more protective concern from States and the international community and a holistic vision and paramount consideration are the locomotive of the collective human rights process.

At this point, we must begin a survey of the ground realities and socio-economic generalities of peoples' lives worldwide, especially in Asia. Feudal times witnessed sharp cleavages in society, with slaves and serfs and sweating toilers of lands. This system was overthrown by the industrial revolution which, in its ruthless hunt for money and machine, dehumanized people into robots and automations and created filthy slums, destroying the pastoral poetry of the countryside and substituting, in pitiless ubiquity, grimy,

heartless stys for sub-human habitation. Karl Marx, and others with a heart, felt the need for a revolutionary humanization of the system as inevitable and morally mandatory for the dignity and decency of the human person. Colonies, competitive capitalist occupations, imperialist wars and chaos in the cosmos were the sequels, leading to military clashes and blood and iron regimes. Two world wars shell-shocked world conscience and the global map was marred, mangled and manipulated into a 'white' supremacy. History never stands still; and so, the American, French and Russian revolutions with different tints and types of terrorism overtook mankind. The League of Nations, with President Wilson's 14 points, failed; and global blood in ceaseless flood and genocidal gore inflicting millions of human casualties awakened the peoples of the earth to the

urgency of the United Nations as a global guardian and sentinel on the qui vive of peace and security and respect for human dignity, worth of the human person and inalienable human rights. But we are transient dreamers of dissolving dreams and like billows bursting on sandy beaches getting soon absorbed, these rosy hopes were becoming vanishing cream.

Society, in a new synthesis of humanism, is a long way off. Contradictions, in terrible contrasts, keep the humble masses in inhuman subjection. Do read about the English Industrial Revolution and pseudo-prosperity. Dickens, in *The Tale of Two Cities*, put it pitilessly:

“It was the best of times, it was the worst of times, it was the age of wisdom, it was the age of foolishness, it was the epoch of belief, it was

the epoch of  
incredulity, it  
was the season  
of Light, it was  
the season of  
Darkness, it  
was the spring  
of hope, it was  
the winter of  
despair, we had  
everything  
before us, we  
had nothing  
before us, we  
were all going  
direct to  
Heaven, we  
were all going  
direct to other  
way”.

That Industrial  
affluence and  
indigence inflicted  
tearful privations and  
intoxicating prosperity  
was not an isolated  
phenomenon but was a  
universal pathology  
where masses of  
humans underwent  
harrowing  
excruciations among  
surfeit of plenty,  
Steinbeck, in *The  
Grapes of Wrath*, is  
poignant reading:

“The fields  
were fruitful,  
and starving

men moved on  
the roads. The  
granaries were  
full and the  
children of the  
poor grew up  
rachitic, and the  
pustules of  
pellagra swelled  
on their side.  
The great  
companies did  
not know that  
the line between  
hunger and  
anger is a thin  
line”.

The dialectical  
materialist and  
sensitive spiritualist  
will rebel against this  
bitter scenario so as to  
midwife, through the  
pangs of birth, a new,  
just social order. The  
insufferable extremes  
did not end with the  
inauguration of  
decolonization and  
technological  
abundance. Diversion  
of wealth for discovery  
of instruments of mass  
massacres, rather than  
for universal  
happiness, was the  
distortion caused by  
the Cold War. And the  
world of hope rose  
when bipolar global  
terror dissolved and

science could shower  
distributive justice and  
drive out from the  
earth poverty and  
deprivation. Many  
benign U.N.  
instruments and  
Summit Meets  
promised a better deal,  
for the least developed  
hopes proved dupes  
and human rights faced  
their Waterloo, the  
greed of the Corporate  
Gargantuas denying  
the needs of the  
hungry, hapless tenants  
of the earth under an  
extortionate system.  
Dr. Rajni Kothari  
describes the human  
condition under the  
triune boons of the  
Bretton Woods  
institutions  
tantalizingly patented  
and painted as  
Privatization,  
Liberalization and  
Globalization. He  
begins with the  
traumatic contradiction  
of our times.

“We live in an  
era of curious  
stupefying  
paradoxes.  
Literacy  
percentages are  
going up but so  
are the total

number of  
illiterates.

Foodstocks are continuously piling up but so are the number of people without access to adequate food, those suffering from hunger and starvation, while in the meanwhile there has taken place a major decline in the quality of food available to the people, thanks to the excessive use of pesticides and chemical fertilizers, more so in the poorer countries as the more hazardous pesticides are banned in the rich countries and both exported to and dumped in the poor countries. The number of people below the poverty line, measured in terms of minimum necessary

nutritional standards, is said to be going down and yet malnutrition as well as severe physical debilities and destitution are on the increase, especially these affecting women and children, the simple physical capacity of the youngest generation to withstand the strains of living becoming ever more unstable and fragile.”

Speaking of India (this applies to others too), poverty alleviation programmes are abounding in print and are propagandized hypocritically by every Party in State Power, the Left not excepted, and the United Front is truly guilty as it loyally, but ironically, follows as ‘irreversible progress’ the I.M.F. commandments. ‘Reaganomics’, ‘Manmohanomics’ and ‘Chidambaromics’ are

contra-constitutional  
but none calls the New  
Economic Policy a  
placebo, not panacea.  
It is the comatose  
opium of the huge have-  
nots and the glow of  
life of the top glitterati.  
Privatization,  
Liberalization and  
Globalization are but  
Orwellian newspeak  
and this pro-MNC  
world order is forced  
by the North on the  
South although, given  
the will, we have the  
capacity to build an  
alternative Human  
Order where  
sustainable  
development and  
distributive justice will  
give a new meaning to  
the right to life in  
dignity. That is the  
Resurrection of Jesus?  
Marketology, the  
insatiable appetite of  
gargantuan MNCs, has  
no soul to be damned  
but, driven by  
Mammon, is  
commoditizing  
humans, thereby  
annihilating  
democratic  
accountability and  
social justice and State  
undertaking to  
implement basic  
human rights. 'And  
yet', says Dr. Kothari,

“people are on the rise everywhere. There is a great upsurge of political consciousness and with this the strategies and sites of struggle for democracy and human rights are fast shifting from advocacy to real action, from human rights activism to the engagement of people themselves in a wide range of specific struggles against the stranglehold of hegemonies and hierarchies, both traditional and modern.”

Mr. Justice Ismail Mahomed, in his convocation address at the National Law School of India University, Bangalore, said, “The fuel which drove the great Indian struggle for independence, which defines the very special nature of Indian civilization, which gave expression to the peerless magic of Gandhi and which was intended to propel the constitutional chariot, was and must be spiritual. Central to the

ethos of this old civilization is the primacy of the spirit within man and his social regeneration and spiritual self-realization through service to and love for his fellowmen. The finest hours in the history of this noble country were experienced when the spiritual fuel generated by that ethos was internalized within the hearts and minds of its people. There is a continuing relationship between any decline in the quality of that fuel and the intermittent periods of decline and degeneration in the history of this country.

“It is precisely the quality of this fuel which has in recent times insidiously been invaded by a virus which has contaminated its quality and effectiveness. The symptoms generated by this contamination are manifold. The culture of consumerism and the chase for material symbols of wealth and security

have sometimes come to be dominant; the pursuit of spiritual fulfillment in many has slowly begun to degenerate into empty and sterile ritualism; the legitimate thirst for education has often become perverted into an obsessive drive to acquire with the greatest speed the formal diplomas necessary to gain entry to jobs offering the easiest opportunities to make the quickest rupees; political statesmanship in some areas has begun to depreciate into an opportunities race for power and position; the spirit of SEVA (Service) to the nation has intermittently begun to be suffocated in many, by the abuse of discretions, sometimes mediated by a bloated bureaucracy itself enmeshed in a vast network of multiplying paper and self-proliferating regulations; menacingly many good and decent people even in public life, have come to be corroded by a culture of demanding corruption; and some

potentially creative lawyers, have begun to take perverted pride in mere “cleverness”, rendering themselves vulnerable to the prejudice that they are a parasitic obstruction in the pursuit of substantive justice. We have begun to understand what Gandhi really meant when he described modern civilization as a “disease”.

We cannot talk of human rights and globalization as some omnipotence in the sky or golden colours at dawn. Not abstractions but actualizations are our focus. The right to life, the foremost of human rights, is more than mere breath or tactile sense of touch. Field J., in *Murm vs. Illinois* (94 U.S. 113), observed “... By the term ‘life’ something more is meant than mere animal existence. The inhibition against its deprivation extends to all those limbs and faculties by which life is enjoyed. The provision equally prohibits the mutilation

of the body by the amputation of an arm or leg, or the cutting out of an eye, or the destruction of any other organ of the body through which the soul communicates with the outer world. The deprivation not only of life, but of whatever God has given to everyone with life, for its growth and enjoyment, is prohibited by the provision in question, if its efficacy be not frittered away by judicial decision". The Supreme Court of India has adopted this definition.

In Francis Coralie  
Mullin (1981 S. C.  
746), Bhagwati J.  
observed: "The  
fundamental right to  
life ... is the most  
precious human right  
and ... forms the arc of  
all other rights". The  
learned Judge added:  
"... The question which  
arises is whether the  
right to life is limited  
only to protection of  
limb or faculty, or does  
it go further and  
embrace something  
more. We think that

the right to life includes the right to live with human dignity and all that goes along with it, namely, the bare necessities of life such as adequate nutrition, clothing and shelter over the head and facilities for reading, writing and expressing oneself in diverse forms, freely moving about and mixing and co-mingling with fellow human beings”.

The finer graces of civilization which make life meaningful must be defended by the New World Human Order. A few more judicial dicta are apt to grasp the noble amplitude of the human right to life.

Pathak, C.J., stated as below in this regard in paragraph 5 of *Vikram Deo Singh vs. State of Bihar*, (AIR 1988 S.C. 1782):

“We live in an age when this Court has demonstrated, while interpreting Article 21 of the Constitution, that every person is

entitled to a quality of life consistent with his human personality. The right to live with human dignity is the fundamental right of every Indian citizen, and so ... the State recognizes the need for maintaining establishments for the care of those unfortunates, both women and children, who are the castaways of an imperfect social order for whom, therefore, of necessity, provision must be made for their protection and welfare”.

Sabyasachi Mukherjee, J. as he then was, expressed himself thus in *Ramsharan vs. Union of India*, (AIR 1989 S.C. 549, paragraph 13): “It is true that life in its expanded horizons today includes all that give meaning to a man’s life including his tradition, culture and heritage, and protection of that heritage in its full measure would certainly come within the encompass of an

expanded concept of Article 21 of the Constitution”.

The importance of life and liberty was recognized in the following words by Pathak, C.J., in paragraph 7 of *Kehar Singh vs. Union of India*, (AIR 1989 S.C. 6531):

“To any civilized society, there can be no attributes more important than the life and personal liberty of its members. That is evident from the paramount position given by the courts to Art. 21 of the Constitution. These twin attributes enjoy a fundamental ascendancy over all other attributes of the political and social order, and consequently, the Legislature, the Executive and the Judiciary are more sensitive to them than to the other attributes of daily existence”.

Kuldip Singh J. in *Mohini Jain* (1992 (3) S.C.C. 666) added a

new dimension: “Right to life is the compendious expression for all those rights which the courts must enforce because they are basic to the dignified enjoyment of life. It extends to the full range of conduct which the individual is free to pursue. The right to education flows directly from the right to life. The right to life under Article 21 and the dignity of an individual cannot be assured unless it is accompanied by the right to education . . .

“Basic needs of man have traditionally been accepted to be three - food, clothing, and shelter. The right to life is guaranteed in any civilized society. That would take within its sweep the right to food, the right to clothing, the right to decent environment and a reasonable accommodation to live in. The difference between the need of an animal and a human being for shelter has to be kept in view. For the animal it is the bare

protection of the body;  
for a human being it  
has to be a suitable  
accommodation which  
would allow him to  
grow in every aspect -  
physical, mental and  
intellectual.

Article 25 (1) of the  
Universal Declaration  
of Human Rights,  
1948, specifically  
recognizes “housing”  
as one of the rights  
relating to living.

Article 11.1 of the  
International Covenant  
on Economic, Social  
and Cultural Rights,  
1966, also recognizes  
“housing” as a part of  
the right to adequate  
standard of living.

Reference has been  
made to these  
documents because  
they do provide some  
guide to understand the  
width of our  
fundamental rights.

Shakespeare, in *The  
Merchant of Venice*,  
says what is sound  
jurisprudence of  
human rights. ‘You  
take my life when you  
take the means  
whereby I live’.

“Social and economic

rights, in short, are as vital as political and civil rights. Indeed, basic human rights are integral and “we murder to dissect”. The Third World, wallowing in want and victimized by exploitation, may even regard economic survival as too important to be neglected. There is a point of confluence where materialism, as primary human needs and elimination of suffering, meets spirituality as mate”

One of the major thrusts of this Asian Consultation organised by the CCA is the arsenal of measures by which the menace of capitalist appetites of giant corporations and their global operations may be stemmed so as to secure for all persons a fair share of the work, wealth and happiness as a *sine qua non* of a just world system.

Human rights holism must be read in the light of environmental and ecological justice

because man can survive only under appropriate environment and ecological milieu whereunder sustainable development and growth with justice may be possible. In this context, apart from the numerous UN instruments, we may have to recall the Summit assemblages where the world's visionary statesmen, sensitive scientists and committed NGOs have met to advance the cause of social justice in its many dimensions. Among the most important concerns for which considerable effort is necessary bears upon the twin values of environment and development. The Stockholm Conference of 1972 stressed the paramount importance of environmental conservation. Indeed, India has made various enactments like the Water Act, Air Act, Environment Protection Act, Environment Tribunal Act, etc. Mere laws, without being monitored in

performance, may prove a flop and so, the United Nations Conference on the Environment and Development was held, followed by the Rio Declaration which is of paramount importance as it sets out the famous Agenda 21 (3-14 June 1992, UNCED). The Rio Summit sought to build upon the past with the goal of establishing a new and equitable global partnership through the creation of new levels of cooperation among states, key sectors of societies and people, working towards international agreements which respect the interests of all and protect the integrity of the global environmental and developmental system, recognizing the integral and interdependent nature of the Earth, our home, some excerpts will help.

Pregnant with meaning is Principle 1, which is as follows:

“Human beings are at the centre of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature”.

Principles 3 and 4 run thus:

“The right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations.

“In order to achieve sustainable development, environmental protection shall constitute an integral part of the development process and cannot be considered in isolation from it”.

What is often missing with tragic impact is the principle set out as Principle 8: “To achieve sustainable development and a higher quality of life for all people, states should reduce and eliminate unsustainable

patterns of production  
and consumption and  
promote appropriate  
demographic policies

Principle 16, so  
necessary for  
immediate application,  
reads: “National  
authorities should  
endeavor to promote  
the internalization of  
environmental costs  
and the use of  
economic instruments,  
taking into account the  
approach that *the  
polluter should, in  
principle, bear the cost  
of pollution*, with due  
regard to the public  
interest and without  
distorting international  
trade and investment”.

What we must bear in  
mind, (but alas! it is  
mindlessly violated by  
Governments and  
MNCs) is that peace,  
development and  
environmental  
protection are  
interdependent and  
indivisible and that  
warfare is inherently  
destructive of  
sustainable  
development.

The ideological  
underpinnings of

universal human rights  
jurisprudence can best  
be gathered by  
glimpses of  
International  
Conferences organized  
under the auspices of  
the United Nations. We  
have already noticed  
the Rio Declaration  
which claims  
environmental  
paramountcy if the  
human race is to  
survive. There is no  
Noah's Ark for the  
*nouveau riche* if air  
and water, land and  
environment are fatally  
polluted. The World  
Conference on Human  
Rights, culminating in  
the Vienna Declaration  
and Programme of  
Action (1993),  
expresses deep concern  
about discrimination  
and violence to which  
women are exposed.  
The Conference  
invokes: "the spirit of  
our age and the  
realities of our time  
which call upon the  
peoples of the world  
and all states Members  
of the United Nations  
to rededicate  
themselves to the  
global task of  
promoting and  
protecting all human  
rights and fundamental

freedoms so as to secure full and universal enjoyment of these rights”, and adopts a positive Declaration and affirmation of commitment. In particular, there is a mention on terrorism and drug trafficking.

It says: “The full and equal participation of women in political, civil, economic, social and cultural life, at the national, regional and international levels, and the eradication of all forms of discrimination on grounds of sex are priority objectives of the international community”.

“The World Conference on Human Rights urges Governments, institutions, intergovernmental and non-governmental organizations to intensify their efforts for the protection and promotion of human rights of women and the girl-child”.

The Declaration

emphasizes the unique contribution and inherent dignity of indigenous people and their right to development and plurality of society. The Programme of Action is comprehensive and seeks to build and strengthen “adequate national structures which have a direct impact on the overall observance of human rights and the maintenance of the rule of law. Such a programme, to be coordinated by the Centre for Human Rights, should be able to provide, upon the request of the interested government, technical and financial assistance to national projects in reforming penal and correctional establishments, education and training of lawyers, judges and security forces in human rights, and any other sphere of activity relevant to the good functioning of the rule of law. That programme should make available to States assistance for the implementation of

plans of action for human rights promotion and protection”.

The implementation and monitoring of human rights enforcement going beyond mere legislations but insisting on the creation of national structures, institutions and organs of society which play a given role is stressed. Special attention to assist the progress towards the goal of universal ratification of international human rights treaties and protocols is also stressed. But a cynic may wonder whether even the major Covenants and Instruments have been ratified by the Big Powers, including the US.

The Summit for Social Development at Copenhagen (1955) began with the following Declaration:

“1. For the first time in history, at the invitation

of the United Nations, we gather as Heads of State and Government to recognize the significance of social development and human well-being for all to give to these goals the highest priority both now and into the twenty-first century.

2. We acknowledge that the people of the world have shown in different ways an urgent need to address profound social problems, especially poverty, unemployment and social exclusion, that affect every country. It is our task to address both their underlying and structural causes and their distressing consequences in

order to reduce uncertainty and insecurity in the life of the people.

3. We acknowledge that our societies must respond more effectively to the material and spiritual needs of individuals, their families and the communities in which they live throughout our diverse countries and regions. We must do so as a matter of urgency, but also as a matter of sustained and unshakable commitment through the years ahead.

4. We are convinced that democracy and transparent and accountable governance and administration in all sectors of society are

indispensable  
foundations for  
the realization  
of social and  
people-centered  
sustainable  
development”.

There is a commitment  
to the goal of  
eradicating poverty in  
the world through  
international  
cooperation “as an  
ethical, social, political  
and economic  
imperative of  
humankind”. Equality  
and equity between  
men and women  
insisting in changes of  
attitudes, laws and  
practices are also  
specified. Several  
such commitments  
have been made and  
followed by a  
Programme of Action  
which insists on an  
enabling environment  
for social development.  
Eradication of poverty  
is made an important  
objective:

“18. Over 1  
billion people  
in the world  
today live under  
unacceptable  
conditions of  
poverty, mostly

in developing countries, and particularly in rural areas of low-income Asia and the Pacific, Africa, Latin America and the Caribbean, and the least developed countries.

“19. Poverty has various manifestations, including lack of income and productive resources sufficient to ensure sustainable livelihoods; hunger and malnutrition; ill-health; limited or lack of access to education and other basic services; increased morbidity and mortality from illness; homelessness and inadequate housing; unsafe environments; and social

discrimination  
and exclusion.

It is also  
characterized  
by a lack of  
participation in  
decision-  
making and in  
civil, social and  
cultural life. It  
occurs in all  
countries: as  
mass poverty in  
many  
developing  
countries,  
pockets of  
poverty amid  
wealth in  
developed  
countries, loss  
of livelihoods  
as a result of  
economic  
recession,  
sudden poverty  
as a result of  
disaster or  
conflict, the  
poverty of low-  
wage workers,  
and the utter  
destitution of  
people who fall  
outside family  
support  
systems, social  
institutions and  
safety nets.  
Women bear a  
disproportionate  
burden of  
poverty, and

children growing up in poverty are often permanently disadvantaged. Older people, people with disabilities, indigenous people, refugees and internally displaced persons are also particularly vulnerable to poverty. Furthermore, poverty in its various forms represents a barrier to communication and access to services, as well as a major health risk, and people living in poverty are particularly vulnerable to the consequences of disasters and conflicts. Absolute poverty is a condition characterized by severe deprivation of basic human

needs, including food, safe drinking water, sanitation facilities, health, shelter, education and information. It depends not only on income, but also on access to social services”.

The Beijing Declaration, issued by the largest world gathering of women, made radical recommendations which, if enforced, will transform the status of the neglected gender. Empowerment of women and special attention to the child, abolishing practices like female infanticide and the misuse of technologies to determine fetal sex were advocated. Nevertheless they continue.

There is a flood of global human rights literature which, if enforced even in part, may transform our universe. Even a High Commissioner like an

ombudsman of human rights - a new functionary - is overseeing the operational reality of these undertakings. But poverty is aggravating, terrorism by States and rebels who receive weapons from sources and countries where private arms industries flourish is hyper-active, the molested and downgraded gender and bonded labour see no relief in sight and marginalized Third World peoples and the Fourth World of utter destitution are in despair, with a Fifth World of refugees emerging everywhere with nowhere to go, despite Refugee Laws and the Red Cross. Why? A riddle wrapped in a mystery? No. The 'haves' of the earth and their limpets grab and the larger, rightless, wretched human sector, the lost and the last, are liquidated. Had the United Nations lost its elan, become the alter ego of the Super Power and wasted its energy spreading illusion and making sound and fury?

John F. Kennedy  
promised: “We seek to  
strengthen the United  
Nations, to help solve  
its financial problems,  
to make it a more  
effective instrument for  
peace, to develop it  
into a genuine world  
security system ...  
capable of resolving  
disputes on the basis of  
law, of insuring the  
security of the large  
and the small, and of  
creating conditions  
under which arms can  
finally be abolished ...  
This will require a new  
effort to achieve world  
law”.

The Universal  
Declaration spreads out  
into a full spectrum of  
fundamental freedoms  
each one of which is  
indefeasible. Freedoms  
of conscience, of  
religion and of  
institutions to  
safeguard and advance  
the right to language,  
culture, self-  
determination and  
equal protection of the  
laws are non-  
negotiable. Chauvinist  
nationalism should not  
smother individual and  
group rights, ethnic

identities and innocent aspirational autonomy without secessionist syndromes.

The right to life has other dimensions - environmental, ecological, informational, anti-discriminatory, and democratically pluralist. Around a hundred UN instruments have expanded on these issues. Basic principles of judicial independence, outrageously violated in some countries, freedom of the legal profession, sometimes precarious and prone to pressure and punitive tactics, deserve emphasis. Where the Bench and the Bar genuflect before authoritarian forces the realization of human rights becomes a soap bubble transience or promise of unreality. Under the pretext of Emergency or alleged judicial activism or political allergy, the judiciary has been made submissive. Buying the judges by holding out post-retiral

carrots or high salaries  
or gubernatorial offices  
are strategems for  
plasticizing 'robed  
brethren'. Boneless  
wonders on the Bench  
are doubly dangerous  
vis-à-vis human rights  
enforcement.

Is World Law dead? Is  
the vision of humanity  
*vanitas et vanitatem?*  
Who is the villain of  
the piece? Jesus' voice  
and vision was global.  
So too were those of  
the Vedas and the  
Buddha and the  
Prophet of Islam. What  
then is the new  
syndrome of  
globalization which  
contradicts and kills  
the earlier glory? In  
Wordsworth's lines:  
"Whither is fled the  
visionary gleam?"  
"Where is it now, the  
glory and the dream?"  
Shall we also repeat his  
other verse?

And much it grieved  
my heart to think.

What man has made of  
man.

With all the billions of  
words in the General  
Assembly and millions

of words in the UN instruments and massive conferences, are we worse off than when the Universal Declaration of 1948 was unanimously acclaimed? India, for instance, wails over pollution in the Preamble to its Environment Protection legislation. I quote from the Introduction itself:

“The protection and improvement of the human environment is a major issue which affects the well-being of people and economic development throughout the world; it is the urgent desire of the people of the whole world and the duty of all Governments.

“The gravity attached to the environmental problem is evident from the fact that in all advanced countries, scientists, economists, policy-makers and administrators have given serious thought to such problems. The Department of Environment is vibrant

with activities in many such advanced countries. The developing, and even under-developed nations, urgently need to address themselves to this devastating problem.

“As rightly observed in the article Overlapping International and European Laws:

“Environmental protection has become a fertile source of laws, international, European and national, since the U.N. sponsored the Stockholm Conference of 1972 and its Declaration on, and Action Programme for the Human Environment.

Numerous conventions between States which turn out to be geographically interdependent have been hammered out, a few before, but most since, that date, covering such matters as the prevention of the pollution of the seas in general, or of particular seas, or common rivers, the reduction of air pollution and latterly the

safeguarding of flora and fauna”.

And yet, Delhi, is one of the most polluted cities in the world. So also Bombay. Tens of thousands of industries are recklessly noxious; and yet colossal pollutive enterprises get government clearance. Public interest litigation has led to closure of such factories as well as prevention of coastal waters, injurious aquaculture and damage to river beds.

Deforestation, ‘rape and run’ aquaculture, robbery of biodiversity, ecological devastation, and other contaminations make life unlivable and development a huge hoax. Courts are criticized for judicial activism for preventing foul chemical discharges and automobiles, toxic effusions and for enforcing measures to secure clean water, air and soil. It looks almost as if politicians in power and bureaucrats ready to abet are on the side of

the corporate polluters.  
Rarely is the law  
invoked against big or  
influential companies  
which unconscionably  
make profit ignoring  
harm to life. Is the  
Prologue to “America  
Inc.,” Ralph Nader  
says: “It is almost  
axiomatic that  
irresponsibility toward  
public interests  
becomes  
institutionalized  
whenever the making  
of decisions is so  
estranged from any  
accountability for their  
discernible  
consequences ...  
Unsafely designed  
automobiles, pollution,  
harmful food additives,  
and other contaminants  
embody a silent kind of  
violence with  
unpredictable  
incidence per victim”.  
Corporate predations  
play havoc in US itself.  
Modern corporations  
are juggernauts with  
mindless, immense  
power. Calvin  
Coolidge said long ago  
what is pathologically  
and macro-  
dimensionally true  
today: “The business  
of America is  
business”. Business  
means corporate Big

Business. Woodrow Wilson while campaigning for the Presidency, said: “The masters of the Government of the United States are the combined capitalists and manufacturers of the United States”. (P.29, America Inc.) The situation is far more grave today. Thus we get track of the problem of who controls governments - corrupt corporate power. Capitalist states and private corporates stoop to conquer markets and liberal access and incarnate as global Frankenstein’s monsters. “Food First”, a best-seller by Lape and Collins, exposes the myth of the World Bank, the IMF and the big corporations as saviors. Food self-reliance is overturned and World Hunger as Big Business is promoted by cartels operating like vampires.

The World Bank is not simply a provider of development loans but cutely shapes the economic policies of

various countries to suit US interests. The IMF goes a shade better and dictates policies. The Fund-Bank duo, in short, is the real power in many Third World countries, and India is no exception. Our sovereignty is our alloy. Devaluation is only the most dramatic measure in the World Bank's programme which is accompanied by other physical and financial policy changes. The loans often go increasingly to the world's repressive regimes or the world's democratic governments willing to genuflect before the US and the IMF. Indeed, "Food First" argues ably that the World Bank and the United States so strategize their maneuvers as to deny the majority of the assisted countries the Human Right to survive. The US corporations and military interests are the first priority in aid and loan projects. The Bank and the IMF are in no sense a democratic or globally

representative institution. It is accountable to no one except, perhaps, to the US and everything around it is virtually secret. The model of development forced upon countries by the Bank-Fund bosses is against the poor and dispossessed.

Wealth begins with land and people and land reforms should be the cynosure of food self-sufficiency but the Bank-Fund duo demand cut in subsidies, liberalization of land ownership and undemocratic measures without any socialist tinge. They promote needless fertilizer and deleterious pesticide imports and, on the whole, human rights are in peril in the economic, social and political spheres when the Bank-Fund dependencies syndrome afflicts the borrowing countries. It is not as if the American people are aware of all these. All this hunger struggle of the poorer of the earth is exploited by the

Bretton Woods  
institutions under the  
hegemony of the US.  
The struggle is against  
a system of Corporate  
Power profiting from  
hunger to  
pharmaceuticals for  
disease and other  
forms of human wants.  
Let us identify the  
enemy before  
organizing the battle  
for rehabilitation of  
human rights.

The new *mantra* or cult  
of privatization,  
liberalization and  
globalization is  
fabricated in the  
headquarters of  
Corporate Power so  
that they may claim to  
enslave world market.  
They come, they see,  
they seize and strangle  
and their profits soar.

Let me take the  
instance of India to  
illustrate Operation  
Recolonization  
Limited, not because of  
idolatry of geography  
but because, if India,  
itself a great country in  
its own right with a  
socialistic public sector  
and intellectual culture  
were to be dominated,  
other countries,

including even the Asian Tigers and China, may face the same doom tomorrow or the day after.

Do you realize that India's cultural heritage, natural wealth, including biodiversity, and human reservoir and what you make of it, are a golden treasury, intangible may be, but invaluable as legacy? India can advance, not by borrowings from abroad nor through foreign direct investments - an economic boloney spread by the New Economic Policy - and never by worshipping the Fund-Bank or other Bretton Woods deities or MNCs who stride the world like colossi. On the contrary, our spiritual attainments, scientific discoveries, peaks of performance in several spheres alone can make Bharat (India) Mahan (great). In this marvelous odyssey, Youth Power must be the spearhead.

Our vision of hope in a New World Human

Order will meet with fulfillment only if we overcome the awesome and ugly prospect of becoming a mere market of the economic North.

Today, the economic South, including India, is under threat of recolonization through GATT WTO and what not.

Dr. V. Kurien, in an Address in 1991, had warned about this new imperialism: "It would mean that one-fourth of the world's population would occupy three-fourths of its area while the remaining three-fourths of the World's people must make do on but one-fourth of its land. This basic fact, I would argue, is the reason we are poor. And, should we not ask the question: how much of this land was the historical home of its present population, and how much was forcibly occupied?"

He was critical of the hegemony of the US whose then leader defined the New World

Order as “What we say goes”. Dr. Kurien added: “This does not seem a very elegant or inspiring vision of a New World. In fact, it is no vision at all. Not when a significant portion of humanity lives on the brink of famine. Not when hundreds of millions go to sleep hungry every night. Not when they sleep on a cold pavement, or in a crumbling shanty. Not when the clothes they wear are tattered and torn. Not when their children are unable to receive even the simplest forms of medical care and a basic education. We need - all of us - to ask whether our New World Order excludes this part of humanity”.

The diffidence and even disdain that Indians are induced to have about their own socio-economic status is pathetic. American scholar Prof. Noam Chomsky rightly complained in a recent interview about the damage that liberalization does to

the poor. In his own words, “India (has always) had very advanced agricultural research projects, programmes and so on. But they are being destroyed, bought up by multinationals. The Indian scientists are very good. They now get five times more salaries working for multinationals. This is an agrarian country. It needs agricultural research. Take pharmaceuticals. India has had quite an effective pharmaceutical industry. Drugs in India were much cheaper than in Pakistan because India used to produce itself. Now it has got to stop. Neo-liberalism means you destroy the pharmaceutical industry”.

The piracy of our rich and rare resources in bio-diversity, manipulation of genome, patent for living organs and selling back at fancy prices should put us all to shame. Patentization of the process,

produce, and living organisms, is facilitation of predatory operation by foreign corporate power. Our *neem*, *tulasi* and other herbal abundance, even *basmati* rice, will soon cease to be ours unless the young scientists and mature nationalists arrest this sly strategy. Otherwise, conquest of India by patent is a clear possibility. You may reflect over these traumatic thoughts and if you feel convinced, dedicate yourself to the defence of economic swaraj!

There is enough here for you to find a career provided our *pro tern* political leaders will transform themselves into statesmen, encourage indigenous research, inhibit consumerist hi-tech, and put your talent to developmental projects based on appropriate technology, not multinational gluttony. Why write off the Mahatma and bury Nehru and fall in lethal love with Manmohanomics

which is surrender to  
Reaganomics!

To sum up, we need  
today a daring  
generation of young  
intellectuals  
determined to bend  
their energies to raise  
Bharat to its high status  
justified by the human  
and material resources  
it possesses.

For nearly half a  
century the nation has  
sworn by self-reliance  
and transfer of  
technology only where  
necessary. Emphasis  
has always been on  
India's socio-economic  
interests, not on  
surrender to foreign  
pressure and laying  
bare our economic  
space for MNC  
occupation, subverting  
our Constitutional  
values, cultural  
heritage and march  
towards a self-  
confident future. You,  
as young persons with  
intellectual integrity,  
conscientized  
nationalism and  
commitment to the  
thousand million  
humans making up  
India's demography,  
must interrogate why a

“U-turn” in economic policy now - export promotion as against import substitution, reliance on xeno-philic private sector instead of dominance by the public sector, open sesame to the international economy and to foreign capital rather than accent on protected domestic activities and employment.

Even if international links must be forged for the Indian economy to rise, we need transparency in dealings, glasnost in Governmental policies and public debate on what affects the people. Almighty Corruption, often foreign, has invaded Development and mayhemed human rights. Great Prophets of history and pre-history, the sages and saints of Asia and elsewhere have put the human being at the centre-stage of development. Our commitments to human rights, if it is beyond verbomania, must be the semi-centennial

celebration of the  
Universal Declaration  
as of Indian  
Independence. Our  
commitment must be  
deep and steeped in the  
Universal soul, not in  
consumerist gluttony  
and sexomania.

Youth power has a  
great task before it and  
that needs a united  
movement regardless  
of parties and regions  
to drive home the  
imperative that the first  
and foremost goal is  
not to manufacture  
glittering cars and  
other glamorous items,  
but to give drinking  
water, not Scotch  
Whisky; to give food,  
not Kentucky fried  
chicken; to provide  
basic needs, not fast  
food addiction. The  
desiderated depth of  
commitment to your  
brothers and sisters in  
poverty and hunger is  
best brought out by a  
dialogue between  
Tagore and the  
Mahatma which I  
reproduce here for  
your edification:

“Once Gurudev  
Rabindranath Tagore  
asked Gandhi,

“Gandhi, are you so unromantic? When in the early dawn, the morning sun rises, does it not fill your heart with joy to see its reddish glow? When the birds sing does not your heart thrill with its divine music? When the rose opens its petals and blooms in the garden does its sights not bring cheer to your heart?”

The Mahatma replied, “Gurudev, I am not so dumb or insensitive as not to be moved by the beauty of the rose or the morning rays of the sun or the divine music of the birds. But what can I do? My one desire, my one anxiety, my one ambition is when shall I see the red tint of the rose on the cheeks of hungry naked millions of my people? When shall I hear the sweet and melodious song of the birds in place of their agonizing sighs? When will such music come out of their soul and when will that day come when the light of the morning sun will illumine the heart of

the common man in  
India? When will I see  
its lustre and  
brightness on his  
face?"

Fifty years after, the  
Indian human lot is  
still harrowing. Deep  
concern for humans  
everywhere, not golf  
courses and multi-  
storeyed posh  
apartments - that is the  
sign of the Cross, the  
Crescent and Dhamma.

A vibrant heart culture,  
a profound feeling for  
the forsaken and  
famishing sector of  
humanity is the first  
step our educated  
youth must take.

Corporate Powers the  
world over are uniting  
to maximize profits  
and minimize human  
rights. If we must win  
the war against the  
traumatic corporate  
tornado, then we as the  
Asian Community,  
must unite and wage a  
resistance movement  
with conscience and  
conviction, with the  
masses of the largest  
Continent being roused  
for counter-attack.

The discourse on human rights should not allow itself to be misappropriated by ventriloquists of the Establishment who are opponents of progressive forces branding them as terrorists when they demand statehood and power to the dalits, the women, the indigenous tribals. In the Indian and like contexts (Shia Vs Sunni or Ahamadia or Bahai), caste and communal violence are violative of human rights and cannot be condoned. Any creative theory of people's rights should develop a conceptualization of multidimensional liberation of human beings from all forms of repression, including excommunication (*a la* Fr. Balasurya). The struggle against chauvinist Hindutva, against hegemonic attack on minority sects in all religions and a plea for an integrated package of total human personhood, including right to development (not imposed but

chosen, not mega-size  
involving mass  
eviction, but human  
mini-model) and  
acceptance of self-  
determination sans  
extreme demand for  
secession - these and  
other conceptual  
cousins must be woven  
into the larger fabric of  
progressive human  
rights.

No to Privatization  
'red in tooth and claw';  
yes to Public Sector  
without political  
corruption; no to  
Liberalization, with  
market exploitation;  
yes to Liberation from  
exploitative coercion;  
no to globalization as  
domination of world  
market with  
deprivation of the  
developmental  
directive of 'Small is  
Beautiful'; yes to  
Universalism in  
sharing and caring for  
the suffering humanity  
and Good Samaritan  
ethic - these should be  
evolved and situated in  
Third World conditions  
and perspectives. The  
elite boast of stability  
as perpetuation of  
*status quo* and  
surrender to Big Power

pressure must be  
rejected. No to  
Mammonomics and  
yes to Humanomics  
with growth sans  
monopoly, even of  
intellectual rights, but  
with distributive justice  
enforceable by easy  
access and inexpensive  
facilities. GATT  
treaties are GAPT  
astrophic and  
recolonizing in future,  
unless we arrest the  
Evil Corporate Empire  
by united action.  
Beware, if you are  
human rights sensitive:

“After World War II, a  
sense of global  
Manifest Destiny came  
to dominate United  
States policies.  
Between 1945 and the  
late 1980s, the United  
States militarily  
intervened more than  
200 times into the  
internal, sovereign  
affairs of well over 100  
“third world”  
countries, causing  
directly or indirectly  
the murders of 20-25  
million human beings  
and the maimings of at  
least that many”.

If we wait longer, we  
will behold global

economic occupation  
through one-sided  
treaties.

“Now as  
through this  
world I ramble,  
I have seen lots  
of funny men,  
Some will rob  
you with a six-  
gun,  
And some with  
a fountain pen..

The last lurid  
paragraph of my  
address is of Gandhi  
about India of 1927,  
but India of 1997, so  
far as Bihar, Orissa,  
Madhya Pradesh rural  
areas are concerned,  
remain the same, and  
so I quote and  
conclude:

“Don't be dazzled by  
the splendour that  
comes to you from the  
West. Do not be  
thrown off your feet by  
this passing show”.  
(M.K. Gandhi,  
“Socialism of My  
Conception”).

“I do not believe that  
multiplication of wants  
and machinery  
contrived to supply

them is taking the world a single step nearer its goal... I whole-heartedly detest this mad desire to destroy distance and time, to increase animal appetites and go to the ends of the earth in search of their satisfaction. If modern civilization stands for all this, and I have understood it to do so, I call it Satanic".  
(*Young India*, March 17, 1927).

"Come with me to Orissa, to Puri - a holy place and a sanatorium, where you will find soldiers and the Governor's residence during summer months. Within ten miles' radius of Puri, you will see skin and bone. With this very hand I have collected soiled pies from them tied tightly in their rags, and their hands were more paralyzed than mine were at Kolhapur. Talk to them of modern progress. Insult them by taking the name of God before them in vain".  
(M. K. Gandhi,  
"Socialism of My

Conception”.)

“The poor sisters of Orissa have no saris; they are in rags. Yet they have not lost all sense of decency; but, I assure you, we have. We are naked in spite of our clothing and they are clothed in spite of their nakedness” (*Ibid*).

Most Third World countries are variants of Orissa in poverty, tribal tribulations and bonded women and children. In human rights terms, we must hang together or will be hanged separately.

The age of humanism is approaching the vanishing point. ‘That of sophisters, economists, and calculators has succeeded’. The glory of a New Human Order is gory with the blood of over 20 million casualties after 1946! For human rights future and culture, is there hope or despair?

What once required wars has now been accomplished with

words. The nation-state which emerged as the central political and economic construct in the post-World War II and post-colonial era of the mid-twentieth century, has become irrelevant as an integral unit. The locus of economic decision-making has been transferred from national governments to transnational corporations of the rich nations of North America, Europe and Far East Asia, backed by the authority of a new World Trade Organization (WTO).

Mammon, incarnating as MNCs, must be slain if common people are to be safe in their human rights. That is a big task but must be undertaken if the World Order is to become spiritually conscientized and materially equitable.

War must be abolished if life is to be safe. The UN has failed but cannot be written off since that is the only cornucopia of farewell to armies and welcome

to peace.

Treaties, with potential for Big Powers and Corporate Might *a la* GATT and WTO, must be restructured with approval by the United Nations *nem con* so that world opinion may be mobilized in support of just treaties and against unjust impositions.

MNCs, with the support of military might, should not freely enter other countries and indulge in exploitation of natural resources and national interests to their own benefit. Sovereignty should not be diluted by 'East India Companies' multiplied by a million. Green Revolution has a glamour for agriculture but is a treachery because of heavy inputs of fertilizers and pesticides which, after a time, will sap the soil of its nutritive value. Indeed, this is a chemical trap of the MNCs sweetly accepted by Third World countries through propaganda.

Moreover, mono-culture will create 'new slaves' in agriculture and give price control to giant corporations with monopoly hold. The Banana Republics and many other instances elsewhere prove the economic depletion and human rights subversion operated by advanced countries and their TNCs. Therefore a new debate must begin on human rights-oriented economic policies where every person and his dignity matters.

We may recall what Dr. B. R. Ambedkar told the Constituent Assembly of India in November 1949 as this applies to most decolonized countries:

“The third thing we must do is not to be content with mere political democracy. We must make our political democracy a social democracy as well. Political democracy cannot last unless there lies at the base of it social democracy. What does

social democracy mean? It means a way of life which recognizes liberty, equality and fraternity as the principles of life. These principles of liberty, equality and fraternity are not to be treated as separate items in a trinity. They form a union of trinity in the sense that to divorce one from the other is to defeat the very purpose of democracy.

“We must begin by acknowledging the fact that there is complete absence of two things in Indian society. One of these is equality. On the social plane, we have in India a society based on the principle of graded inequality which means elevation for some and degradation for others. On the economic plane, we have a society in which there are some who have immense wealth as against many who live in abject poverty. On the 26th January 1950, we are going to enter into a life of contradictions.

“In our social and economic life, we shall, by reason of our social and economic structure, continue to deny the principle of ‘one man, one value’. How long shall we continue to live this life of contradictions?”

“ . . . If we continue to deny it for long, we will do so only by putting our political democracy in peril. We must remove this contradiction at the earliest possible moment or else those who suffer from inequality will blow up the structure of political democracy which this Assembly has so laboriously built up”.

Let me wind up with the need for NGO Ombudsmen armed with legal powers to take action wherever human rights are vulnerable and violated and also to recommend cancellation of treaties entered into with oblique motives by suspect national leaders. The signatures of Ministers to the

GATT Final Act must  
be reconsidered  
because it is hostile to  
human rights.

Alas, we have  
scientific advances  
which outdistance our  
spiritual maturity; we  
have missiles but  
misguided  
commanders.

[return to religion-online](#)

# **Globalization and Its Impact on Human Rights by George Mathews Chunakara (ed.)**

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## **Chapter 2: Globalization and Working Towards Alternative Development Paradigms, by M. A. Oomen**

Professor, Dr. Oommen is an economist and Senior Fellow of the Institute of Social Sciences, New Delhi, India.

### **Globalization: definition, magnitude and trends**

Globalization means different things to different people. For the economist, sociologist, politician, businessperson, journalist, environmentalist and lay person, it means different things. The dominant issue may range from genocide to drug trafficking, to child prostitution, to integration with global market. I will confine this paper essentially to the economic dimension which really is the most prominent aspect of

globalization. From an economists perspective globalization is: transnationalization of production and capital, standardization of consumer tastes, legitimization of global capitalism through transformation/creation of international institutions.

Transnationalization can happen only in a borderless world. Tariff walls, quota restrictions regarding the movement of goods and services, opening up of financial services, removal of foreign exchange restrictions, and regulations - in brief all hindrances to free trade and transactions have to be done away with to facilitate a borderless world market. Truly the end of geography! Goods are produced in not one country, but in several countries. Ford-Escorts are produced in 18 countries, but assembled in London or in Chennai. In such a world, consumers have to be globalized. Coca cola is consumed in 192 countries. There are Honda bikes in every country. A good many food items are standardized. No wonder some people call globalization Macdonaldization'.

Of the features of globalization, the most important is the transnationalization of capital. The character of capital remains the same, viz pursuit of profit and accumulation. But the nature of capital has undergone a sea

change. One important textbook classification of capital is into finance capital and productive capital. In a money economy production is organized with the help of finance. So also is trade and commerce. But today under globalization accentuated by the forces of technology, transport and telecommunication, productive capital is comparatively insignificant, with finance capital being more dominant. Today the job of finance capital is not just oiling the wheels of production, more pertinently it is to indulge in speculation which includes currency hedging.

There is a lot of currency hedging and trade in futures. The most sophisticated variety of futures is called derivatives. Derivative securities are contracts whose values are derived from the values underlying widely held and easily marketable assets such as commodities, foreign exchange, bonds, equities, or even price index, bond index etc. There is no problem in characterizing all these categories as fictitious capital. These are hyper-mobile, moving round the clock in jet speed in search of profit. Computerized dealing systems dispatch huge sums across national boundaries every working day. Of course, this includes foreign portfolio equity investment which can contribute

to the financing of domestic enterprises and is most direct when investment is made in the local national market for primary issues or in the international market through investment in international equity offerings or issues of depository receipts. On a rough reckoning about 2 trillion dollars worth of transactions in foreign exchange and commercial papers take place every day. Assuming 300 working days a year, the total transactions work out to 600 trillion dollars. Look at the volume of merchandise traded (imports + exports). It is less than 11 trillion dollars and the world's total GDP is only 28 trillion dollars. Clearly financial capital is on a self-expanding path. There is complete decoupling of finance and productive capital. In this process the world has been reduced to a casino in which these speculators play snakes and ladders with the lives of millions and millions of people. They influence exchange rates, interest, inflation and other variables that directly influence the real life of people. Here is a casino where the stakes of the game go beyond that of the players. Non-players are affected much more than the few players.

With transnational corporations (TNCs) not requiring much outside capital, large banking funds will have to seek outlets on a global scale. Also a large

number of non-banking financial intermediaries like mutual funds, pension funds, etc., have been strong and active in national and international portfolio investment area. There is substantial concentration of financial resources in the hands of institutional investors. During the last three or four years big financial institutions (FIIs) like Morgan Stanley, Merrill Lynch, Taurus, Fidelity, Jardine Fleming etc. have become big actors in India. Nearly 440 FIIs have registered with SEBI. The Global Depository Receipts (GDRs) of India are popular in bourses abroad. India, where there was no FII in 1992, has today become financially global, although full convertibility of currency is still awaited.

Turning to productive capital, in 1996 foreign direct investment (FDI) stock was \$ 3.2 trillion as against \$1 trillion in 1987. Its rate of growth over the past decade (1986-1995) was more than twice that of gross fixed capital formation indicating an increasing internationalization of national production systems. The worldwide assets of foreign affiliates is valued at \$ 8.4 trillion in 1994, or about 34 per cent of the GNP of the world.

FDI flows to developing countries is increasingly going up. FDI flows set a new record level of

\$350 billion in 1996. Out of this \$129 billion or 37 per cent was to developing countries. It was 43 per cent more than in 1995.

An interesting aspect of the boom in FDI is the increasing mergers and acquisitions (M&As). The value of M&As increased by 16 per cent in 1996 to \$ 275 billion. It was only \$123 billion in 1989. Complementing the increases in M&As and FDI flows, the number of cross border interfirm agreements has increased. In 1995 nearly 4,600 such agreements were concluded, compared to 1,760 in 1990. Most of them were between firms in the developed countries. Union is always strength except for those who are at the mercy of those who have combined.

In spite of the tremendous growth of FDI flows, technology sharing is concentrated among a few developed countries. In 1995, United States firms received an estimated \$27 billion in royalties and license fees accounting for 56% of global receipts. "Technology exchanges in terms of patents, royalties and license fees between the US on the one hand and Japan, Germany, the UK, France and the Netherlands on the other have been large and increasing" (UNO, 1997, p. 21). Actually there is no technological globalization. Technology especially through TRIPS and

strategic alliances and agreements has become an instrument of power and profit accumulation.

The predominant actors in globalization are TNCs. The world's 44,000 TNCs and their 280,000 affiliates now control 75 percent of all world trade in commodities, manufactured goods and services. One-third of this trade is intra-firm -making it difficult for governments or even international trade organizations to extend any control. Firms rely increasingly on sales from international production rather than on exports to service foreign markets. Actually only about 100 TNCs really matter. The turnover of companies like Royal Dutch! Shell, General Motors, IBM, Ford, Toyota, etc., are larger than that of the GDP of most countries of the world. Their resources are so large that through strategic alliances they can control world development the way they want. Globalization certainly has been the result of the activities of these big juggernauts. The largest 100 TNCs ranked on the basis of size of foreign assets own \$1.7 trillion in their foreign affiliates controlling one-fifth of global foreign assets. In the US, 25 TNCs are responsible for half of that country's outward stock, a share that has remained almost unchanged during the last four decades. The Triad (EU, US and Japan) is home to 87 per cent of

the top 100 TNCs. With foreign sales amounting to \$2 trillion and foreign employment close to 6 million persons in 1995, the largest 100 TNCs are prominent actors in international production.

The process of transnationalization has been legitimized largely through three international organizations, viz the IMF, the World Bank, and the WTO. IMF and World Bank also provide the theoretical underpinning and policy package called stabilization and structural adjustment. WTO contributes to the regulatory framework to facilitate free trade and discipline detractors. The politics that followed has created a world of dependence and domination.

Two important purposes of IMF were exchange stability and providing resources to tide over balance of payments disequilibrium. Since 1973 through a conspiracy of circumstances and US self-interest this arrangement was thrown overboard. America entered the floating exchange rate system and compelled the world to follow suit. Drawings above 50 percent of quota are associated with conditionalities. Today they are not called drawing rights but credit. There are different types of credit called facilities. The borrowing country has to enter into a standby agreement every

time credit is taken to implement a package of programmes called stabilization. Stabilization to restore external balance of payments equilibrium by promoting exports through devaluation and internal balance through reducing fiscal deficit by reducing expenditure and borrowings (except probably from IMF, World Bank, etc. and with their approval from foreign commercial markets). The basic idea of the IMF-World Bank package is to curb the level of aggregate demand or purchasing power in the economy, especially the expenditure of governments while promoting privatization and competitive markets. Structural adjustment is the name given to the World Bank part of the reform with an accent on the supplyside. Very briefly, structural adjustment means privatization, liberalization of all regulations governing trade, commerce industry so that full play of market forces is permitted and promoted. 'Set prices right' on market terms, everything else will be added unto you! The main thrust of the package of the Bank-IME duo is to shift resources from the government, or public sector, to the private sector from import competing activities to export. In brief, the policy packages are meant to promote the untrammled assertion of market forces in a global setting on the explicit assumption that this will lead to efficient utilization of the

worlds resources.

IMF, which was conceived as a conservative ‘stabilizer’, has emerged as the strongest protector of metropolitan capital in strong alliance with its sister institution, the World Bank. Through a process of protracted negotiations called the Uruguay Round the GATE was virtually transformed into an organization called the WTO. This trinity now presides over the management of the world’s resources.

WTO is a self-executing treaty with the institutional mechanism to enforce it. It is comprehensive as it covers almost every aspect of human life, agriculture, industry, investment, insurance, banking, property ownership, trade, services, intellectual property, health, environment, media, etc. Many agreements such as the one on subsidies (these are “actionable subsidies”) TRIMS, TRIPS and GAIT are against the letter and spirit of the Indian Constitution, especially Part IV which seeks to ensure “Justice with Freedom”.

TRIMS is the most powerful measure that protects the interests, income and wealth of foreign investors against all actions including restrictive trade practices such as market allocation, collusive tendering, differential pricing, predatory

pricing, transfer pricing, etc. GATT seeks to provide, “immediately and unconditionally”, Most-Favored-Nation-Treatment (MFN) to services such as banking, insurance, telecommunications, air transport, etc. For all practical purposes it will be difficult for a state to have monopoly service of its own within its borders.

TRIPS seeks to change the entire concept of patenting by drawing into the realm of patentability not only inventions but naturally occurring life forms as well. This is dangerous for countries like India which has one of the highest bio-diversity potential of the world.

### **Why Search for Alternative Paradigms?**

Quite often it is held that globalization is a natural and inevitable outcome of the evolution of human history. Francis Fukuyama saw ‘the end of history as such: that is the end point of mankind’s ideological evolution and the universalization of Western liberal democracy as the final form of human government’ (Francis Fukuyama, *The End of History*”, *The National Interest*, Summer, 1989, p. 4). It is not only the affirmation of Western liberal governments, it is also the affirmation of global capitalism. Can we accept

unchallenged the neoclassical worldview of development and governance? To quote the telling words of Partha Chatterjee (1994), “If there is one great moment that turns the provincial thought of Europe to universal history, it is the moment of capital - capital that is global in its territorial reach and universal in its conceptual domain. It is the narrative of capital that can turn the violence of mercantilist trade, war, genocide, conquest and colonialism into a story of universal progress, development, modernization and freedom”. We probably have to start from here in our quest for alternative paradigms”.

Globalization is not an outcome of natural evolution. It is shaped and continuously being shaped from the days of colonization. Even science, technology and the whole knowledge systems got shaped in the process. Unfortunately, science and technology have never been designed to serve the larger interests of humanity. Several social science disciplines, notably economics, have also failed to go beyond the phenomenal form of commodity flow. No wonder it has provided the rationalization for the most iniquitous distribution of income and wealth.

The dominant technological choices have come to be decided

by the needs of the military and the resource endowment of the West which have controlled science and technology from the days of the Industrial Revolution. They suit the population growth rate of the West, which is declining but not the 86 per cent of the youth of the world who inhabit the developing countries.

Capital, naturally, hated labour, especially trade unionization. The chosen technological paradigm suited it as technology tirelessly strove to eliminate labour. Globalization is now seeking social paradises free from unionizations. This is easy under the free borderless world of today.

Since 20 percent of the world's population commands 85 percent of worlds income, the market will respond only to the wants of these people. The production structure and pattern, resource use and technological choices will naturally have a bearing on the interests of these categories.

The economic governance of the world today is virtually in the hands of G-7 countries, the IMF, the World Bank the World Trade Organization, the G-Thirty and the World Economic Forum. People call this Washington Consensus. By Washington Consensus is meant not only the US government but the network of opinion leaders centred in the

World's *de facto* capital - the IMF, the World Bank and the WTO think tanks, politically sophisticated investment bankers and worldly finance ministers, and all those who meet in Washington and collectively define the conventional wisdom of the moment (Paul Krugman: pp. 28-29). The political management of the world is done by the G-7 through the United Nations Organization. Is this political globalization leading to a just society or a desirable development paradigm?

Before we go into outlining some important specific reasons for exploring alternatives to market-mediated growth strategies one other aspect also needs to be noted. In the development literature as well as in the language touted by all international institutions, the term developed, developing and less developed economies / countries is used. Implicit in this terminology is the assumption that the less developed or developing countries have a model to be faithfully followed, viz the developed countries of the world. Even the former Soviet Union and China could not be considered to have been free from this. This tadpole-frog development paradigm is a questionable paradigm although it is so well entrenched and formidable to be attacked, let

alone dislodged. Can we attain global civilization by following the global capitalist paradigm or escaping from it? This monolithic, homogenizing paradigm does not provide for any alternative.

There is a profound spiritual emptiness in the market-mediated development paradigm. This, to my mind, is its Achilles' heel although it is seldom recognized, quite understandably so, because the neoclassical economic postulates are basically value neutral. The critique given in the rest of this section seeks to bring home the spiritual / moral weaknesses of this paradigm.

Market-mediated development is a system that excludes the so-called poor, or less endowed, the property less or any one without exchange entitlements from participating in the market. Therefore they who have the purchasing power decide the pattern of production. It has created the impression and the value premise that the generation of exchange values is the legitimate goal of the organization of any economy. Production of use-values assumes importance when they command exchange values only.

The basic principle underlying the organization of society is profit-making through competitive pricing. This leads to the

exploitation of labour and continuous technological innovation that makes labour or human beings redundant.

Exclusion becomes an inevitable part of progress. Expansion and exclusion happen in the same breath under this regime.

Resource power rules over labour power in this culture of development. We have seen how, thanks to globalization, a few TNCs control and manage the resources of the world to make profit. They also indulge in a series of mergers and acquisitions. Technology is monopolized and manipulated for the military (production of military hardware is the most lucrative business) or production of consumer goods for the rich. Plenty, economic growth and poverty co-exist and is being legitimized.

The worst and probably most inhuman dimension of the market-mediated development paradigm is the justification of growing inequality in income and wealth. All these and globalization are justified on the basis of micro-level efficiency of resource use. Not only IMF and World Bank, even UNCTAD has pressed into service neoclassical textbook economic theory to justify globalization using the long discarded Pareto optimality logic of efficiency under competitive equilibrium. According to the World Investment Report, 1997,

“Economic efficiency refers to a situation in which participants of an economy make economic choices that accurately reflect the relative scarcities of goods, services and resources available for consumption and production. When production and consumption take place efficiently the economic welfare of a society (the consumers and producers taken together) is maximized, in the sense that it is not possible to make any member of the economy better off without making someone else worse off” (UNO, 1997, p.124). For one, polarizing society into consumers and producers however ‘economically’ neat it may be, it is incorrect. Secondly, will the poor be made better off without making the rich a little worse off, especially in an extremely unequal society? Given theories like this no one need be surprised at the lack of horror at the growing misery along with filthy affluence. Thirdly, perfect competition exists only in economic textbooks and never in reality. It is built on extreme unrealistic assumptions. Some Marxists argue and correctly so that the so-called Pareto optimality or efficiency serves an ideological purpose by presenting a picture of capitalism as a harmonious system and distracting attention from its exploitative nature. This is exactly why the protagonists of globalization try pressing into

service neoclassical economics. Fourthly, it is probably not wide of the mark to recall here John Rawl's famous contention that inequalities that are not to the benefit of all is injustice.

Globalization is rooted not only in neoclassical economics, it is as much grounded on the neoclassical liberal ideology of individualism. The Universal Declaration of Human Rights affirms the right to property as fundamental individual human right (Article 17). While recognizing that no one shall be arbitrarily deprived of his property (somewhat in Pareto fashion), the Declaration does not uphold the community's right to common property which is a traditional right of many countries in the East, very much so of India. Indeed, property does provide self-respect, dignity and exchange entitlements. But the inhumanity and havoc involved in denying property to millions of people even as growth rate may reach a two-digit level under global capitalism nowhere finds serious mention except probably in the UNDP's human development reports. Those who are denied property are not only below the poverty line, but they are as much below the power line and, in the case of India, below the pollution line! Equally important to focus is the invisibility of the rights of women in the Universal

Declaration. Women by virtue of Nature's division of labor are responsible for the continuation of the human species and definitely concerned with the protection of life (How many women murderers are there in human history?)

Global capitalism, which is but globalization is to be resisted because it promotes these inhuman activities. Uncaging the tiger in man is good only if it is explicitly recognized that pursuit of profit, property and power can brutally endanger the common good.

Although a lot of political management of the world today is done by the G-7 through the UN and the Washington Consensus and national sovereignty in several countries is seriously threatened by globalization, nation-states are still alive and are likely to play important roles in world affairs in the years to come. Samuel P. Huntington argues that the behavior of nation-states in the post-Cold War era is increasingly influenced by their cultural identity along with the pursuit of power and wealth, so that "the rivalry of superpowers is replaced by the clash of civilization" (Huntington P. Samuel p.28). Briefly, his argument is that as the power and self-confidence of non-Western societies / civilizations (like

Islam, Sinic, African, Hindu, Latin American, Japanese, etc.) increase, they will assert their own cultural values and reject those imposed by the West through colonialism and capital. While I do not agree with Huntington's contention that the critical factor in the post-Cold War world is not ideological or economic, but cultural, I venture to hypothesize that the ongoing struggle for cultural identity including religious fundamentalism is due to the moral and cultural emptiness of the neo-classical paradigm of development.

It is high time we recognize that global capitalism is an unsustainable paradigm of development for a variety of reasons. First, based on the untenable postulate of unlimited wants or consumerism, it has violently interfered with the ecosystem and environment. It is now fairly well documented that Green House Gases (GHGs) like carbon dioxide, nitrous oxide and methane blanket the earth and warm up the atmosphere with disastrous consequences to sustainable living (See Oommen, 1997). Although the Rio Conference and several Climate Conferences addressed the problem, precious little has happened on the ground to arrest the rot. Unless the consumerist lifestyle is reserved, how can we

stem the tide? The two quotations from a Dutch economist, Thijs de la Court, are cited to show the unsustainability of globalization and the development paradigm underlying it. "The population of the United States has used more energy in the past fifty years than humanity has burned up in its entire history. If everyone were to consume as many resources as the American citizen, the World's annual production would have to be 130 times higher than it was in 1979!" (Court, p.111). The poignancy of this overuse and misuse of resources in the name of efficiency of global resources is heightened by the fact that a sizeable proportion of the opulent lifestyle of the North is made possible through a regular reverse flow of resources (through unequal terms of trade, debt-servicing etc.) from the South. To quote Court again: "Development defined as material growth has become the doctrine of colonialism. As the problems associated with this doctrine become more urgent - the difference between rich and poor is skyrocketing violence is on the rise and the environment faces destruction - the doctrine itself is being questioned'. (Court, p.109).

### **Search for alternative development paradigms**

The search for alternate development models that would

avoid the evils and unsustainability of global capitalism is no easy task. We do not bother to outline even vaguely any blueprint on a conceptual or operational domain. What is attempted below is to indicate certain broad contours that should govern any search for a humane world order.

To start with, it is important to recognize that the present international division of labor is unjust and must therefore be restructured. This can only be achieved through an intense struggle to reform those institutions like the World Bank and the IMF which have imposed their “surveillance” and domination over the so-called developing countries. These and the UN are institutions formed during the colonial days and are built on the most undemocratic principles of management and governance. Vital issues like global accumulation without accountability to the global society, drug trafficking and money laundering, global arms trade, rampant sex tourism, global gambling and endemic currency crises, the lack of a global currency, unequal exchange, growing inequalities in income and wealth along with growing poverty do not find a place in the agenda of global institutions. The World Bank and the IMF are preoccupied with structural

adjustment asking developing countries to stay in sack cloth and ashes for their sins of the past. Campaigning for a new Constitutional Assembly that will spell out the details of the new institutions may have to start along with worldwide discussions on the nature and character of the new institutions to be formed in 1998 which marks 500 years of the arrival of Vasco da Gama in India.

Development has to be culturally rooted. There is tremendous need to build counter cultures which could pose a threat to aggressive consumerism. The middle class all the world is are compulsively consumerist and in conquering their mind lies the way to developing alternative development paradigms. Non-hegemonic and equal relationships between cultures has to be accepted while building counter cultures. There is much to learn from each other. Unlike what Huntington thinks the West too has to learn from other cultures. Cultural ponds are dangerous places. Any culture that perceives nation-states as markets has to be challenged. Such cultures can treat nature only as raw materials to be plundered for profit. Homo sapiens have to line in continuous harmony with nature for they get their life-supporting werewithals from nature. We hear so much

about the “emerging markets” of Asia, but very little about the peoples and their well being.

The dominant technological paradigm of development that dominates global capitalism has to be challenged in a more meaningful way. A technological paradigm that continuously renders human beings obsolete in the process of social production is hailed as modern, advanced and rational. That more than 1.5 billion people of the world have to struggle for survival despite the extension of the Western cultural and technological model of development (this includes the people of the land of Dacca muslin and Kashmir shawls fame) during the last two centuries of Industrial Revolution is an uncomfortable fact of history. It suits well the strategy of “industrialization for war” and the industry-military-politician nexus of the USA and other military powers. We have already noted how science and technology has been manipulated by the big military powers and TNCs for power and for profit. The movement towards the promotion of appropriate technology and durable peace will have to be promoted as part of the process of building counter cultures throughout the world. The need to rediscover the spirit and message of Gandhi is felt today more than ever before to fill the yawning

moral vacuum in the world. If Gandhi's ideas of autonomy and empowerment of each individual, village, state or country is pursued along with his ideas of living in symbiotic relationship with nature, it will be difficult to have an exploitative world order of the type which obtains today.

Any new development paradigm should work towards an inclusive society. Even the most stratified and oppressive caste system of India was not an exclusive arrangement. Everyone had some claim on the social product. The problem of exclusion cannot be permanently addressed unless the structures of exploitation - economic, cultural, social and political - that seek to exclude large sections from the resources of the nation are identified and attacked. Amartya Sen's treatment of the collapse of exchange entitlements and the UNDP's Human Development Reports emphasis on building capabilities and widening the choices of all (UNDP definitely has great intellectual indebtedness to Sen on this) are definitely positive steps towards this, although they do not go far in addressing the malady of development and under-development coexisting under the market-mediated paradigm. Of course, the capability building approach is any day better than the so called basic needs or

minimum needs approach. As Sen points out, needs is a more passive concept than capability and it is arguable that the perspective of positive freedom links naturally with capabilities (what can the person do) rather than with the fulfillment of their needs (what can be done for them?). The 'BJP's plea for economic nationalism or Swaraj mentioned in its 1998 election manifesto is but empty rhetoric, a ploy to capture vote and power. It could be dangerous in the extreme and detrimental to the dispossessed if implemented.

While still on the question of 'inclusion', the alternative paradigm will have to recognize the rights of the community to own property and participate in the governance of their lives. Most importantly, this relates to building the rights of women in the society (Of course, this can be effective only through building their capabilities via knowledge, skills, health, dignity and self-confidence). We can only reiterate here our criticisms against the Declaration of Human Rights already made. In a world of stark economic deprivations, what is the meaning of the fundamental rights to property, except as an instrument of further exploitation and class polarization? Then the question is, whose rule of law the Declaration upholds.

The state obviously has failed to promote equity and participation. In promoting globalization, the state is increasingly retreating from its socio-economic function of promoting equity and building the capabilities of the people who are excluded from the exchange regime. Herein comes the role of genuine voluntary organizations. They have to be actively promoted in the pursuit of any alternative development order. Incidentally, why cannot the innumerable parish outreaches function as micro-local agencies of equity, participation and democracy?

To conclude, our critique of globalization as well as the outline of alternatives which follows from it are only meant to stimulate research and action towards a better society. Notwithstanding the colossal failure of the historical experimentation of socialism there is great need to rediscover socialism. Genuine socialism has a humane face only. An appropriate mix of Marx and Gandhi has both theoretical appeal and pragmatic relevance. Only a participatory democracy can work towards a truly socialist society. India's panchayati raj system has immense potential for building institutions of self-government at the local level. This is one important way to enhance the capabilities of the disadvantaged. Decentralized

governance is something that is to be kept in the pursuit of alternative paradigms.

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# **Globalization and Its Impact on Human Rights by George Mathews Chunakara (ed.)**

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## **Chapter 3: Development and Human Rights, by T. Rajamoorthy**

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“Globalization” has become the buzzword of our times. More importantly, globalization is being held out by its advocates as the panacea for all our economic woes. The only path to prosperity, we are constantly told, is by adherence to free-market principles. The nations of the South, in particular, are being urged to deregulate and open up their economies to free trade and foreign investment to ensure their speedy transition to the status of developed economies. In a word, globalization has become

synonymous with “development”.

Taking this logic to its conclusion, any attempt to resist the process of globalization is, by definition, reactionary and constitutes an anti-development response. In any case, according to the proponents of globalization, resistance is futile. Globalization is being portrayed as an inexorable and almost divinely ordained process. Like the 19th-century proponent of free trade, Sir John Bowring, who is reputed to have remarked “Jesus Christ is free trade, free trade is Jesus Christ”, the proponents of globalization appear sometimes to invest the whole process of globalization with a quasi-religious status.

Its more sober advocates have, however, attempted to provide a mundane explanation as to why globalization is an inexorable and inevitable process. Globalization, they contend, is the result of the inexorable march of science and technology. This claim, however, will not bear any real scrutiny. Scientific and technological development may have facilitated the process of globalization, but no one (other than an extreme technological determinist) will seriously suggest that it has propelled us, against our will, into the process.

The simple truth is that the

process of globalization is being pushed by the governments of the North. In so doing, these governments are merely responding to the pressures of their corporations, in particular, the TNCs. To appreciate this point, one need only recall that during the Uruguay Round negotiations of the GATr, representatives of the TNCs chaired and staffed all the 15 advisory groups set up by the Reagan administration to draw up the US negotiating position. It was these corporations that were instrumental in shaping and determining the US policy and stance at these crucial negotiations which have accelerated the whole globalization process.<sup>1</sup>

If it is clear that it is the Northern governments, responding to the pressures of corporations and businesses, that are pushing the process of globalization, it is equally clear that they are doing so through certain agencies and organizations. In the words of James Petras, globalization is “the product of state policies linked to international economic institutions”<sup>2</sup>. The most important of these institutions are the IMF, the World Bank, and most crucially, the WTO.

So far as the IMF and the World Bank are concerned, the loans granted by them are always

conditioned by the requirement that the debtor country comply with certain policy conditions (i.e. conditionalities). In practice, what this means is that the debtor country must strictly adhere to a Structural Adjustment Programme (SAP) drawn up by the IMP/World Bank. A standard and regular component in such an economic programme is that the country in question must liberalize and deregulate its economy.

With the advent of the Asian financial crisis, the condition that the debtor country must open up its economy to foreign investors has now become an even more significant element in IMF economic adjustment programmes. The case of South Korea is particularly significant. Before the crisis, there were strict limits on the extent of foreign ownership in the Korean economy. Thus, before the IMF deal, the shareholding limit for foreign individuals in a Korean company was 7% while the aggregate foreign ownership in a Korean company was limited to 26%. Under pressure from the IMF, South Korea has now agreed to abolish nearly all restrictions on foreign investments in its financial markets and banking sector. It also agreed to allow foreign investors to acquire 55% of listed companies from December 31, 1997 onwards and

100% by the end of 1998. What was particularly astonishing about this economic programme for South Korea was the fact that there was little attempt by the US to hide its hand in the drafting of the programme. According to a report in *The International Herald Tribune* (December 19, 1997), some of the toughest conditions (particularly those pertaining to the opening up of the economy) were the handiwork of Robert Rubin, the US Treasury Secretary.

While the IMP and the World Bank have played an important role in pushing the process of globalization, it is the WTO that is today playing the leading role in this process. While the power of the IMP (and the World Bank) to impose economic liberalization programmes is limited to only those impecunious states which seek financial relief from it, all the WTO members are committed, by virtue of their membership of the organization, to its goal of a world free of tariff barriers. With a potential membership of 152 states, its capacity to push forward the process of globalization is enormous.

When a country Joins the WTO, it enters into a contractual obligation to honor its commitments to the goals of the organization. There is a provision

for periodical review by the body of the trade policies of individual countries. The organization has the power to enforce its will and decisions by a variety of means, ranging from expulsion (and thus loss of MFN status), to “cross-sectoral retaliation”. There is also a dispute settlement mechanism. In all these respects, it is a far more comprehensive and unique body than the Bretton Woods ‘twins’.

What has made the WTO even more formidable is the fact that, notwithstanding its name, its jurisdiction now extends beyond the domain of trade proper. This extension of its areas of concern was the result of the Uruguay Round talks held under the GATT, the predecessor of the WTO. The talks concluded on December 15, 1994 and, as a result, the WTO was established on January 1, 1995 to replace the GATT.

While the GATT was mandated to deal solely with trade in merchandise goods, the scope of its successor body, the WTO, was enlarged as a result of these talks to include four new areas: trade in agriculture, trade and investment in services, intellectual property rights and investment measures. As a consequence of this enlargement of its mandate, the conduct and decisions of the WTO are bound to have far-

reaching repercussions upon the people of the South.

To take one example: while agriculture employs less than 5% of the people of the North, it is a sector that employs more than half the population of many developing countries. By bringing “trade in agriculture” within the ambit of the WTO and giving the latter the authority to dictate the policies that should govern in this crucial sector, the power to determine the life and death of many communities in the South is, in effect, being vested in the WTO. The crucial question of global food security will be determined and shaped largely by this single body’s deliberations.

The choice of agriculture for inclusion within the framework of the WTO was not fortuitous. Northern governments are plagued by huge surpluses which their highly subsidized agricultural sectors generate. The opening up of the agricultural sector of Third World countries affords an opportunity to dispose of these huge surpluses. The real beneficiaries will be the small number of TNCs (such as Cargill) which, between them, control over three-quarters of the world trade in cereals. These companies will now be able to have access to the subsidized agricultural surpluses in the North and export them to the South.

Strictly speaking, the liberalization of the agricultural sector in the North should have resulted in an end to the huge subsidies paid to the European farmers. Under the GATT rules, governments in the industrialized world are required to reduce their “trade-distorting” subsidies by 20% and to lower export subsidies by 36% in value terms and 21% in volume terms.

However, during the GATT negotiations, by an act of legal sophistry, the North managed to retain almost intact most of its subsidies to its farmers. The US and the EU, the two dominant players at the negotiations, made a deal between themselves and determined, to their satisfaction, that “direct payments” to farmers (e.g. “set-aside payments” where farmers are paid for withdrawing land from production) are not “trade-distorting” subsidies since they are not paid to promote agricultural production. Hence, both the EU and the US claimed that such payments should be exempted from the agreed subsidy cuts.

The upshot of this is that while Southern countries will be obliged to bring down their subsidies to their farmers, Northern agriculture will continue to be subsidized<sup>3</sup>. The dumping by TNCs of this highly subsidized food into Southern markets is

bound to destroy Southern agriculture, as farmers in the South will be unable to compete. The whole problem of food security is bound to become a serious problem. The move to include trade in services within the mandate of the WTO was again not fortuitous. This is a sector of the world economy in which the North is dominant. Here again, the pressure exerted on Northern governments by their corporations was clearly decisive. This can be illustrated by the case of telecommunications. Very soon after the conclusion of the Uruguay Round talks, and the inclusion of services within the ambit of the WTO, there was pressure from the North to treat the liberalization of telecommunications as a “priority”. The country which exerted the most pressure in this regard was the USA where, as a result of the policies of deregulation in the 80s, there had emerged a string of wealthy regional telecoms operators (known as “Baby Bells”.) As the US market became saturated, these companies began to put pressure on the US government to press for the international liberalization of the telecommunications sector.

Northern pressure at the WTO finally resulted in the liberalization accord of February 1997. A total 69 countries

controlling more than 80% of the world's telecommunications signed a binding agreement at the WTO. This accord commits these countries to open up most of their local markets to competition from 1998 onwards.

Even as these moves were proceeding, Northern telecommunication companies began to position themselves to take advantage of the rich pickings by a series of mergers and acquisitions. Among the global alliances that have emerged as a result are Concert (which brings together British Telecom and the US company MCI), Global One (consisting of Deutsche Telekom, France Telecom and Sprint of the USA) and World Partners, a coalition of a number of companies, including the US mega-corporation, AT&T. In a briefing paper, the NGO, Panos, warns: "The danger is that liberalization, far from heralding a new era of cheaper, more accessible communications, could foreshadow the emergence of a handful of monolithic, unaccountable, multi-sectoral communications transnational Big Brothers who will control the bulk of communications traffic from telecoms to television and a shift in resources from the poor to the rich"<sup>4</sup>. For the nations of the South, there is the added fear of a loss of their sovereignty as Northern-based corporations gain

control of this crucial and vital sector of the economy.

As in the case of agriculture and services, the push for the inclusion of intellectual property rights (a move legitimized by the use of the term “Trade-Related Intellectual Property Rights” or TRIPs) also betrays the desire of Northern and TNC interests to consolidate and expand their dominant position in the world economy. While the idea of a patent as a legal protective device designed to reward and safeguard an investor’s ingenuity is highly attractive, the point to note is that the regime of intellectual property rights which WTO members are all being pushed to legislate and adopt is designed more to confer monopoly rights upon TNCs and corporations rather than to protect any inventor. The extension of patent protection to cover the product, rather than the process by which it was produced, is calculated to serve the interest of corporations which seek to retain monopoly control of their products. By entrenching such an intellectual property rights regime worldwide, the WTO will, in effect, be freezing the North-South technology gap. There can be little hope of technology transfer under such a regime and TNCs are bound to insist on higher licensing fees and tighter conditions of licensing. The new patent regime will make drugs

and medicines even more expensive and place them beyond the reach of many of the poorer people of the South. Moreover, the extension of the scope of what is patentable to include genetic material and seeds poses a threat to agriculture. If peasants are compelled to pay royalties for the use of seeds, the threat to social stability will be very real.

While the North has pushed to incorporate into the WTO those economic areas that are beneficial to it and has pushed some of these, e.g. telecoms, on to the “fast track” to ensure that it reaps the benefits speedily, it has done everything to slow down, delay or stagger the liberalization in those sectors in which it will have to bring down its own tariff walls and quotas. The most glaring example of this is textiles, which is of crucial importance to many Third World countries. According to an estimate by the 1994 GATT Secretariat, liberalization of textiles under the WTO would increase the value of the clothes trade by as much as 69% and would result in a 14-37% increase in exports, much of which was calculated to accrue to developing and transitional economies. However, when the Agreement on Textiles and Clothing which integrates textiles into the WTO framework was finally concluded, it emerged that these benefits would be spread over a 10-year

period (1995-2005) and 49% of the products to be liberalized would only be liberalized in the year 2005 (or more precisely January 1,2005). In other words, the North is scheduled to remove its quotas and tariffs on nearly half the textile items only at the very end of a 10-year phased-out period.

While the present enlarged mandate of the WTO threatens to have serious repercussions for the South, there appear to be new attempts by the North to extend its mandate even further. The most serious of these is the attempt to incorporate within the framework of the WTO a foreign-investment treaty. Known as the Multilateral Investment Agreement (MIA), the proposal amounts to bringing within the framework of the WTO the whole issue of investment policy - a further radical departure from the original concept of the WTO. If the proposed treaty is adopted, all its signatories would be obliged to grant unfettered access to foreign investment with 100% equity in all sectors of the economy (other than those relating to security). They would also be obliged to confer “national treatment” to foreign investors, granting the same rights to foreign capital as local capital. They will also have to take all “accompanying measures” to facilitate such investment by permitting full

profit repatriation, and changing tax and other laws which hinder the entry and operation of such capital.

The implications of this proposal are very disturbing for the countries of the South. The power to regulate the entry, establishment and operation of foreign investment has been a useful tool in domestic capacity-building and to ensure balanced development. In Malaysia, for example, it was skilful regulation of foreign investment that enabled the equity share ownership of Malaysians in the modern sector to increase from 30% in 1970 to nearly 70% in 1990. Further, given the multi-ethnic make-up of the society, it was also desirable to ensure that the share capital ownership was equitably spread out among the different communities. This was made possible by the power vested in the government to regulate and impose conditions on foreign investment to ensure that the growth generated by it accrues to all the communities. More importantly, the need to regulate such investment stems from the belief that political independence is meaningless if it is not backed by economic independence. Having experienced the full horrors of colonialism, the countries of the South are naturally apprehensive in opening up all sectors of their economy to

the unfettered entry and operation of foreign investment. If the crucial and commanding sectors of the economy are all in foreign hands, the very sovereignty and hard-fought independence of these countries will be at stake.

Because of the resistance of countries of the South at the INTO Ministerial Conference in Singapore in December 1996, the issue of the foreign-investment treaty was assigned to a working group “to examine the relationship between trade and investment”.

However, even as the working group was being assigned to study this question, moves were already afoot to force this issue and present it as a *fait accompli* upon Third World countries. It has now emerged that since May 1995, the trade ministries of the OECD countries have been secretly negotiating the text of a treaty designed to achieve the same ends as the MIA, known as the MAI (Multilateral Agreement on Investment). This treaty has been dubbed variously as a “Bill of Rights for Corporations”, “a Corporate Rule Treaty” and “a Capitalists’ Charter” in view of the far-reaching powers it seeks to confer upon corporations.

Like the MAI, this treaty has some very disturbing implications. Under its terms, a

foreign corporation will be empowered to establish itself in any sector of a host government's economy and be entitled to receive "national treatment" from its hosts. Any policy or regulation which seeks to promote local enterprises at the expense of foreign investors or provide them with preferential treatment will be illegal. By the same token, any regulation which seeks, on any grounds other than national security, to reserve any sector of the economy for local investors will be a violation of the treaty.

The treaty will also bar any government from pursuing any policy which will constitute a threat to foreign investors or merely hinder their free and unfettered business operations. This rules out not only the classic nationalist response of nationalization or expropriation without compensation, but also, given the broad and elastic definition of "expropriation" under the treaty, any measure having an equivalent effect. This includes any move that results in an investor "suffering a lost opportunity to profit from a planned investment". As for the bar on restrictions that hinder businesses, this effectively abolishes the right of governments to regulate capital flows, including the speculative flows which have wreaked so much havoc in the financial crisis

that has gripped Asia and some other parts of the world.

The treaty seeks not only to confer power to corporations at the expense of governments and communities, but also to secure such power by providing a new and unique avenue for legal redress. Foreign corporations will now be entitled not only to sue governments in domestic courts, but also to seek legal relief in international tribunals for alleged violations of the MAI. Given the wide ramifications of some of the treaty provisions, the opportunities for foreign corporations to hold Southern governments to ransom, by instituting multi-million dollar legal claims against them, are enormous. Clearly, the MAI is designed to wrest power from states, governments and communities and to empower corporations. While some of the governments and NGOs in the South which viewed the MAI as another battering ram to open up their national economies to Northern corporations were the first to express concern at this treaty, the protests against it have now become worldwide. The realization that it is a threat not only to the South but to communities and citizens everywhere has given rise to an international campaign against it.

As protests by citizens' groups,

environmental groups and other NGOs against the treaty mount, some help has come from an unexpected quarter. The US has, for reasons of its own (including fears that the treaty can pose a challenge to such laws as the Helms-Burton law and the D'Amato law which seek to penalize foreign corporations which trade with or invest in Cuba, Iran or Libya), declared that it would not accept the treaty in its present form. As a result, although the treaty was scheduled to be completed by the end of April, 1998, the OECD Ministers meeting in Paris on April 28, in effect, admitted that because of the widespread opposition, the work has yet to be completed. It directed the negotiators "to continue their work with the aim of reaching a successful and timely conclusion of the MAI" but specified no deadline for the work to be completed.

### **Human rights violations**

Globalization has brought in its train, great inequities, mass impoverishment and despair. It has fractured society along the existing fault lines of class, gender and community while, almost irreversibly, widening the gap internationally between the rich and the poor nations. While it has enriched a small minority of persons and corporations within nations and within the

international system, it has marginalized and violated the basic human rights of millions.

Globalization has resulted in gross human rights violations for millions of workers (particularly women workers), peasants and farmers, and indigenous communities. It has also resulted in serious impairment of the Right to Development of countries and peoples of the South.

(a) (i) So far as workers are concerned, globalization has resulted in the violation of the fundamental right to work. In their drive for profits, companies, in particular TNCs, have been restructuring their operations on a global scale. The result has been massive unemployment. In 1995, the ILO announced that one-third of the world's willing-to-work population was either underemployed or unemployed, the worst situation since the 1930s. In its latest available report (1996/97), the ILO notes that the world unemployment situation still remains "grim"<sup>5</sup>. The goal of full employment, which was one of the pillars of the social consensus that prevailed after the Second World War, has been jettisoned by nearly all governments.

(ii) Globalization has also engendered or accentuated the process of the casualization of

labor and the informalization of labor. Employers are increasingly resorting to employing workers on part-time, short-term, contracts. They are also resorting to the informal economy by farming out or sub-contracting work, e.g. in textiles and electronics. More ominously, many factories which were previously part of the formal economy have moved their operations entirely to non-unionized workforces in new locations and/or sub-contracted units. Here, not only are the wages low, but the legal protection of workers is minimal.

To obtain some idea of the size and scale involved in this process of informalization, we need only turn to India. A mere 8% of the labor force is in the formal economy while over 90% work in the informal economy. The latter are not unionized, have little or no legal protection or security and are subject to ruthless exploitation. Significantly, more than 50% of the workers in this sector are women.

When the Indian Government adopted a policy of economic liberalization in 1991, many companies (including TNCs) with factories in the high-wage city of Mumbai (formerly Bombay), got rid of their unionized labor force (mostly male workers) by a variety of insidious means and

moved their operations to low-wage and depressed areas to avail themselves of the large supply of unorganized and unprotected, mainly female, labor.

This trend is not peculiar to Bombay but is a fact of life under globalization in all the major industrial areas in India. Amrita Chhachhi, an activist, describes the problems of women workers in the electronics industry in Delhi thus: “As a result of the current economic policy, even well known TV firms [are] subcontracting industrial work. This has resulted in a large number of small ancillary units where women are employed at below minimum wages. These units are so flexible that they can close down operations and relocate them at short notice. As a result, all attempts at organizing women laborers have been failures. It has become extremely difficult to even trace the movement of these units from location to location. Unionization is impossible in this scenario”<sup>6</sup>.

(iii) Globalization, with its demand for “flexible” labor, has resulted in the “feminization of labor”. The point is that the overwhelming majority of female labor in the South is concentrated in low-wage industries such as textile, clothing and footwear production. Workers in such industries are not only

inadequately protected as regards health and safety, but they also do not enjoy security of employment in view of the tendency of such investors to move offshore to cut costs. Thus, textile workers in South Korea have been retrenched as a result of the relocation of their factories to countries such as Bangladesh and Vietnam.

(iv) Mention must also be made here of the fact that the impact of globalization on traditional cottage industries has also adversely affected women workers. Thus, cheap imports have resulted in the closure of a number of such industries in India and Pakistan and the retrenchment of their largely women workers.

(v) Finally, globalization has, by intensifying the tendencies towards uneven development within countries and within regions, intensified the development of the phenomenon of migrant workers. Such workers (especially those who cross national frontiers) are subject to a whole range of human rights violations - discrimination, absence of labor protection, low wages, and physical and (in the case of women) sexual abuse.

(b) Globalization poses a serious threat to the right of livelihood of millions of traditional farmers in the South. As the hitherto protected agricultural sector of the

South is, in compliance with the requirements of the GATT Final Act, opened up to imports (mainly from the North) and as land laws are revised to facilitate corporate farming, there will inevitably be large-scale displacement of such communities. Fears have also been expressed that the patenting of seeds by multinationals such as Cargill will result in traditional farmers being displaced. This concern has given rise to massive demonstrations by farmers, particularly in India.

All these developments, and in particular the drive under the WTO regime to make access to food mainly dependent upon market mechanisms, are a threat to food security - the most fundamental of all human rights.

(c) Globalization has provided a new impetus to the destruction of the habitat and livelihood of indigenous communities in many countries of the South. The continuing displacement of such communities as a consequence of the intensification of such economic activities as mining and logging is a grim reminder of such violations of human rights.

(d) Where the mechanism for promoting globalization has been the IMP/World Bank SAP, it has resulted in a massive violation of human rights. Analyzing the impact of such programmes on

the realization and enjoyment of selected economic, social and cultural rights. Danilo Turk, a Special Rapporteur for the Commission on Human Rights, in a report prepared for the UN, pointed out that these programmes had resulted in a violation of the right to work, the right to food, the right to adequate housing, the right to health, the right to education and the right to development <sup>7</sup>. The combined effect of the violation of the right to food and the right to health has had devastating consequences. According to Davison Budhoo, an economist who had worked with both the World Bank and the IMP before he quit the latter in protest against its policies, on the basis of the figures released by UNICEF, it is estimated that those policies led directly to the death of 70 million children under 5 years in the Third World between the years 1982-1990 and indirectly to the destitution and impoverishment of several hundred millions more <sup>8</sup>.

As for the violation of the Declaration on the Right to Development, which was adopted at the UN General Assembly in 1986, the Report of the UN Global Consultation on the Realization of the Right to Development as a Human Right observes:

Failure to take into

account the principles of the right to development in agreements between states and the World Bank, IMP and commercial banks with regard to external debt repayment and structural adjustment frustrates the realization of the right to development and of all human rights. The prevailing terms of trade, monetary policy, and certain conditions tied to bilateral and multilateral aid, which are all perpetuated by the non-democratic decision-making processes of international economic, financial and trade institutions, also frustrate the full realization of the right to development<sup>9</sup>.

If the proposal by the EU for an MIA within the framework of the WTO or the proposal for an MAI by the OECD is adopted, then the Right to Development, so far as countries of the South are concerned, will be further whittled away.

The Right to Development “implies the full realization of the right of peoples to self-determination”, which includes “the exercise of their inalienable right to full sovereignty over all their natural wealth and resources”. The same right also

includes the right of peoples and nations “to freely pursue their economic, social and cultural development.” As the adoption of the MIA or the MAI will result in the loss of countries’ right to regulate the entry, behavior and operations of foreign investment in the interests of their own people, it is not difficult to appreciate why it is bound to result in an impairment of the Right to Development.

## **Conclusion**

It is clear that, more than ever, the cards are stacked against the South. When these countries attained political independence in the 50s and 60s, the whole question of the path of development open to them came into question. After some fitful starts, it became evident that it was not possible for the countries of the South to embark on the path of industrialization (which was perceived as the only way to escape from the blight of underdevelopment) by integrating themselves into the international capitalist system. The only alternative open to them was to opt for the path of independent self-sustained development, with the state taking the leading role.

This whole thesis was, however, challenged by the recent phase of globalization when a small number of countries in East Asia

began to display dramatic economic results by opening up and deregulating their economies and integrating them with the international capitalist system. The North paraded these countries as models which the rest of the countries of the South should emulate. As a result, country after country began to queue up in the quest for “Tigerhood”.

With the onset of the financial crisis in Asia, the illusion that globalization is the way out for the countries of the South is now being laid to rest. Clearly, the whole question of the path of development which nations of the South should opt for is as open as ever. It is hoped that this crisis will provide an opportunity for some re-thinking, debate and hard decisions.

**Notes:**

1. Watkins, K.: “Global Myths”, *Red Pepper*, June 1996, p.14.

2. Petras, J.: “The Process of Globalization”, *Links*, No. 7.

3. Watkins, K.: “Free Trade and Farm Fallacies: From the Uruguay Round to the World Food Summit”, *The Ecologist*, Vol. 26, No. 6, Nov/Dec 1996, p.244.

4. Deane, J. and A. Opoku-Mensah: “Telecommunications:

Development and the market: The promises and problems”, *Panos Briefing* No. 23, March 1997.

5. It is only fair to add that the ILO Report does not attribute this “grim” unemployment situation solely or even mainly to globalization, arguing that “economic liberalization” will bring far greater gains as compared to the alternative of protectionism. While conceding that there is “some basis” for concerns about “the negative social effects of globalization”, it contends that it is “not true that globalization is an overwhelming supra-national force that has largely usurped national policy autonomy ...” It asserts that “national policies can, and should, give priority to mitigating negative effects on globalization” (of financial markets), and the desperate and helpless attempts by the national regimes to come to grips with the soaring unemployment situation in the face of the continuing onslaught of the “supra-national” financial markets, the above bland assertion about “national policies” has an air of unreality about it.

6. Hensman, R.: “Minimum Labor Standards and Trade Agreements: An Overview of the Debate”, *Economic & Political Weekly*, 20-27 April, 1996.

7. Cited in Danilo Turk, “How

World Bank - IMF policies adversely affect human rights”, *Third World Resurgence*, May 1993, p.23.

8. Budhoo, D.: “IMF-World Bank wreak havoc on Third World”, *Third World Resurgence*, July 1992, p.17.

9. Cited in Turk, *ibid.*

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# **Globalization and Its Impact on Human Rights by George Mathews Chunakara (ed.)**

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## **Chapter 4: The Emerging Global Scenario and the East Asian Perspective on Human Rights, by Michael C. Davis**

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### Introduction

This essay aims to consider various claims about “Asian values” made in relation to the East Asian human rights debate. I divide this discussion into two parts: In the first part I consider and challenge the claims for exception from important international human right standards made in the name of “Asian values”. I believe these claims fail to capture the full

richness of Asian values discourse, are tautological and are excessively deterministic. In this regard, I set aside presentation of the related economic development argument, which is the subject of another recent article (Davis, 1998). In the second part, I will offer a special version of liberal constitutionalism as a proper domestic venue for contemporary human rights and values discourse in East Asia. I believe liberal constitutionalism with substantial fundamental commitments to democracy, human rights, and the rule of law and sufficient attention to local indigenous concerns - what I call indigenization - can be appropriately responsive to local concerns with the development and maintenance of fundamental political values.

### **Claims about culture**

Turning first to the Asian values claims, I offer a four-fold critique of these culture-based claims: first, I will briefly address the Asian values claim on a substantive level; second, I will address a related cultural prerequisites argument which seeks to disqualify some societies from realization of democracy and human rights; third, I will consider claims made on behalf of community or communitarian values in the East Asian context; and fourth, a recent shift to concern with institutions and their

role in social transformation will be considered as a prelude to the constitutionalist argument addressed in the second half of this essay.

### **The Asian Values debate**

Taking up the first of these, the substantive content of the Asian values claim, here I focus on political values and particularly address this claim in the Confucian context. The substantive claim is that Confucian values are anti-democratic; Asian societies, according to Samuel Huntington, are said to favor authority over liberty, the group over the individual, duties over rights and such values as harmony, cooperation, order and respect for hierarchy (Huntington, 1993). In this view, East Asian societies are argued to be unsuited to democracy and human rights. That these claims are usually made on behalf of authoritarian leaders raises suspicion about their honesty.

In practical terms these claims are challenged both by the rapid recent development of democracy and human rights in several East Asian societies and by social activist and scholarly discourses which challenge these claims directly. The growing consolidation of democracy in East Asia speaks for itself. A

direct attack on the intellectual foundations of the Asian values claim has also been launched by activists and analysts. They have challenged several of its components. Regarding the association of Confucianism with authoritarianism, Chinese scholars of the Confucian classics have noted that Confucianism did not embrace unquestioning acceptance of misguided rulership and that it shares with liberalism the commitment to higher norms. Confucian scholar Chang Weijen especially points out the prominent position of the golden rule in Confucian ethics (Chang, 1995).

Other scholars have challenged the motives of those who advance the above noted stereotypes of Asian values. Edward Said long ago noted that Western orientalism offered up its conception of Asia as the other in part to justify Western dominance (Said, 1979). More recently other Asian scholars have noted the tendency of East Asian leaders and scholars to adopt orientalism as a self-defining discourse (Chua, 1995). The same conception that aimed at Western dominance now, in East Asian authoritarian hands, aims at creating East Asian exceptionalism.

A third line of reasoning would have us believe that East Asian

intellectuals did not understand Western liberalism and democracy when first confronted with it in the early modern period. In the Chinese context this was said to produce a perverse reinterpretation which saw democracy as merely good government or social welfare, in line with the Chinese *minben* (people as a basis) tradition. There is no doubt that authoritarian reinterpretations did occur and that Chinese nationalism, following the May 4 Movement, did distort. But recent studies of early modern Chinese writings witness a great deal of understanding of leading Western liberal thinkers (Svensson, 1996).

Other Asian scholars and specialists have pointed out that much of what is done in the name of so-called authoritarian Asian values can be explained more often than not by expediency. Frequently this expediency is accompanied by other ideological constructs, such as Marxism, that have little to do with Asian traditions. Francis Fukuyama argues that the only neo-Confucian authoritarian system evident in recent East Asian experience was the government of pre-war Japan (Fukuyama, 1995).

### **Cultural prerequisites**

The second major argument, originally not intended as a

cultural relativist argument, is the claim that societies which lack certain cultural prerequisites are not suited for democracy and human rights. This notion arose initially from studies that sought to examine the characteristics of civic culture were not likely to be successful at democratization (Perry, 1994). It was as if societies had to pass a test for democracy. This scholarship could lend further support for authoritarian Asian values reasoning.

The problems with this reasoning are apparent. The most obvious is its tautological character. To suggest that a society that lacks democracy could somehow develop democratic culture is a questionable proposition. The fact of the matter is that many societies in East Asia proceeded with democratization, with or without cultural prerequisites. With democratic institutions in place, the emphasis has shifted to consolidation and to creating the institutions to make it work (Linz and Stepan, 1996). Nevertheless, scholars and politicians in East Asia have clung tenaciously to this claim concerning prerequisites (Perry, 1994, points out this problem). The tasks of documenting the presence of civic culture in Asia still contributes to a mindset that appears to conceive of a test for democratization. This has spawned a persistent

argument that East Asians are not yet ready for democracy.

### **Claims about community**

My third critique considers a more directly cultural relativist argument, and one that is to some extent more credible. This is the one made on behalf of community. While I feel this argument fails to justify the denial of democracy and human rights it does raise concerns that I argue in the second half must be addressed by societies hoping to better secure human rights.

There are essentially three community-based arguments addressed here. The first is the romantization of community. The Vietnamese village has been described as “anchored to the soil at the dawn of History ... behind it bamboo hedge, the anonymous and unseizable retreat where the national spirit is concentrated”. The Russian *mir* was to save Russians from the “abhorrent changes being wrought in the West by individualism and industrialization” (Popkin, 1986). Many have questioned just how liberating the traditional village was and many escaped when they had the chance. Few in East Asia’s tiger economies have the option of unmolested village life today.

Another community-based claim

emphasizing republican government and civic virtue has both ancient roots and is of contemporary interest. In many East Asian societies civic virtue is seen as the key to good government. Others are less confident of the persistence of such virtue and seek to craft a democracy that, in James Madison's terms, is safe for the unvirtuous (Putnam, 1993). The debate between Vaclav Havel, the anti-Communist idealist who emphasizes civic virtue, and Vaclav Havel Clause, the pragmatic post-communist politician who is concerned with interest representation (Simon, 1996) is likely to be rehearsed in post-communist and post-authoritarian East Asia.

The debate between Western and East Asian communitarians is the most challenging contemporary discourse about community. While Western communitarians are apt to see community as a venue for discourse and liberation, the neo-conservative brand of so-called communitarianism evident in Singapore is hardly a venue for liberation (Chua, 1995). Western communitarians have ultimately had to commit to some liberal values to preserve their discourse, while the Asian neo-conservative variety has also had to deal with increased demands for liberalization.

## **The role of institutions**

The fourth and final critique under this topic of culture is to raise questions as to the path for solution. Scholars who are confronted with claims about culture and cultural prerequisites have increasingly had to consider precisely what avenues are available to meet increased demands for democratization and rights, to ensure participation. This has caused an increased attention to institutions. This new institutionalism has sought to determine how institutions can serve the purposes of social transformation that adhere to the democratization and human rights processes (Thelen and Steinmo, 1992). This new institutional project is less sanguine about merely transplanting ready-made Western institutions that the earlier efforts of modernization theorists. In considering what institutions can do I will now turn our attention to constitutionalism, the topic of the remainder of this presentation.

## **Constitutionalism**

Constitutionalism offers a venue to respond to the various claims underlying the Asian values debate and a response to those who advance authoritarianism. As noted in the introduction, for me constitutionalism should include the fundamental elements of

democracy, rights and the rule of law and elements of local institutional embodiment, what I call indigenization. In the late twentieth century the discussion of constitutionalism has become a global conversation, a conversation that is productive of the processes of universalizing human rights. Constitutionalism serves both as a conduit for shared international and local human rights and political values and the embodiment of those values. In this regard I emphasize three things: first, the empowering role of constitutionalism, in contrast to the usual view that emphasizes constraint; second, a more careful look at the content of the constitutive process; and third, indigenization of constitutionalism, as an avenue to hook it up to the local condition.

### **The Empowering Role of Constitutionalism**

Taking up the first of these, it is important to emphasize the positive empowering role of constitutionalism (Holmes, 1988). I worry that constitutionalists place too much emphasis on the constraints of constitutionalism, always using language of “checking, restraining or blocking”. This is important because under this constraint paradigm, newly elected democratic leaders may view it as part of their mandate to override

constraint to “get the job done”. This results in a plebiscitarian, rather than a constitutional democracy (O’Donnell, 1996). Some may characterize this result as an illiberal democracy, as some scholars have advocated in East Asia (Bell, Brown, Jayasuriya and Jones, 1995).

Extra-constitutional action should more properly be understood as not just overriding constraint but as overriding democracy itself. Such extra-constitutional action does not just ‘get the job done’ but, in fact deprives the people of democratic power.

Constitutionalist should vigilantly seek to engender discourse and empowerment. In a modern complex society this is the contemporary venue for values discourse. To better understand this claim we must consider the constitutive process.

## **The Constitutive Process**

It is in the constitutive process that constitutionalism’s discourse engendering and empowering roles come to fruition. This can be considered at two levels: the constitution-making process and constitutional implementation. Constitution-making is where the constitutional conversion begins. A constitutional assembly is a powerful venue for discourse about basic political values. In recent decades the East Asian

landscape has been riddled with constitution-making exercises. In the 1980s and 1990s constitution writing in the Philippines and Hong Kong have offered prominent seemingly successful examples (Davis, 1996).

In describing the constitution-making process, Jon Elster describes a venue where both passion and interest operate (Elster, 1995). There are both upstream and downstream constraints, as well as processes for consensus-building and broadening bases of support. Upstream constraints consider political settlements and may also protect members of the former regime. For the Hong Kong Basic Law, as with the earlier Japanese Constitution, the upstream constraints were all but overwhelming. Downstream constraints look to ratification or acceptance. In the Philippines, after the people power revolution, downstream acceptance was the substantial constraint.

After a constitutional founding, successful implementation of constitutional government depends on appreciation of the discursive architecture in the ongoing processes of governance. More commonly appreciated here are the institutions for checks and balances. These institutions include institutions to control the purse-strings in regimes ranging

from medieval estates to modern parliaments, and veto and administrative control in the modern executive. At present, nearly every constitutional government in East Asia manifest some elements of this.

Less appreciated is the positive discursive machinery of constitutional judicial review, the power whereby courts review laws enacted by the elected branches of government for conformity to the constitution. In both Asia and the West this judicial role has sometimes been attacked as an affront to efficient and effective government and sometimes as an affront to democracy. One should be suspicious of the efficiency motives of such attacks.

Constitutional judicial review has become the premier institution for securing human rights. More importantly, constitutional judicial review also serves as the engine for the basic constitutional conversation about political values and commitments (Bickel, 1986). This constitutional conversation proceeds as legislatures pass laws and courts respond and legislatures pass new laws. While much of East Asia has adopted Western civil and common law legal systems, only a few countries have fully functioning systems of constitutional judicial review. At present Japan, the Philippines and

Hong Kong are prominent examples where this power is vested in the ordinary courts, as is more commonly done in common law systems. A Civil Law style constitutional court has existed in Taiwan for decades but only recently begun to function effectively. For the authoritarian regimes of the region, both historically and at present, no or little judicial constraint is the norm. Under such circumstances the positive discourse engendering role argued for here is out of the question.

Constitutional theorists have come to recognize, however, that constitutional judicial review is not the sole discursive engine for crafting political values and solutions. At moments of crisis, what Stephen Krasner calls punctuated equilibrium (Krasner, 1984), the entire people may be mobilized to civic action. In normal times the people may be content with representation and constitutional judicial review, while they largely focus on private affairs; while at times of what Bruce Ackerman calls constitutional politics the level of civic action may become extraordinary (Ackerman, 1991). Ackerman identifies three republics in American history, before and after the civil war and in the modern regulatory social welfare state initiated in the 1930s by the New Deal. There is

evidence of such mobilization in the recent South Korean constitutional politics of reform and in the Japanese politics of resistance to corruption.

### **Indigenization of Constitutionalism**

With a commitment to the constitutional fundamentals in place, a premier concern is that constitutionalism finds roots in the local soil. It is through indigenization that constitutionalism responds to the above noted concerns with values and community. Aung Sang Suu Kyi characterizes this indigenous quality as local institutional embodiment (Aung Sang, 1995). For indigenous institutions to work, however, the constitutional fundamentals of democracy, human rights and the rule of law must be in place. Otherwise, the local community is left with a implanted hegemonic discourse constructive of authoritarian power and destructive of genuine community values discourse.

Beyond the fundamentals that preserve the discourse there is considerable room for local variation to achieve representation, both symbolic and real. If constitutionalism is understood to engender discourse then constitutionalists should consider the ways in which local culture and traditions may

facilitate such discourse.

Representation may be achieved through contemporary institutions which secure autonomy or minority rights, or through recognition of traditional ethnic or religious groups.

Legal structures may also embody these local distinctions. This may include, for example, allowing for the application of religious or tribal laws. In societies with long traditions of citizens petitioning leaders, a mechanism for petitioning elected officials could be employed or, perhaps, a modern version thereof, the ombudsman. Even a traditional monarch, who may retain symbolic and ceremonial functions, may take on the ombudsman role in a post-monarchical democratic society. Even when contemporary institutions are employed, in practice they may be expected to take on indigenous characteristics. The goal in all cases is orderly processes of discursive engagement or empowerment.

In a recent article I contrast the constitutional paths of modern Japan and China (Davis, 1998). While post-war Japan has a liberal constitutional system, there has been substantial indigenization in practice (Ford, 1996). Yet, with the fundamentals in place, the constitution does seem to work to encourage a core discussion on

fundamental political commitments. Even the processes of reform of the former one-party dominance proceeded in an orderly fashion and has engendered renewed public concern with corruption and enforcement of legal norms. China, on the other hand, has rejected a commitment to the fundamentals. China's public discourse has tended to advance a hegemonic view which people challenge at their peril. The public order situation is an explosive one in which the Public Security Bureau and the military must play a central role. While engaging in economic reform the regime has engendered increased diversification of interest for which inadequate representation is secured. The rule of law is shaky at best, encouraging increased corruption as the economic reform process goes forward. This has produced a value vacuum which the society is hard placed to deal with. There is growing evidence of concern to open up democratic and legal channels for representation of diverse interest. Opening up such channels will not create automatic solutions but such moves may offer hope for crafting orderly solutions.

## **Conclusion**

The form of argument in this presentation has emphasized

several specific points: first, that the Asian values argument, as a challenge to the implementation of constitutional democracy, is exaggerated and fails to account for the richness of values discourse in the East Asian region -local values do not provide a justification for harsh authoritarian practices; second, that the cultural prerequisites arguments fail because they ignore the discursive processes for value development and they are tautological, excessively deterministic and ignore the importance of human agency it, therefore, makes little sense to take an entry test for constitutional democracy; third, the difficulties of importing Western communitarian ideas into an East Asian authoritarian environment without adequate liberal constitutional safeguards; fourth, the positive role of constitutionalism in constructing empowering conversations in modern democratic development and as a venue for values discourse; fifth, the importance, especially in a cross-cultural context, of indigenization of constitutionalism through local institutional embodiment; and sixth, the value of extending research focused on the positive engendering or enabling function of constitutionalism to the developmental context in general and East Asia in particular. I would hope this discussion attracts further cross-disciplinary

interest in this evolving global constitutional project.

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## **Chapter 5: Globalization and its Impact on Human Rights, by Mathews George Chunakara**

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The word 'globalization' is now used widely to sum up today's world order. It means they increasingly integrate the world into one capitalist political economy operating under a neo-liberal free market ideology. Economic globalization as witnessed in the world today is not a new phenomenon. It has been evolving for the past several years and gaining momentum day by day. The trend, at present, is a shift from a world economy based on national market economies to a

borderless global market economy increasingly governed by one set of rules. In this context, globalization means global economic liberalization, developing a global financial system and a transnational production system which is based on a homogenized worldwide law of value<sup>1</sup>. The demise of the Cold War helped the emergence of a new aggressive competitive global economic order. This was possible mainly due to the integration of the newly industrialized countries and much of the developing nations. Although globalization and market liberalization have made some progress in terms of economic growth in certain countries, it has also had many negative impacts in developing societies.

Richard Barnet of the Institute of Policy Studies describes globalization in terms of four increasing webs of global commercial activity: *global cultural bazaar*, *the global shopping mall*; *the global financial network*; *the global workplace*<sup>2</sup>. The global cultural bazaar promotes the notion of uniform cultural values and products across the world. This idea influenced billions of people, shaping their goals and homogenizing their tastes and attitudes towards a desired fantasy lifestyle. The unprecedented

increase in global trade -- the buying and selling of goods and services among countries -- has created a planetary supermarket. The cultural bazaar and shopping mall intersect through the vehicle of advertising. Media has become a powerful player in the globalization process. In fact, globalization of economies has also led to the globalization of media. Media is used to impose the culture and power of the wealthy nations from the global North. The global financial market has created a new atmosphere to search for quick profits. The foreign exchange market is mainly dealing with currency speculation, bet for or against foreign currencies. The increasing mobility of jobs has created global workplaces and this has boosted international labor migration. In other words, the globalization and market-oriented economic reforms helped transnational companies shift their manufacturing units to developing countries. Because of this more people are crossing borders in search of jobs and in most conditions people are forced to work in inhuman conditions for lower wages. All these proved the fact that globalization is not a simple but a very complex set of process that operates at multiple levels -- political, economic and cultural. Nicaraguan scholar Xabier Gorostiaga argues that in this era of globalization humanity is perceived as fundamentally

one, with a common destiny that is the result of a technological revolution in information and communication and the awareness of the unsustainability of the current way of life<sup>3</sup>.

In an article titled “The Human Rights Debate in an Era of Globalization: Hegemony of Discourse”<sup>4</sup>, Nikhil Aziz describes two kinds of globalization based on Richard Falks theory on the making of Global Citizenship. He argues that we can see globalization in different perspectives:

Globalization from Above (GA) and Globalization from Below (GB). At the political level, GA manifests itself in its action of the Western countries, particularly the United States of America, and global financial institutions in pressuring countries of the South to democratize. This translates as the adoption of a Western-style liberal democratic system of governance. They closely tie economic Globalization from Above to the political aspect in that (1) the source of pressure for change is the same, and (2) close links are alleged between the ideologies of free markets and free societies. Economic Globalization from Above entails countries of the South to accept - within the parameters of the dominant World capitalist system - the imposition of structural adjustment programs, neo-liberal

economic policies, including the wholesale liberalization of domestic economies, to allow unrestricted entry to transnational capital. On a cultural level, GA arises from the control of the global information and communication networks by Western media corporations; and the spread of modern technologies of a consumerist culture, and Western cultural expressions as the global culture.

The transnational companies are the spearheads of globalization and have become the dominant economic and political force in the world economy. Increasing competition and pressure on transnational companies to increase profits leads to a relentless search for cheap labor markets. Many of the companies from the developed and the Newly Industrialized Countries (NIC) have shifted their manufacturing and service industries to developing countries. For example, several major airlines now have their global accounting done in India. A large number of computer software companies from the United States are developing software in Bangalore, India, at less than one-fifth of the price in other countries. The German car manufacturing company BMW and Lorean car manufacturers like Daewoo and Hyundai have already established their

manufacturing units in Vietnam. The Export Processing Zones of many developing countries are catering to the needs of the transnational companies by way of providing cheap labor. The International Labor Resource and Information Group based at the University of Cape Town has described these phenomena a race downhill in which countries underbid each other. Because they cannot see an alternative, workers also end up underbidding one another. The main arguments are competitiveness and the need to survive. But for workers it is a race to the bottom, and the bottom means slave like conditions. When work moves to less developed countries, the shift does not automatically bring Western levels of employment and prosperity to the host countries.. What it does bring are very profitable high-tech islands and Export processing Zones where they protect transnational capital, with the help of the state, from social responsibility<sup>5</sup>. There may be short-term advances in the living standards of a small group of workers. Nevertheless, when some workers elsewhere lead the race to the bottom, those jobs may disappear. A report by UNCTAD notes that transnational companies encroach on areas over which sovereign responsibilities have traditionally been reserved for national governments. A situation has arisen where many

governments of developing countries no longer control the flow of financial capital; so they can no longer control their own economies.

Globalization has substantially contributed to the intensification of debt, poverty and economic crisis in the developing world. The Structural Adjustment Programs (SAP) designed and imposed by the global creditor institutions is a typical instrument to create a favorable atmosphere for globalization, which ultimately affects developing countries. In order to meet the mandates set by the SAP, a country spends less by cutting back government expenditures, social services, and economic investments so that resources can be placed elsewhere. More money is being spent on export orientation, which results in local economies becoming dependent on the integration with the world economy. The international lenders demand poor economies to divert substantial resources away from sectors serving domestic needs: withdraw all subsidies for poor people, privatize the state sector, deregulate the market, and decrease wages. In effect, this process opens up countries to globalization. Thus structural adjustment programs and import-export-led strategies of industrialization. were part of a

political and economic restructuring process, a prelude to globalization. The advocates of globalization give philosophical justifications to accept export-led growth, lower wages and living standards for workers, shrinking government budgets, and extremely high interest rates.

They say “There Is No Alternative” - TINA, the phrase coined by British Prime Minister Margaret Thatcher in 1980s. Powerful institutions like the International Monetary Fund, the World Bank and the World Trade Organization raise the TINA, argument to persuade the developing nations to qualify themselves to borrow money. The developing countries are left into no option but to accept the liberalization and market-oriented reforms. Under this liberalization policy production tends to be export-oriented. Meeting the basic needs of the people becomes less important. State-run factories or enterprises are often privatized to suit the needs of foreign investors. Free trade and liberalization lead to competition and local producers, like farmers, have to suffer the consequences.

Globalization has created a situation where the role and importance of nation-state is becoming irrelevant. Kenichi Ohmae, widely recognized as one of today’s top business gurus, asks, in a world where economic

borders are disappearing and money flows around the globe beyond the reach of governments, 'who, indeed needs the nation-state?' He argues that 4 Is- Investment (sic), Industry, Information technology and Individual consumers<sup>6</sup> - make the traditional middleman function of nation-states, and of their governments, largely unnecessary. Because, the global markets for all the Is work just fine on their own, nation-states no longer have to play a market-making role. In this situation multinational corporations are becoming the actors even in international politics. A growing trend to promote the idea of recapturing the capitalist frontier and its lost values is more visible through the globalization and market liberalization in the developing countries. It is true that a few rich or middle class people have emerged in societies where transition to market system has been introduced. China and Vietnam are typical examples. In these countries a newly rich class has emerged as a result of globalization and market reforms. Several other Asian countries are also witnessing the emergence of a few - rich and middle class people at the expenses of many poor. These new-rich and middle class are really the products of globalization and they provide the market for imported products and further strengthening the economy

of the developed countries. While analyzing the economic development, social status and political consciousness of the new-rich in Asia, Richard Robinson and David S. G. Goodman observe that it is as consumers that the new-rich of Asia have attracted an interest of almost cargo-cult proportions in the West. They constitute the new markets for Western products: processed foods, computer software, educational services and films and television soaps. They are the new tourists, bringing foreign exchange in hard times. What has helped such an enthusiastic embrace of the Asian new-rich is that they are emerging at a time when prolonged recession and low growth rates have depressed home markets in the West<sup>7</sup>. The emergence of the new middle class and their wealth manifest themselves in the society in several ways. This is more visible through a new emerging culture which Robinson and Goodman describe as Mobile phones, McDonalds and middle-class revolution. It is estimated that 55,000 people a day regularly pass through the McDonalds restaurant in central Beijing (China's first, opened in 1992) - to pay for a hamburger much more than the most Chinese will earn in a fortnight. It was reported that in 1993 a mobile telephone number 58888 containing four lucky eights - was auctioned for

1,30,000 RMB. An ordinary mobile phone itself costs about 25,000 RMB in China to buy, install and register, and there are monthly service and user fees to pay<sup>8</sup>. This McDonald and Mobile phone culture has already spread among the new-rich in many developing countries because of the globalization of markets. Even Cambodia and Bangladesh the world's most poverty stricken countries, are affected. A globalization of taste has occurred in every field of the developing world. Consumer goods like Levis Jeans, Nike athletic shoes, and Hermes scarves are visible all over the world now. A decade ago Kenichi Ohmae described this process<sup>9</sup>, driven by global exposure to the same information, the same cultural icons, and the same advertisements, as the "Californiazation" of taste. He now argues that, today, however, the process of convergence goes faster and deeper. It reaches well beyond taste to much more fundamental dimensions of world-view, mind-set. There are now, for example, tens of millions of teenagers around the world who, having been raised in a multimedia-rich environment, have a lot more in common with each other than they do with members of older generations in their own cultures<sup>10</sup>. Well, one group is considering this an achievement of globalization. On the other hand, the reality is that,

“globalization requires the humiliation of hundreds of millions of people keeping them in constant insecurity, pitting them against one another in a competitive struggle for survival”<sup>11</sup>. The Human Development Report of 1997 says; Globalization can also shift patterns of consumption. Luxury cars and soft drinks can rapidly become a part of daily life, heightening relative deprivation. The pattern can increase absolute poverty by undermining the production of goods on which poor people rely. A flood of imported wheat can shift consumption away from sorghum or cassava, making them scarcer in loyal markets.

Roberto Verzola<sup>12</sup>, a social activist of the Philippines, comments that in the same way that colonization was the trend one hundred years ago, globalization is, today. Today global corporations have replaced the colonial powers. In developing countries, global corporations are allowed to feast on natural resources, human resources, and national wealth. they displace farmers from their land, workers from their jobs, and communities from their roots. They are responsible for the breaking up of communities and the destruction of the environment to serve the human and raw material requirements of global

production for the global market. The consequence is the collapse of food security and the emergence of global environmental crises, which in the end may turn out to be even worse than colonization. Even the peoples of developed countries suffer from the profit-hungry rules of global corporations today, which virtually rule the world. Globalization and market-oriented economic reforms have been designed for the benefit of these groups. In reality, globalization means the rule of global corporations. It means decision about lives are being made in corporate boardrooms in the USA, Europe and Japan, instead of in local community councils or at the national level. National governments are becoming the implementers of orders received from the international actors. This has created a situation of powerlessness and suffering for many in developing countries which results in violation of rights of millions of people.

### **Globalization, Development and Human Rights**

The relation between globalization, development and human rights raises policy and legal questions. One such question is whether globalization of market-oriented economic system is essential for development and protection of

human rights? While searching for an answer to this question we should analyze how we perceive the concept of development and human rights, especially in the context of developing countries. Human rights have become an integral part of the process of globalization in many ways. The Western countries are increasingly using their view of human rights concept as a yardstick to judge developing countries and to deal with economic and trade relations to extend development assistance. At the same time globalization intensifies impoverishment by increasing the poverty, insecurity, fragmentation of society and thus violates human rights and human dignity of millions of people.

Development or economic development is widely perceived as a historical process that takes place in almost all societies characterized by economic growth and increased production and consumption of goods and services. Development is also often used in a normative sense as a multi-valued social goal covering such diverse spheres as better material well-being, living standards, education, health care, wider opportunities for work and leisure, and in essence the whole gamut of desirable social and material welfare. But, in today's globalization, the concept of development itself is interpreted

differently and the concept of right to development is not taken seriously.

The Preamble of the Declaration of the Right to Development, adopted by the UN General Assembly in 1986, describes “development as a comprehensive economic, social, cultural and political process that aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of resulting benefits”. The 1990 UN Global Consultation on the Right to Development as a Human Right, stated that the right to development is an inalienable human right with the human being as the central subject to the right and that all the aspects of the right to development set forth in the Declaration of the Right to Development are indivisible and interdependent, and these include civil, political, economic, social, and cultural rights. It was further maintained that the right to development is the right of individuals, groups and peoples to participate in, contribute to, and enjoy continuous economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized. A development strategy that disregards or interferes with

human rights is the very negation of development.

The aims and objectives of the so-called development models promoted by different governments or international development agencies are not compatible with human rights standards. A new model of development ideology is being promoted that is based on the market and its logic. Several decades of discussion on alternative development model is withering away and a dominant model of market-oriented development taking roots in that place. As a result of the globalization process, more negative effects are visible now. Global integration of the structures, processes, and ideologies produce injustice, oppression, exploitation and mal-development in society. The systematic integration of the forces that are dominant in the globalization process intensifies human rights violations.

### **Development Aid and Human Rights**

It has long been accepted by the United Nations and in most international forums that “developed” countries should provide aid in the form of grants and loans to the developing countries. The General Assembly has, by consensus resolutions,

called for such development aid to reach 0.7 per cent of the GNP of developed countries. Actually less than half of that target has been attained. For example, the United States gives only less than 0.2 per cent, instead of 0.7 per cent.

Overseas Development Aid (ODA) presents debatable issues from the perspective of human rights. For example, it raises the question whether aid should be directed mainly to reducing poverty and providing social services to the needy or whether priority should be given to economic growth and strengthening infrastructure. Another key question of a legal political characteristic is whether the recipient government or the donor state should have a decisive voice. The developing states emphasize their primary responsibility for development of the country and their right to self-determination in respect of the economy and resources. Donor countries tend to emphasize their narrow concepts of human rights as a prerequisite to sanction development assistance. They also emphasize the pragmatic political fact that aid is not likely to be provided if the beneficiary states violated basic human rights. According to Mikhail Assize, human rights have become another arsenal of Western countries in their bid to bring recalcitrant Third World nations

to heel in their New World Order.

The question whether aid should be given to countries where human rights are substantially or systematically violated has been analyzed by Katherine Tomasevski in the following statement.

*Donor governments and agencies are continuously making decisions which country to assist, how much and what for, because aid needs are much larger than available aid. Human rights have entered the already numerous criteria for allocating aid fairly recently. this entry has been neither easy nor smooth because no general criteria have been developed by donors and consequently decisions have been made on case-to-case basis. Moreover, these decisions have been limited to some human rights violations in some aid-receiving countries. Thereby human rights terminology has often been used to justify decisions to provide aid or to terminate it; while human rights criteria - to the extent that there is such a thing in the aid policy of any donor - have been confined to the search for those human rights violations which could justify cutting off aid.*

## **Trade and Human Rights**

Global trade is being liberalized and opened up in this era of

globalization. A set of new rules and regulations have been promoted through international firms like WTO and new initiatives have been taken through the formation of regional economic trading blocs.

At the same time several developed countries in the world have been trying to inter-relate trade policy with human rights policy. Under mounting pressure from the business lobby in the irrespective countries, several Western governments have altered their policies depending up on their business interests. Under the Generalized System of Preferences (GSP) which provides for trade benefits for developing countries, the USA has withdrawn or threatened to withdraw preferences from some countries that violate human rights. The case of China has been controversial, with opinion in the United States sharply divided on the desirability of conditioning trade preferences on compliance with specified human rights. There has been strong pressure from US business lobby against use of the Jackson-Vanik Trade Act of 1974 for denying MFN status to China. It held that talking about “political freedom is not a sound argument for attempting to use the blunt instrument of trade sanctions to win democratic rule for China. Keeping millions of Chinese in poverty by restricting

their right to trade, in the hope of promoting human rights, is neither logical nor moral.

Likewise, depriving Americans of the freedom to trade and invest in China violates their rights to liberty and property”<sup>13</sup>. This is a case of shift in policy based on convenience rather than on ideological convictions or moral principles. On the other hand, some developed countries are pressing for trade sanctions against states found to violate human rights, especially human rights standards that are generally based on the Conventions and Recommendations of the International Labor Organization. They have tended on the whole to oppose trade liberalization treaties such as NAFTA and currently WTO. The developing countries have generally objected to such measures since they would reduce their comparative advantage through cheap labor and constitute a major barrier to their industrialization. From their point of view, workers rights enforced by trade barriers would contribute to greater poverty in their countries.

Drawing on the experience of the “Sullivan Principles” applied by foreign companies operating in South Africa, some activists and scholars have proposed imposing international human rights standards, particularly labor standards, directly on private

companies engaged in transnational activity. Guidelines for Multinational Enterprises adopted by the Organization of Economically Developed Countries in 1976 provided for observance of standards of labor relations by transnational companies. A UN Commission on Transnational Corporations devoted about 15 years of study and negotiation on a draft Code of Conduct for Transnational Corporations that included a general provision requiring transnational corporations to respect human rights and fundamental freedoms in the countries where they operate and more detailed provisions on observance of laws on labor relations and involvement of trade unions. Objections of the USA and a few other countries have prevented its adoption. These are some of the examples of the double standards adopted by the developed countries that profess concern for human rights. The fad is that the economically developed countries are in a better position than others to take the advantage of globalization and at the same time dictate policies and guidelines to increase their bargaining power.

The TNCs which have gained strength in the post-globalization era is the main actor in several developed countries in formulating new foreign policies

to shape a new global order. This trend has been highlighted in a recent study that the emerging global order is spearheaded by a few hundred corporate giants, many of them bigger than most sovereign nations. By acquiring earth-spanning technologies, by developing products that can be produced anywhere and sold everywhere, by spreading credit around the world, and by connecting global channels of communication that can penetrate any village or neighborhood, these institutions we normally think of as economic rather than political, private rather than public, are becoming the world empires of the twenty-first century.

The impact of these global giant's operations have negative impact on human rights. Virtually all developing countries at the present time seek private foreign investment for development. Such investment now greatly exceeds loans or grants from official sources. The growth of Transnational corporations - now numbering about 35,000 with 1,50,000 foreign affiliates - is evidence of the increased role of the private sector and of market economies in developing countries. New technologies have transformed the nature of production and facilitated re-location of firms. Nationalization, once the centre of debate, has now

virtually disappeared from the agenda of developing countries.

The human rights implications of these trends are outlined by an economist, David Korten in the following terms:

*Today the most intense competition in the globally integrated market is not between the gigantic Transnational Corporations, but it is between governments that find themselves competing with one another for investors by offering the cheapest and most compliant labor; the weakest environmental, health, and safety standards, the lowest taxes; and the most fully developed infrastructure. Often governments must borrow to finance the social and physical infrastructure needed to attract private investors. Having pushed almost the entire social and environmental costs of production onto the community, many firms are able to turn a handsome profit. Having bargained away their tax base and accepted low wages for their labor, many communities reap relatively few benefits from the foreign investment, however, and are left with no evident way to repay the loans contracted on the firms behalf<sup>14</sup>*

## **Impact of Globalization on Human Rights**

Globalization has its winners and losers. With the expansion of trade, market, foreign investment, developing countries have seen the gaps among themselves widen. The imperative to liberalize has demanded a shrinking of state involvement in national life, producing a wave of privatization, cutting jobs, slashing health, education and food subsidies, etc. affecting the poor people in society. In many cases, liberalization has been accompanied by greater inequality and people are left trapped in utter poverty. Meanwhile, in many industrialized countries unemployment has soared to levels not seen for many years and income disparity to levels not recorded since last century. The collapse of the economies of the Asian Tigers are examples of this. The Human Development Report of 1997 revealed that poor countries and poor people too often find their interests neglected as a result of globalization. Although globalization of the economy has been characterized as a locomotive for productivity, opportunity, technological progress, and uniting the world, it ultimately causes increased impoverishment, social disparities and violations of human rights. That is what we see today.

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# **Globalization and Its Impact on Human Rights by George Mathews Chunakara (ed.)**

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## **Chapter 6: Globalization and Asian Women, by Matsui Yayori**

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Japan Women's Centre, Tokyo,  
Japan.*

### **Globalization promotes mega- competition among giants**

Globalization of market economy has spread all over the world in the last decade of the 20th century after the collapse of socialist planned economy in Eastern Europe. Globalization, which integrates the world economy through liberalization of trade and investment and deregulation and privatization of business so that the world transnational corporations (TNCs) can operate freely across national boundaries.

Besides, the three pillars of the international economy: the IMF, the World Bank and the WTO consolidate their powers.

Electronic information technology such as computers and internet is playing a key role in promoting globalization.

Globalization is the era of mega-competition, in other words, the competition among giant TNCs which accelerates the race for the bottom to make TNCs acquire more profit by further exploitation of labor including lowering the wages, cutting the welfare benefits, laying off employees, depriving workers of their labor rights, using cheap labor such as casual and even child labor, and also by further destruction of environment. It is the competition in which participants aren't equal and the winner and the loser are predetermined, because TNCs and international financial institutions in the North have such power as the weaker nations in the South can hardly compete.

Under globalization, developing countries have to open up their economy to the more advanced industrialized countries.

Liberalization and deregulation under globalized world economy minimize the role of nation states to regulate and control TNCs for the interests of their own people; on the contrary, governments of developing countries in the South

are forced to serve TNCs from the North by providing various benefits to them. They are also dictated to by the IMF and other powerful international agencies which impose them structural adjustment programme (SAP) at the sacrifice of people.

### **Women workers deaths caused by fire in toy factories**

It is poor women who suffer most the impact of globalization because competition among big corporations cause unemployment and casualization of female labor.

Women workers who are still employed face worsening conditions including extremely low wage, long working hours and labor accidents. They are treated like sub-humans without even minimum labour rights written in the ILO conventions.

At the International Tribunal on Workers' Human Rights, held at the Peoples Summit on APEC in Vancouver in November 1997, a young researcher from Hong Kong testified about the Zhili toy factory fire which killed 87 workers and injured 47 in 1993. It is a Hong Kong-Chinese joint venture located in Shenzhen, southern China producing stuffed toys for the Italian brand name Chicco. According to her testimony, there was no alarm, no sprinklers or fire escapes in the

factory and only unqualified electricians were employed. Three hundred workers, mostly young women, couldn't get out of the factory, because the management put steel bars on windows and kept the doors locked in order to prevent them from stealing or leaving the work site early. Even those who survived with heavy burns didn't get proper medical treatment, nor due compensation from the company.

The toll of industrial accidents, according to the state statistics of China, amounted 20,000 in 1994 and the majority of these tragic cases happened in the coastal regions where foreign investments were concentrated under the socialist market economy. As many as 93 died and 49 were injured by fire in a dyeing factory Zhuhai in 1994; 23 died and 49 were injured by the fire in a lighter factory in Shunda in 1995, and 32 died and 4 were injured by fire in a shoe factory in Fujian in 1997. Most of the victims were young female workers who migrated from rural areas of the interior.

After China opened up to the global market economy and joined the global competition, its most useful weapon is cheap labour, factory owners are trying to minimize any cost including that of workers' safety, due to lack of safety regulation in

foreign investments. In the industrial zones for foreign capital in China, like in other countries, workers are deprived of the right to organize themselves in order to improve their working conditions. Cheap products made in China flooding the global market are manufactured by foreign joint ventures at the sacrifice of numerous women workers. This is the reality of workers behind the strong international competitive performance of China.

However, it is not only in China that blood-stained toys are produced by young women. In May 1993, only a half-year before the Zhili fire, a fire in Kader Toy Factory in Thailand claimed 189 workers' lives and 469 workers were injured.

In Vietnam, Keyhinge Toys, a 100% foreign-owned plant (Hong Kong company), produces giveaway toys for McDonald's fast-food multinational, over 1,000 workers, 90% of whom are young women, have been struggling for their rights to the minimum wage, legal working hours, overtime pay, health and safety measures and the right to organize themselves. However, they haven't got any success; on the contrary, hundreds of workers were dismissed. Moreover, in February 1997, 220 workers became seriously ill as a result of acetone poisoning.

M-B Sales, a US-based supplier of toys to McDonald's, has two factories in China. The working conditions there are so poor that at the factory in Zhuhai, 23 workers were hospitalized due to benzene poisoning and three had died in January 1992. At two other McDonald's toy producing factories in China, several workers were victimized by chemical poisoning, but they were not compensated.

In Thailand, women workers, including child workers, are extremely maltreated at Eden Factory, a European joint venture, which manufacture world-renowned Mickey Mouse toys for Disneyland.

The plight of women workers of toy factories is only the tip of the iceberg. It is caused by competitive market economy without regulation for the protection of workers. It is always the weakest sector of society that is most severely affected by global forces.

Facing such extreme form of inhumane treatment and exploitation of workers who produce world-brand toys for the global market, independent labour unions, human rights, women's and religious groups in Hong Kong have launched Toy Campaign with the slogan "Stop Toying with Human Lives!";

people in the industrialized countries in the North joined the campaign in various forms.

### **Global march against child labour**

On the 17th of January 1998, the streets surrounding Quezon Memorial Circle in Quezon City of Metro Manila, the Philippines, were filled with 15,000 child workers and their supporters from all over the Philippines, and also children from India, Nepal, Indonesia, Thailand and Cambodia in their ethnic clothing were also marching together, shouting “Stop child labor!” “Go Go Global March!”. It was a kick-off of the Global March against Child Labor which will last for six months involving over 700 organizations in 97 countries of five continents. It is the largest social mobilization ever organized on behalf of the 250 million child laborers around the world who are forced to work for survival.

In the Philippines, according to a 1995 survey, 3.6 million children between the ages 5-17 are working, which is 15.9% of the child population. Nearly two-thirds of the working children are in farms. There are 216,000 young child workers between the ages 5-9 who are working in order to help their parents cope and survive, and among them 2.2 million children are in hazardous

and exploitative forms of work, including mining, quarrying, fireworks production, deep sea fishing, domestic work, commercial sexual exploitation, scavenging, stevedoring in ports, and sub-contractual labor.

Abrelia Pablo, 13 years old, works from 6:30 in the morning till 9:00 p.m. at a factory in Cotabato, southern Mindanao. While new at work, the tips of her fingers were cut by machines in the factory which had no machine guards. She receives Pesos 600 (US \$15) per month with free meals and housing. Joseph Jalmon, 7 years old, fetched water from a nearby spring filling four to five gallons which he would load to a waiting small fishing boat. He earns Pesos 2.00 per gallon and tips.

Children have to work because of various reasons. The Philippine organizers of the Global March mention following: widespread poverty and social inequality resulting in the erosion of the family's capacity to nurture and protect children, the rise of informal economy requiring simple skills and technologies, globalization of capitalism where underdeveloped nations provide the rich with cheap labor, disrupted family patterns due to migration, AIDS, etc. and inadequate basic services from government, including education,

due to cut of the state budget of non-profit sectors to follow structural adjustment programme dictated by the IMF and the World Bank. The increase of child labour in Asia is apparently caused by globalization.

“Only global pressure on governments, employers and communities can begin to turn the tide against exploitative child labor. When I see the tremendous support the Global March has received, it becomes certain that the 21st century is not going to flourish at the cost of the sweat and blood of children, said Mr. Kailash Satyarthi, of India, the inter-national coordinator of the Global March, who had originally conceived the idea and proposed it to NGOs worldwide working on children’s human rights. There is another serious issue of children: the increase of street children which is also an impact of globalization. Many of them are also working children in one way or another. Globalization, which causes the aggravation of poverty, forces millions of children to live in streets, because their families cannot feed or support them.

### **Feminization of international labor migration**

Globalized capital which moves freely across national borders to optimize profits requires, cheap, controllable and expendable

“global workforce”. Thus, migrant labor has become an essential part of the global free market system. It is said the number of overseas migrant labor has reached almost 1 billion, the largest number in history. People in such huge numbers have to leave their countries for survival.

Among increasing migrant workers, the percentage of women is growing remarkably: in case of the Philippines, the largest migrant labor exporting country, some 65% of overseas migrant laborers are women. In Hong Kong, some 100,000 Filipino women are working as domestic workers, in Singapore some 60,000 Filipino women. They often have to face non- or under-payment, physical or sexual violence by employers or their families.

The case of Sara Barabagan, 16-year-old Moro (Muslim minority) woman from Mindanao, illustrates the plight of female migrant workers. She was sentenced to death for the murder of her employer in a Middle East country in 1995. It was reported that she was threatened with a knife and raped by her aged employer; then she wrested the knife from him and stabbed him many times. Her case drew the attention of the whole world, voices of protest and support arose in many countries, Filipino

women demonstrated at home and in Hong Kong as well. As a result, Sara's death sentence was reduced and finally she was released to return home. Sara is only one of the many victims of abuse of Asian female migrant workers.

The number of Indonesian domestic workers in Hong Kong has been increasing as well. Consequently, more and more Indonesian women come to the Asian Migrant Centre to seek help. The booklet "No Other Place to Go", published by the Centre introduced the results of interviews with Indonesian and other foreign domestic workers, pointing out that, in addition to the problems shared with male workers such as unpaid wages, overwork, no days off and passport confiscation, women workers face unique problems, such as sexual violence at the hands of male employers and family members and other human rights violations. The globalization of migration is accompanied by feminization of migration especially in Asia.

Japan is a recipient country of migrant workers but most Filipino women migrate to Japan as entertainers, because the Japanese government sticks to the policy refusing to accept any unskilled foreign labor. Filipino women began to come to work since the

early 80s and its number increased dramatically. According to Immigration statistics, the number of Filipino women who have been to Japan holding entertainers' visa in the last twelve years (1985-1996) was over 400,000. Even though they are supposed to work as entertainers such as singers or dancers, many of them are forced to work as hostess in bars or even to do prostitution in the expanding sex industry all over Japan. They face all kinds of violence and exploitation.

Since the early 90s, the new issue has been highlighted, that is the sudden increase of Japanese Filipino Children (JFC). A large number of JFC, abandoned by Japanese fathers live in the Philippines with their mothers in poverty and with hardship. Citizens' Network for Japanese Filipino Children was formed in 1994 and it opened its Manila office "Maligaya House" in January 1998 for helping JFC, and their mothers to solve legal and other problems. This is the problem of the second generation of female migrant workers; an unavoidable result of feminization of migration.

### **Sex trafficking of women**

In August 1997, I visited Thailand as a member of Women's Study Tour organized by Asia-Japan

Women's Resource Centre and in September, Myanmar (Burma) as a resource person of a human rights training course. The main objective of our study tour was to see the background of growing sex trafficking of Thai women into Japan and other countries. It was shocking to see the sheer poverty in the villages, especially hilltribe areas, which showed dramatic contrast to accumulation of wealth and prosperity in Bangkok.

The economic growth of Thailand on macro level has been remarkable with more than ten percent annual GNP growth since the late 1980's until the sudden currency crisis which started in July 1997. However, in the rural areas in the northeast and the north, there is a totally different world where people suffer from economic deprivation and environmental destruction - in other words, all kinds of human rights violations.

It should be mentioned that Thailand has developed its economy under globalization, adopting quite a liberal trade and investment policy without regulation and inviting huge foreign capital to produce goods for export to the global market. As a result, it has been seen as a model economy promoting the world growth centre of East Asia.

However, the Thai government has hardly implemented any social policy towards rural and hilltribe people for equitable distribution of the wealth accumulated by its quite liberal economic development policy. The type of economic development in Thailand has widened the gap between the rich and the poor and the urban and the rural. The income gap between the capital and the Isaan, northeastern region, is reported to be ten to one, and that between Bangkok and the north eight to one.

As a result, poor farmers and hilltribe people have to sell their young daughters to the sex industry; the age of these girls are getting younger and younger, because the fear of AIDS has increased the demand for younger, safer girls not yet infected with HIV. However, it is reported some 70% of these girls get HIV within one year after they are put into brothels. The total number of people infected with HIV has reached more than one million in Thailand. Girls are dying from AIDS every day in many villages and many AIDS orphans are left due to the spread of HIV to mothers.

In recent years, transborder sex trafficking has been accelerated, and more and more Thai women are sent abroad by trafficking

organizations: Japan is the country receiving the largest number of trafficked women from neighboring Asian countries and they are treated as sex slaves. As a matter of fact, the sex industry is the most deregulated industry without any rule or much less code of conduct whatsoever which can use anything as commodities, even women's bodies, just as British slave merchants did to African people in the 18th century.

In the market economy based on competition, everything is commodified including human beings, and women's sexuality is traded as the most profitable commodity. Actually, these victimized Thai women are bought and sold at a price of 4 million yen in Japan.

It is not only Thai women but also young girls of neighboring countries that are trafficked into Thailand. According to a Thai NGO working on children's rights, some 40,000 to 50,000 Burmese girls have been sent to Thailand and even more brutally abused than Thai girls at the bottom of the prostitution industry. Some 80 to 90% of them got HIV, due to their extremely weak, low status and little knowledge of self protection in brothels. Those Burmese girls who got AIDS and became useless for brothel owners were

sent back to Thai-Burmese and Thai-Chinese border towns by garbage trucks and just dumped there and left to die. Even if they managed to reach their families, they were often left outside their houses to be fed like dogs until they die, because of ignorance of and fear for AIDS on the part of family.

Girls of southern China, Cambodia and Laos have been also victimized by growing sex trafficking in Asia. As soon as their countries opened up the economy to the outside world, poor women and girls were targeted as the easiest means to make profit at the growing global sex market. For the young girls who are used as sex objects and infected with HIV to die so young, globalization of the market economy is really violence against them.

### **Globalization is threat to food security and environment**

Farmers, fisherfolk and indigenous people, especially women producers of food and other primary products suffer from the globalization in most Asian countries.

According to the World Bank report, some 2 million people were forced to leave from their land because of huge infrastructure development

projects funded by World Bank from 1986 to 1993. As many as 80% of those displaced were in Asia.

Those mega projects which take land from people include dams, seaports, airports, highways, bridges, industrial estates, golf courses and other types of resort, prawn farming and all kinds of plantation. All these gigantic development projects have been promoted by TNCs in collaboration with local governments. The Asian region, the growth centre of the world, has been the main target of such mega development projects.

The issue of displacement is getting to be more and more serious. People have to fight against land grabbing. It is often women who are in the forefront of such struggle to protect their land, because they are the main producers of food and other daily necessities and they have to defend their livelihood.

In Batangas, some 100 km from Manila, the Philippines, more than 1,500 houses were demolished in 1994 for the Batangas Port Development Project funded by Japan and other international financial agencies. The aim of expanding the Batangas port into an international port is to facilitate establishment of TNC factories in

the nearby industrial estate.

The people there, led by a woman mayor, resisted for years but finally an armed police force came to destroy the community. She questioned, "Such development project is for whom? It is development invasion, isn't it?" However, she didn't give up. She organized several hundred families who refused to resettle in the far away area provided by the government. They are now building a new town nearer their workplace.

In Isaan, the northeastern region of Thailand, was converted from an agricultural area that produced food for self-consumption to a cash crop producing area under the government policy of promoting export of agricultural products to the world market. As a result, the vast area of tropical forests has been destroyed to develop huge plantation of corn, tapioca, cotton and other commercial products. Farmers are indebted and forced to even sell their daughters for brothels, because of the decline of the international price of primary products.

On top of that, the Government started the greening policy by planting eucalyptus trees. It is the kind of tree which grow very fast and can be used as pulp chip to make paper. It is an export

product to developed countries which consume more and more paper. Therefore, the vast farm land was taken from farmers to open up eucalyptus plantations.

Facing such reality, farmers organized a struggle to protect their land. In many villages, it is women who fight in the forefront and confront the military and the police. One woman leader of a village near Royet in southern Isaan questioned, 'We never stop fighting until we get back our land. We want to grow trees by ourselves for our own use, for example fruit trees. We need basic food to live on. Why do we have to cultivate which we cannot eat for export to the rich country?'

In southern Thailand, the vast coastal zones are now used for prawn and shrimp cultivation for export. Fisherwomen are resisting such development projects because their fish catch has decreased due to the cutting down of mangrove trees and the pollution of the sea by chemicals discharged from prawn farms. A woman in a beautiful fishing village near Trang, in the southern border area, was trying to recover the coastal environment and said, 'Don't eat too much shrimp, please. Why do we have to lose our traditional peaceful life in such a way?'

Actually, prawn cultivation has

spread all over the coastal zones in Asia. It is not only fisherfolk but also farmers that are affected, because their farmlands are taken away and used as prawn and fish ponds. In Bangladesh, tragic incidents have taken place in last several years in the coastal areas in the south. According to a testimony at the Asian Women's Tribunal held in Bangkok in 1994, a group of women farmers had taken out a protest march to the developer of prawn farms, shouting "Don't take our land!" The developer sent a team of armed men and they fired at the demonstrating women. One woman was killed and several were injured.

The tragedy was caused because the Bangladesh government promoted prawn cultivation together with the World Bank and the IMF as a part of the structural adjustment programme to earn foreign currency. In one of the poorest countries where the malnutrition rate of children is very high, due to lack of enough food, people are not allowed to produce their own food. Instead they are forced to cultivate food for export. Women and children are losing their lives by both starvation and violence in the name of development.

Thus, globalization threatens food security and destroy the environment and causes people

extreme pains and agony.

Asian Women resist globalization and search for an alternative economic system.

No matter how powerful the force of globalization, women should not surrender and accept it. It is the hidden intention of global forces such as TNCs and international agencies to make the people feel that globalization is inevitable and there is no alternative to it and it was of no use to resist it. They try to make the people feel powerless. However, ironically, the unprecedented scale of human suffering and misery caused by harsh mega competition, liberalization of trade and investment, in the era of globalization motivates millions of victimized people to resist and fight back for survival and human dignity.

It is women who are taking the lead in this global struggle, because feminization of poverty, violence against women, dehumanizing treatment of women and all other forms of pains imposed on women drive them to fight back.

The negative impacts of globalization such as deregulation policy are also felt by women in developed countries. In Japan, women workers are put into even

more disadvantageous position due to deregulation policy to deprive protective measures and make more casual labor. In the competitive business world, women's reproductive function is considered a burden, and, as a result, gender discrimination in workplace is perpetuated. Therefore, Japanese women have formed a coalition against such deregulation policy.

In many countries in Asia, the women's movement is getting stronger and stronger. Their power was clearly shown in the World Women's Conference at Beijing. Many women have broken silence and begun to take action. It is vitally important to strengthen the global women's movement based on local action and with perspective for the 21st century in order to confront and break through global force.

The growing women's movement in Asia has to take up many challenges. One of the most important tasks is to achieve true participatory democracy in order to force nation-states to accept more accountability vis-à-vis global forces for the interests of their people. Women should be empowered to democratize the state, society, workplace and family.

Secondly, women have to change the global consumer culture such

as “McDonaldization” and recover diversity of lifestyle and values. Consumer goods traded by TNCs are causing pains to millions of women and children who produce them, like toys. It is so important to create feminized culture based on caring, nurturing mutual help and change the prevailing masculine culture of competition, efficiency and power greed, which is the culture of globalization.

Thirdly, women’s groups in Asia should work close together in searching for a new vision for future, because it is apparent that the world in the 21st century should not be like the one we live in now. We need to create an alternative society based on gender justice, ecological sustainability and local-global democracy. Asian women should have the confidence to change their own daily lives and the world by supporting one another. Only global women’s force can overcome global market force.

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# **Globalization and Its Impact on Human Rights by George Mathews Chunakara (ed.)**

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## **Chapter 7: Some Ethical and Theological Reflections and Considerations, by Feliciano V. Carino**

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of the Christian Conference of  
Asia, Hong Kong.*

### Introduction

Some disclaimers and clarifications are appropriate at the outset. I have in fact tried to get myself out of the assignment of preparing this paper.

Unfortunately for me, and perhaps for you, by the time I came about to doing this, it was too late to look for alternatives. Apart from the pressures on my time, which have been quite heavy as we prepared for the various events in the life of CCA, one of the

reasons for this is the fact that there has been a tendency, perhaps even the assumption, that by virtue of my position in the Christian Conference of Asia (CCA), what I say on any given topic indicates official position. This, of course, is not so, and I want to make it clear from the beginning, in this context. That what I say on this subject does not represent official position or even any sense of consensus in the CCA or in the ecumenical movement. It is important to note this because of the fact of the matter is that while there have been strong positions indicated by many about 'globalization', I do not think that there is yet either a consensus or agreed position about it, specially on the ethical and theological plane. On the contrary, 'globalization is something that is yet unfolding in various ways and myriad forms so that I find it both presumptuous and premature to be making final theological or ethical judgments about *as a whole*.

I underscore *as a whole*. I do not in fact like the term 'globalization'. It is an abstraction, the frame of reference of which, I have noticed in reading some of the literature, changes depending on who uses it, what intellectual tendencies he or she represents, what academic discipline he or she comes from, and specially what political

persuasion, inclination or group he or she belongs to. I note this with particular importance because one of the dangers, which, I hope, the ecumenical movement and the churches should avoid, is that of being “sucked” into the glib use of this word as part of the rhetoric of “political advocacy”, or as a euphemism for things we do not like or have been opposed to in the past. This, you will note that I put the word in quotation marks, although for the purpose of facilitating writing, I will withdraw the quotation marks from hereon.

What I present, in this light, are personal reflection and considerations; personal, although I do not think they are private. There are, I am certain, many who share some of what I have to say. It is important, however, to note that they hold no institutional, certainly no ecclesial, imprimatur. I present them as a “student” and as an interested observer and participant in the life of contemporary church and society. I myself do not give them “finality”. They are only “reflections” and “considerations”, contributions for our common endeavor in understanding ‘our’ world, and what it means to be a part of the Church of Jesus Christ in such a world. “Understanding our world” and “what it means to be a part of

the Church of Jesus Christ”: these to me constitute what is involved in “ethical and theological” considerations so that I hope that as I try to “understand”, and to share the life of the Church I know and experience it, I am doing “ethical’ and “theological” considerations. Ethics and theology, in this sense, are not outside of analysis and understanding; they are within it. In understanding our world in whatever way we do it, we are engaging in the first, and, in my view, the most important, step of ethical and theological reflection. I will say some more on this at a later point of this paper.

Some basic considerations and observations from an ecumenical perspective I proceed then with what I consider to be some basic considerations and observations about globalization, which are gleaned from the ecumenical “perch” on which I stand.

Globalization has become one of the “in-words” of ecumenical discussion and concern in recent times. There are not very many ecumenical events that take place nowadays that do not touch, in some way, on this issue. Within the CCA, there have already been numerous references to this subject in activities of various Program Units. In the projections of “joint work” with the World Council of Churches (WCC)

which has begun to be set up, another Consultation is scheduled, perhaps wider in participation and scope than this one, to be held in New Delhi in September, in connection with the celebration of the “jubilee” of the founding of the WCC. I know of so many other insinuations of all kinds of meetings and consultations on this subject that are being floated around in various ecumenical circles, specially those within the ambit of the work of the WCC. The Federation of Asian Bishops’ Conferences (FABC) held a Colloquium recently on “Being Church in the 21st Century” and placed this within “the context of globalization”. Whether these various events are saying particularly new or with any significant impact, or are only being redundant is a matter about which I withhold comment. It is nevertheless important to note the sudden burst of attention that is being given to this subject.

When used in the historical terms with which I prefer to use it, globalization in so many ways sums up the dominant and encompassing reality (note that I underscore this word) of the collective life of people and nations in our time, so potent and full of issues and questions for or against human development, so that it presses upon everyone who wants to make sense of the times in which we live, or who wants to

be concerned about “keeping and making life more human”. It is in this sense that it is an issue of ethical and theological consideration and concern. It is also in this sense that I consider it the key and critical reality and component of the “turn” and transition to the 21st century and the new millennium that we need to approximate and deal with.

I am tempted to refer to it as “the great new fact of our time”, the words that, some of you might recall, William Temple used to refer to the birth of the WCC in 1948. I have demurred in doing so precisely because I really do not think it is “new” even when I think that it is indeed one of the dominant “facts” of our lives. Globalization is not new. It is not something that has come about only in the last few years, for examples, as if it came about only after the “end” of the so-called “Cold War”, or the so-called “collapse” of the Soviet Union and the other Eastern European socialist societies. It is in fact a process that has been doing one for centuries, a process I might add that involves the incessant unfolding, with all its creativity and contradictions, of the human spirit into the wider horizon of history. It is a process that has involved various levels of human invention, expressing itself mainly in the development of technology and various other

fields of human knowledge and endeavor, and I should add emphatically the various stages of human *hubris* that has expressed itself in the oppression and conquest of peoples by other peoples. Thus, as Robert Heilbroner has noted (see The Future as History), it is a process that has been involved in and accelerated by the expansion of the West and what has emerged as a result as “world history”.

All of these, as I have already noted, are ethical and theological in themselves. If particular theological consideration, however, is the fact that in this emergence of what Heilbroner refers to as “world history”. Christianity and the Christian Church, and in particular, Christian mission, have been a significant part. Christianity is inherently global”. The first “ecumenical council” that met in Jerusalem dealt as you might recall with what is known as the “Jewish question”. It decided categorically that Christianity is not a wing of the Jewish faith so that one has to be a “Jew” in order to be a Christian. Christianity is “universal”, it is about and for all people. It is not ethnic or nation-bound. Its disciples are to “go into all parts of the world” in order to “make disciples of all nations”. All the creeds of the Church are “global oriented”. They are about “one, holy, catholic and

apostolic” faith. In the modern period, the pioneers of the modern ecumenical movement were part of the modern missionary movement that spoke of going to “all the regions beyond”. Nearly a hundred years ago, at the end of the 19th century, John R. Mott, one of the “fathers” of the modern ecumenical movement, looked at the world and of the coming 20th century and confidently spoke of the “evangelization of the world in the present generation”. Until now, the United Methodist Church in the USA has a “Board of Global Ministries” from which some of us receive money or apply for scholarships. The United Church of Canada has a “Division of World Outreach”. Until recently, the WCC had a ‘Commission on World Mission and Evangelism’. The CCA is a regional body that is part of the “one, worldwide ecumenical movement”. In short, Christianity and the ecumenical movement which is part of it are “global” in nature and scope and they are “global-bound” and “global-oriented”. I do not mean to “rub this in” too much, I have, however, been theologically amused and intrigued by those in the ecumenical movement who have so negatively and critically spoken of “globalization”, when all of the time they exude and embody all of the elements - intellectual, cultural, ideological, economic and religious - of a “global mentality” and a “global

outreach”. Both Christian ethics and Christian theology are “global bound” and, therefore, are neither strangers to nor should be intimidated by the process of globalization that is now part of the common life of the world. We have been part of the making of this world, and if globalization, after all, is something which should not be going on, then our first theological act is that of “metanoia”, of “turning around” what we ourselves helped to create or “turning around” what we have in fact already become and which many of us, I think, enjoy.

Globalization strikes us now so strongly as we come to the end of the century and the millennium, not because it is new, or something that suddenly crept on us in some sinister way (like some people in the United States used to speak of “creeping socialism”!). Many of us are now jumpy, if not panicky, because of the astounding and dramatic form and pace in which it has accelerated and come upon us in the last few decades, and because of *the manner in which it has taken place under auspices other than ourselves and outside our political, ideological, and religious control*. It has startled us in so many ways, and while some of us are quick to make moral and other judgments, I suspect that above all it is something that

frustrates and overwhelms because it seems to go on no matter what we say or do, and because of the overpowering and almost inexorable way it has already swept and will continue to sweep over various parts of our lives. How do we live in a world where neither our faith nor our visions control the things that go on? As I see it, this question is one of the key theological considerations we have to face in this context.

It is in this context that I have said before and I say again that globalization has become irreversible. In fact, it is not only irreversible; its pace of acceleration is astounding. Its technology is now in place and has settled in; it is developing very fast, much faster than we can both image and use, and in a manner that has been both amazing and perhaps unprecedented, it has become so accessible in a way that in so short a time it is in the hands of so many people in so many places. This is specially true in its technology of communication and instruction. People now communicate and convey information globally, and there is a generation of people who will soon assume responsibilities in a world that to them has always been global, people in short who have known no other world than this new world of global outreach.

Thus, its institutions are growing everyday as well. The geography of mind and life has simply expanded beyond our anticipation, and control. In short, globalization is reality; it is fact. Like industrialization, once it has begun to settle in, it moves and becomes “fact of life”. As Msgr. Darmuid Martin of the Pontifical Council for Justice and Peace has rightly put it, the emergency of worldwide webs of rapid and inexpensive communication in its various forms is as “revolutionary” and definitive in its impact as the emergence in the past of the proverbial “wheel” or what used to be the astounding steam engine. Once it is discovered, invented and put in play, that is that. Beyond its use, it brings consequences in the way we live, the way we think, and the way we work. A new outlook begins to develop and form a new phase” in the life of the world. It is in this sense that I consider globalization as one of the major parts of the reality of our lives and of the common context in which we journey together towards the new century and millennium. There is no question in my mind that this reality and this process will grow and intensify at a pace even faster than we have already seen as we move further into the next century.

That it is irreversible does not mean that it is simple or can be

dealt with simplistically, or that it is unambiguously creative and positive in its manifestations. Like any new and significant development in the life of the world, globalization is a process that brings in its trail equally unprecedented and new dimensions of human suffering. There is much in current ecumenical thinking that has pointed rightly to its dangers and negative consequences. Some, for example, have noted that far from being inclusive, globalization has in fact instituted new and firmer lines of exclusion, marginalization and differentiation. Many in this context have pointed very strongly to the “growing gap between the rich and the poor that has ensued whether this is experienced locally, nationally or internationally, and how the “open and borderless world of economics” that has emerged has destroyed local and national economies and created conditions for the untold new sufferings of people. Others have noted that globalization has underscored and strengthened global control by old and new centers of power, economically, politically or even culturally and religiously. Still others have noted the impact of globalization on the environment and have raised in more pointed ways issues related to sustainability and ecological health. Many also have raised in more pointed ways issues related

to sustainability and ecological health. Many also have raised questions about the impact of globalization on the condition of women, on gender issues, on questions of migration, and as we are going to be discussing in this Consultation on the situation of human rights. The issues are familiar, I am certain, to all of us. I do not mean to exhaustively list them here or even to try to deal with them in substance. Suffice it here for me to indicate that these provide further ingredients to what clearly is an overwhelming but certainly not a simple historical reality.

### **Some ethical and theological considerations and reflections**

What ethical and theological considerations may be offered in this context and in the light of this reality which we call globalization?

I start with what I do not want to do and what I think must be avoided. In so many instances and in so many places in which I have been involved or shared in the discussions of globalization, I have noted that globalization has been converted by some into some kind of a “morality play”. Here, we are dealing with what is “good” and “evil” and the question we need to answer is whether or not globalization is “good” or “bad”, something that

people or the churches should be for or against. There are no ambiguities, no gray areas, only either categorical expressions of its goodness or direct allusions to its sinfulness, and the actions that must follow from either. There is a suspicion, or maybe an ideological hangover on the part of some that like many other phenomena in the past, globalization is a sinister effort of ensuring that the rich stay rich, or indeed get richer, and the poor stay poor or poorer, and therefore to maintain the present centers of hegemonic interests. That there is something of this going on may be true, in the same way that this has been a factor in the development of human history and societies in all of history and in all societies. Some have suggested as a result that Christians must “evangelize” globalization, or stop and dismantle it, or organize a “revolution” to counter it. I should say at the outset that I am averse to these perceptions, and to use the words of one of the Encyclicals, I consider these as *futile efforts*. In my ethical and theological perspective, futility like *hubris* is ethically and theologically unacceptable.

I start from another point of enquiry. What I have been suggesting in what I have said so far is that far from being a simple or simplistic “moral” or

“ideological” play, globalization is a very complex and still rapidly evolving historical process and reality. Like any such significant new historical reality that has come into motion now and in the past, globalization embodies and confronts us with benefits, opportunities, challenges, risks, dangers and oppressions not just for some but for all sides involved. Globalization in fact has unleashed a social revolution the significance and impact of which is at least as much as those that the Industrial Revolution which took place in the last century brought about. It is affecting not just economies and nations, but also lives and human relationships. It is changing and will change the nature of work and leisure. It will have its winners and losers. It will bring integration and marginalization. It could make the world a village, it could bring every village into the world. Some will, of course, suffer more than others, or benefit more than others, but all will be affected in some way. Much in fact will depend on how it will evolve and how it will be channeled, although there is also a sense that globalization will take a course of its own, following as it were its own rules.

It is for this reason that I consider it the first and primal act of ethical and theological consideration what the well-

known theologian of the “phenomenon of man”, Pierre Teilhard de Chardin, refers to as the responsibility of “seeing”, of being able to “understand” the “phenomenon” and the “facts” of history and human development that are taking place within the wider spectrum of the movement of the human spirit to move beyond where it currently stands into a different and perhaps higher level of its manifestation. This is what I was referring to earlier when I noted that “understanding” is at the heart of ethical and theological consideration. It is not moral prescription or advice, but what Teilhard notes as the “elaboration of ever more perfect eyes within a cosmos (and world) in which there is always something more to be seen”. This “elaboration of more perfect eyes” include in Teilhard’s view a sense of spatial immensity, of depth, of “number” and of proportion, of quality, of movement, and lastly of linkage and solidarity. These take on such significance in a world where we are overwhelmed by an incredulous array of new knowledge and discoveries, of new comforts but also of new misery and suffering, and where we are confronted by incalculable demands upon our commitment and goodwill. Here, I think, the ecumenical movement has much to undertake and to do. In my assessment of the ecumenical agenda which I presented in

Bangkok in 1996, I already alluded to the need of deepening and increasing “analytical capability” as one of the primordial necessities of social witness in our time, and how this is so important at a time when ecumenical social thought seems to have reached a “dry spell”, where it has become in fact thin and redundant, and therefore a point where it has lost much respect.

The issues upon which this “elaboration of seeing” needs to be focused are vast, challenging and crucial. They include the challenges of modernization and tradition, of political community and plurality and the nation-state, of markets, wealth and human development, of religion and society, of technology and science, of the economy in a “borderless world”, of the instruments of international justice and governance, of war and peace of human dignity and human relations, of economic growth and sustainability, and many more - some new, some with new nuances, and some that are holdovers from our common past. What in fact do we expect to happen as a result of our involvement and participation in economic, social and political life? What new dimensions of economic, social and political thinking are we contributing or are we stuck with the old

prescriptions and formulations that may have become moribund and stale? Are there in fact adequate ethical, theological or Biblical resources that can give “light” to the critical issues that face us?

All of these pose to us something that for quite some time in the ecumenical spectrum we have not talked about, namely, what one of the prominent theologians and social analysts of our time refer to as ‘the ironies of history’. As I have noted above, what does it mean for us to live as a community of faith in a world that is not within our control, and in a history that is not of our making? The fact of the matter is history is not in our hands, certainly not entirely or primarily in our hands. It is made elsewhere often by multifarious forces and agents that may be hostile to us, alien to our concerns or even contrary to the directions where we want to go. “The road to hell”, as the saying goes, “is paved with good intentions”. And we know too well that history is not always the result of “good people” exercising “goodwill” but often of “evil people” producing deeds of good results. What does it mean for us to witness to the realities of our faith, to the universality of our fellowship and of the human family in such a context of historical ambiguity? I consider this important because as a

religious community we are not now, and I doubt very much, specially as we move to the next century, that we will ever be a major actor in the emerging major streams of historical development. Here, as it has been at many other major “turning points” of history, we need that “openness” and humility of heart and mind this is capable of discovering and recognizing “Divine presence” in forms and guises we have not expected, and in places we have not anticipated and foreseen. Whether we agree with it or not, we need to hear, I think, once more the words of a prayer uttered by one of the outstanding Christian social thinkers of our time, “O Lord, give me the courage to change the things that can be changed; the serenity of heart to accept the things that cannot be changed; and the wisdom to distinguish one from the other”. Our tasks should be understood more humbly, and more as servants rather than as ideological taskmasters of a presumed misoriented world.

This leads to a corollary point that is often equally difficult for us to assume. Globalization as a historical process and reality pose in very strong terms the challenge of mobility and plurality. First, globalization expands the horizons and ingredients of choice. It increases the pace and broadens the areas of human

knowledge, know-how and capability by making available a wider variety of human experiences whether social, technological or religious. Globalization breaks parochialism. Second, globalization requires a greater degree of adaptability to the larger variety of human possibilities and capabilities that is made available. Third, globalization increases the pressures which the impact of this broadening of choice brings upon the institutions of any given economic, social or political order. Such pressures are patently part of our contemporary world, for examples, the pressure for innovation, for mobility and adaptability, for accessibility and communicability, and for a greater pace of decision-making. Plurality, not singularity, whether of perspective, of products, or of methodologies of performance, is its hallmark. It is for this reason that globalization is socially, culturally, religiously threatening and has engendered what one sociologist calls “ethnic and cultural protectionism”.

Having all of these, I end with what I consider to be the central and decisive word that must be said theologically about globalization. It is to me one of the basic affirmations of our faith, namely, the universal and global character of the human family that is created by God. Again, as

Msgr. Martin has noted rightly. “the fundamental global reality is the human family”; the reality of men and women around the world, beyond national, confessional, ideological, racial and religious boundaries who we believe are created in the image of God, redeemed by God’s grace in Jesus Christ, and to whom the task of making and keeping the harmony of all creation has been entrusted. From this decisive affirmation, we can receive some of its positive ingredients as a new possibility for human improvement, without romanticizing it as the apex of all good. From this affirmation, also, we can note its debilitating effects and inequities without demonizing it, as if it was the new expression of “satanic” intentions. It is neither the paragon of economic development and human progress nor the epitome of evil. As I have already noted, there is, to me, a sense in which the Gospel is “globalization oriented” and the Church is a natural actor and native resident in the global theatre. Indeed, by its own affirmations, the Church is sign and symbol, seal and sacrament of the unity of all humankind, in each place and in every place. It is for this reason that in the Church’s teachings and highest traditions we find that I consider to be our meaningful contribution to the emergence and foundation of a global community: the dignity of the

human, the unity and universality  
of the human family, and the  
common human responsibility for  
all of creation.

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# **Globalization and Its Impact on Human Rights by George Mathews Chunakara (ed.)**

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## **Chapter 8: Globalization and Liberative Solidarity, by K. C. Abraham**

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Globalization is the magic word today. Economic development in the Third World countries, we are told, is possible only if they link up with the global economy through the global market. Globalization is also a cultural as well as political reality for many. Ecological crisis, information technology and other aspects of modern life know no boundaries. They are global issues. Therefore it is not surprising that theological thinking and mission praxis in recent years is influenced by globalization. The euphoria with which it was, greeted by many theological colleges in the USA

indicated its importance for theological education. This paper is an attempt to analyze the phenomenon of globalization and to raise some issues that are pertinent in facing its challenges. It suggests a model of Christian response, liberative solidarity, that is rooted in the experience and spirituality of the poor and the message of the cross.

## **I. Globalization an analysis of the phenomenon**

Modern communication has converted the world into a “global village”. Television brings into your living room events in far-off lands, drawing you closer to the gruesome war in Bosnia or the tribal massacre in Rwanda. Air travel is fast. You have your breakfast in one continent and lunch in another. And there is hardly a major city in the world which cannot provide you with a Chinese restaurant, a hamburger or a Japanese motor car.

Political and economic changes that take place in one corner of the world affect the life of people far away. Seldom do we realize that a drop of a few cents in the stock market in New York has drastic effects on the economy of major cities in the Third World. A decision of the USA not to purchase raw rubber can unsettle the economy of Malaysia, for example.

We may briefly mention three aspects of this process as they are pertinent for our discussion:

(a) The process is an inevitable consequence of certain historical as well as structural factors at work in the last 300 or 400 years. Travel across the sea provided

opportunity for closer relations between countries.

Travel was not for pleasure or adventure alone, but also for trade. Spices, minerals and other commodities of Asia and Africa created new trade routes from the West to the East. Soon they needed to be protected from competition from rival powers. Slowly colonial powers began to exert military and political control over most of the countries in Asia, Africa and Latin America. This colonial rule, as is well known, provided the cheap raw material for the industrial expansion in the countries of Europe and a ready market for their furnished goods.

(b) The process of globalization from the beginning was fraught with competition, conflict, domination and exploitation. Certainly there has been exchange of ideas and customs between peoples of different countries. And this has been mutually beneficial. But the ambiguous character of the process of globalization is quite obvious.

Colonialism is perhaps the most blatant form of exploitation during this period of globalization. Several consequences of colonial rule are now well-known. It is now evident that the industrial development of the West would not have been possible without the cheap raw materials and labour from the colonies. Cotton, iron, gold and minerals of all kinds were taken out of the country, sometimes arbitrarily with the use of force or at other times with the enthusiastic support of the local elites. Not only did the colonies provide cheap materials but they also became ready markets for products manufactured in the West. The textile industry is a case in point<sup>1</sup>. Built into this practice is a process of double

exploitation. And the historical roots of poverty in the Third World can be traced to this colonial exploitation.

Colonialism has inflicted more serious damage on the colonized people. Frantz Fanon, in his famous analysis of colonialism, has brought out the condition of colonized minds. “Those who internalize the colonial mentality”, wrote Fanon, “suffer a systematic negation of personhood. Colonialism forces the people it dominated to ask themselves the question constantly, ‘in reality who am I? The defensive attitudes created by this violent bringing together of the colonized man and the colonial system form themselves into a structure which then reveals the colonized personality.’”<sup>2</sup> Perhaps many erstwhile colonies have not recovered from this.

Science and technology have accelerated the process of globalization. For one thing, it has created “rising expectations” about development, faster economic growth. While it has promised opportunities for expansion of human potential, it has also unleashed new forces of destruction. Ecological crisis is the most serious crisis brought about by modern technology.

(c) Today there is a sense of urgency when we talk about global realities. Nuclear threat raised the possibility of a total annihilation of the world. This threat has drawn us together. Ecological crisis has brought to our awareness the need for preserving this fragile earth which is our common home. Life is endangered and we need all resources to preserve it.<sup>3</sup>

Any consideration of globalization therefore should

keep in mind these three aspects: inevitable, ambiguous and urgent.

## **II. Globalization and the Third World**

The global village has provided new opportunities for the enhancement of life of our people. No doubt we need to affirm the positive side of this development. But many in the Third World look at this process with apprehension. They look at the global village as an order or mechanism for greater exploitation and political oppression. In this discussion we enter into the modern period of globalization.

When the Third World nations become independent of colonialism after long periods of freedom struggle, they embarked on massive efforts to develop their reserves and to eliminate poverty. Development by economic growth based on rapid industrialization was the magic word. Three ingredients of this programme were, local elite (rulers), external resources (aid from the developed world, multinationals) and trade. The goal was not only to eliminate poverty but also catch up with the First World in modernization. But the net results of the past few decades of development have been well summarized in the cliché, ‘the poor becoming poorer, the rich becoming richer’.

On the global level the gap between the rich nations and the poor nations has increased. The average per capita income of the developed world is \$2,400 and that of the developing countries \$180. The gap is widening. The U. N. tried to change this trend, but failed. In 1970 the U.

N. suggested that 7% of 1% of the total GNP of rich nations should be made available for the development assistance. But actual help declined from 52% of 1% in 1975 to 32% of 1% in 1976. This downward trend continues and what is more distressing is that the First world countries confirm that they have increased their military expenditure. The existing trade patterns are inimical to the well-being of developing nations. The aid that supposedly helps the growth of the Third World is always with “strings” attached, and used as a tool for continuing the First World dominance over the economic growth of the Third World.

C.T. Kurien points out that the countries of the Third World regard the 1980s as a “lost decade in terms of their development opportunities.” He writes,

The prices of many of the goods they export came down, the richer countries kept them out of their markets and the terms of trade turned against them. As is well known, many of them have come to be caught in the ‘debt trap’. Less well known is that the decade came to be one of net resource transfers from the South to the North. And the gap between the rich and the poor countries (measured by per capita income) widened.

Kurien further notes:

The integration of the global economy has brought to the fore a new set of actors who have played an increasingly important role in it: the transnational or multinational corporations (TNCs or MNCs). These first attracted comment in the 1960s, grew

rapidly in the 1970s and emerged as powers to be reckoned with in the 1980s. Some even argue that by the dawn of the next century they rather than national economies, will be the principal actors in the emerging global economy and that we are already well into the 'transnational stage' in the development of capitalism.<sup>4</sup>

The TNCs role in the Third World has now been subjected to serious analysis by economists. These large corporations know no national boundaries and their products find a way to the remotest corner of the world. Between 300 and 500 TNCs control an enormous portion of world's production, distribution and marketing process.

The sales of an individual corporation is bigger than the GNP of many developing countries. According to the figures supplied by the UN in 1981, EXXON has sales of \$63,896 million and General Motors, 63,211 million, whereas the GNP of Nigeria is \$48,000 million, of Chile \$15,770 and of Kenya \$15,307.

The power of the global corporations is derived from their unique capacity to use finance, technology, and advanced marketing skills to integrate production on a global scale in order to form the world into one economic unit and a "global shopping centre."

They do not bring large capital to the host countries but they take out huge profits. They do not generate more employment as their technology is not labour intensive. Profit maximization is their goal, not development.

They decide where people should live, what they should eat, drink or wear and what kind of society their children should inherit.

Their primary goal is to safeguard the interests of developed countries and not the developing countries. In the recent discussion on conserving the world's biological diversity<sup>5</sup> the behavior of MNCs has again been criticized by the Third World leaders. The Malaysian delegate to the UN General Assembly, 1990, made the following pertinent observation:

There are various instances where transnational corporations have exploited the rich genetic diversity of developing countries as a free resource for research and development. The products of such research are then patented and sold back to the developing countries at excessively high prices. This must cease. We must formulate mechanisms for effective cooperation with reciprocal benefits between biotechnologically rich developing countries and the gene-rich developing countries.<sup>6</sup>

The local elites are also agents of globalization. Their role in the development should be recognized. When the countries became independent the leadership was naturally transferred to the local elites. They have developed interlocking interests with the Western industrial elite. The development model which the newly independent countries accepted has helped them and they exert considerable pressure on the policy decisions of the Third World countries on globalization.

The priorities are determined by the demand of the market. Often greed, and not need, becomes the controlling factor.

TV was considered a great symbol of modern development. But in an informal survey conducted by a sociologist it was revealed that the people who benefit most by TV are our industrialists. They have increased the sales of their products such as Maggi Instant Noodles and many kinds of junk food which are not essential to the life of ordinary people.

The growing inequality between the rich nations and poor and between the rich and the poor in each nation is a fundamental threat to global harmony. Globalization and marginalization go together. This contradiction needs special attention. This can be illustrated with the economic situation in India.

### **III. Globalization and the Indian Economy**

In 1991 the Government of India introduced drastic reforms in its economic policies which have far-reaching implications for the life of the country. The involvement of the World Bank and the IMF was acknowledged as crucial in structural adjustment. It was a deliberate move to take the country right into the process of globalization. MNCs are allowed to come into the country in a big way by liberalization of the earlier stringent regulations with regard to the type of industry and the profits that they are allowed to take out of the country. It is perhaps early to evaluate the full impact of these policy changes. These reforms have

helped to revive the sluggish economy and to discard some of the unproductive bureaucratic controls. But some of the inevitable consequences of these reforms are quite alarming. The indebtedness of the country (internal and external) has now reached a staggering figure of \$90.6 billion. C.T. Kurien, who has made a careful analysis of the trends in the present economy, has observed thus:

If the economic reform measures in India have therefore been sponsored by a tiny, though exceptionally powerful and influential, minority which is pursuing them to safeguard and promote its own narrow interests, they are unlikely to be of benefit to the bulk of the people, in spite of claims that they are not only necessary and inevitable, but also in the national interest. The impact of the reforms on the lives of sections of the peoples beyond this narrow minority, can already be seen. One estimate shows that in the first year of reforms, “nearly 6 to 7 million people went below the ‘poverty line’ in contrast to an annual improvement of nearly 10 to 15 million moving above the poverty line over the last decade.” In overall terms “it makes a difference in terms of setback in poverty alleviation pace by nearly 20 millions.”<sup>7</sup>

Kurien and other economists are not saying that Indian economy is not in need of reforms, but they point out that the “thrust of any alternative reform measures must be towards the welfare of the largest segments of our society.”<sup>8</sup> At present these segments are excluded from

the process of decision that affect their lives and their condition is deteriorating. These sectors are the marginalized working class, unorganized laborers and the landless. They are the Dalits and tribals.

Increasing marginalization of Dalits, women and other sectors continues to be a problem. Our hope that their lot would improve is now shattered. No doubt the movement of the marginalized for justice and participation will be stronger. But resistance to them will be on the increase.

As we have seen, marginalization is linked with globalization. The advanced sectors have achieved considerably more expansion and led to the improvement of the traditional sector. As one report correctly observes, “much of rural development has simply been extension of urban development.” There is an urgent need for an alternative form of development that meets the basic needs of the rural people.

Among the marginalized groups struggling for justice, women are the largest. They are fighting many issues. Cultural prejudices, structures of patriarchy, economic exploitation and unjust laws and traditions are some of them. Organized movements of women are beginning to make some impact but they need to be strengthened. The church is also of male dominated structure. Rich resources and contribution that women can make to the life and ministry of the church are seldom made use of. Unfortunately prejudice against women is nurtured in our families. We tend to foster double standards in sexual morals. Female feticide, dowry deaths and other

glaring incidents are symptoms of deep-seated prejudices and discriminatory practices and customs.

#### **IV. Globalization has Become the Vehicle of Cultural Invasion**

The idea of progress is decisively shaped by Western lifestyle and its structures. Air travel, color TV, super computers and space technology are the symbols of progress. When a nation opts for TV not just the technology but all the cultural and social life that nurtures it also comes with it.

Technology is power, and the power is never neutral. It becomes the carrier of those systems and ideologies (values and cultures) within which it has been nurtured. The tendency is to create a mono-culture. Prof. Koyama, in his inimitable style, provides a sharp critique to this in all his writings. By mono-culture we mean the undermining of economic, cultural and ecological diversity, the nearly universal acceptance of technological culture as developed in the West and its values. The indigenous culture and its potential for human development is vastly ignored. The tendency is to accept the efficiency with productivity without any concern for compassion or justice. Ruthless exploitation of nature without any reverence for nature which is an integral value of the traditional culture.

M. M. Thomas, in his writings, reflected on the impacts of modernization on the traditional culture. He writes,

The modernizing forces of technology, human rights and secularism are today directed by a too

mechanical view of nature and humanity which ignores the natural organic and the transcendental spiritual dimensions of reality. No doubt, traditional societies emphasize the organic and the religious aspects of life in a manner that enslaves human beings to natural forces and human individuality to the group dicta. But modernization based on a mechanical world-view, atomizes society to permit the emergence of the individual who soon becomes rootless and a law unto itself; and since rootlessness is unbearable for long, the pendulum swings to a collectivism which is a mechanical bundling together of atomized individuals into an equally rootless mass under mechanical state control.<sup>9</sup>

There are groups that strive towards a critical approach to Western values and technology. They want to retain humane values of tradition. They see the need for a holistic kind of development. They are for pluralism and diversity in cultures. They are for science and technology, but not for a neutral kind of scientism that willingly allows itself to be used by the elite. They are for industry, but not industry that destroys ecological balance and causes pollution. In short, they are asking for an alternative form of development that takes the interest of the poor as central and allows room for their culture and religion.

## **V. Globalization and Ecological Crisis**

The pattern of development that is capital intensive and the lifestyle propagated by the media together create a

situation where ecological balance and sustaining power of the earth for nurturing life is being destroyed. The problem is further aggravated by the process of globalization. In fact, the ecological crisis is not merely a Third World problem. The whole planet is affected and perhaps this issue brings together concerned people of the South and North.<sup>10</sup> Perspectives on this question differ.

The Third World perspective on ecological crisis raises the question of justice as an overriding concern. The life of the poor and the marginalized is further impoverished by the crisis. Shortage of fuel and water adds peculiar burdens to the life of women. It is said that tribals are made environmental prisoners in their own land. Dalits, who have been subjected to social and cultural oppression for generations are facing new threats to them by the wanton destruction of the natural environment.

On a global level this concern about the gap in the control over and use of natural resources should be raised to gain a correct perspective on globalization. The modern European person is the most expensive human species in this world. Americans who constitute about 6% of the earth's population melt, burn or eat over 50% of the world's consumable resources each year. Every 24 hours the citizens of the USA consume 2,250 heads of cattle in the form of MacDonald hamburgers. Extend this style to the entire world, what will be its consequences. It is such hard questions about

the nature of development, lifestyle and justice that have to be raised. In order to pursue this kind of lifestyle we need to have easy access to the mineral resources and energy. Many a political conflict arises out of this need. We try to put an ideological garb over such conflicts. East/West conflict is now replaced by North/South conflict. What is at stake is the sphere of political dominance linked with control of resources. Global peace is possible only if we can diffuse this by establishment of a world order.

## **VI. A New look at the Global Village**

What is the paradigm of the miracle of Global Village we have in mind? People who write and talk about global village are people who have never lived in a village. It is, therefore, not surprising that their image of the global village is born out of their references of a technological, industrial culture. One of the prevailing tendencies in such a culture is to put everything in manageable, organized systems. There is very little room for diversity. The clearly defined centre exercising control over the periphery -- that is why “melting pot” becomes a favorite image in the USA. But what we see in the village is not a neatly organized, uniform structure. A village is a small, separate unit connected to other units. It is of different shape and diverse character. It is a mosaic and not a neat uniform system. The global is very much present in the local. Diversity, and not uniformity, is its hallmark.

We simply assume that to gain an experience of the global we used to travel to foreign countries: This is not

true. We may travel and see things but still miss the essential values that keep our life human. But the consciousness that our local life is bound up with realities and relationships that go beyond the given time and space is what makes us truly global. It is the basic openness to the other. It is affirming the other who is different but integral to our life. It is necessary to affirm the local as something unique, that exists in the wider network of relationships. In other words, plurality is an essential aspect of the global. It provides the space for different identities to grow in dialogue. When that space is denied the marginal suffers the most. The struggle of the marginal for identity is to be seen as a necessary process to realize the global.

Within each nation there are measures, laws that regulate the economic activity and distribution through taxation, minimum wages, and so on. But in international relations there is no regulative mechanism. The UN is powerless. They have indeed talked about a new economic order. Demands include reduction of trade barriers, more stable commodity prices for raw materials, easier access to foreign technologies, better terms of aid and rapid expansion of industrialization. Some of these demands are legitimate, although there is very little hope anything will be changed. These demands, however, do not challenge the existing international system and its assumptions: they want a greater share in the global economic pie. This is usually the demand of the bureaucrats and elites. What the poor people are telling us is that, unless we rethink the basic questions of life-style, the use of natural resources and the reaction between environment and development, we

cannot address the question of a new economic order.

Globalization is not a neutral process. An alliance forged by the forces of domination for profit becomes the driving force of much of globalization. The poor and the marginal do not find protection and security under it. But this process is inevitable and, therefore a blind rejection of it seems to be unrealistic. How do we orient the forces of globalization for the furtherance of justice? Can we seek a new global solidarity of the victims of present system to build a just global order?

## **VII. The search for alternatives**

The Third World perspectives on the global unity are made clear. The present global order controlled by the MNCs, neo-colonial forces and elites of the countries does not ensure the values of justice and plurality. The ecological crisis has further accentuated the problem of global injustice. The search is for a global order where life-affirming values are preserved and strengthened. This would mean an economic system that is free of oppression. Kurien, in the above study, points out that today powerful and all- pervasive market has become “a tool of oppression”. “What they (people) need, therefore, is not greater market-friendliness but people friendly-markets”. A people- friendly market, he further states, is a social institution, used deliberately under human direction and control; the dictum ‘leave it to the market has no place here’.<sup>11</sup>

Speaking in cultural terms, M.M. Thomas argues that a “post-modern humanism which recognizes the

integration of mechanical, organic and spiritual dimensions, can develop creative reinterpretation of traditions battling against fundamentalist traditionalism and actualize the potential modernity to create a dynamic fraternity of responsible persons and people”.<sup>12</sup>

An alternative developmental paradigm should be supported by an alternative vision of human bond to one another and to the earth. It is important that this new vision emerges from the experiences of the poor and the marginalized. ‘It is our conviction that a new paradigm for just development must emerge from the experiences of the poor and the marginalized.’<sup>13</sup>

It is not our intention to give a blueprint for alternative development. That can be evolved only by economists, political leaders and scientists who are committed to values that are necessary for human development. In this task we should learn from the experiences of the poor, for they are close to the earth and their techniques of preserving the ecosystem should be taken seriously. Those who live close to the land and the sea have developed a way of using earthly resources without destroying them. By polluting our water and destroying our forests we cannot develop. More important is the conviction that a set of values that are integral to human survival can be learned from the life-style and the world view of the marginal groups. They have lived in solidarity with one another and with the earth. Their communitarian value system is necessary for evolving a just and sustainable form of development. This is the global solidarity that we propose for the future, giving a

new direction to the process of globalization. 'People-friendly markets', 'enabling social changes' and 'post-modern humanism' are all attempts to give this orientation to globalization.

### **VIII. Towards building a just Global Order: theological consideration**

Can theology be pressed into service towards building a just global order? Does theology deepen our commitment to a new global solidarity based on justice and peace? The vision for theologizing should emerge from the experiences and traditions of faith of the people. Sometimes theologians turn such visions into rigid systems and absolute ideals. But the emphasis on contextual theology is an effort to ground theology in the immediate experiences of oppression and suffering of people.<sup>14</sup>

The faith articulation of women and indigenous groups struggling for their dignity and freedom has helped us in our search for a relevant theology. They are important for our task of building a global solidarity. A holistic view of reality and non-hierarchical form of community are integral to their vision of life. This vision has to be recaptured in our theology. Some of our feminist writers and theologians who are committed to develop ecological theology are beginning to articulate this new vision of doing theology.

#### **Holistic view of reality**

Our perception of the structure of reality changes as we become aware of new areas of human experience and

knowledge. The dualistic model of classical understanding ---- spirit/matter, mind/body ---- is not adequate to interpret our contemporary experience. Moreover, our feminist thinkers rightly point out that such a dualist view of reality is largely responsible for maintaining a patriarchal and hierarchical model of society. A holistic model is closer to our life experiences, including our relation with nature. In fact, theologians who write about ecological concerns are united in their opinion that a holistic view of reality is basic to a responsible relation between humans and nature. An organic model of reality should replace a mechanistic model in our times. An organic model can interpret “the relation between God and world in ways commensurate with an ecological context”. Sally McFague, taking into consideration the insights from contemporary cosmologists, has described the organic model in the following words:

The organic model we are suggesting pictures reality as composed of multitudes of embodied beings who presently inhabit a planet that has evolved over billions of years through a process of dynamic change marked by law and novelty into an intricate, diverse, complex, multi-leveled reality, all radically interrelated and interdependent. This organic whole that began from an initial high bang and eventuated into the present universe is distinguished by a form of unity and diversity radical beyond all imagining: infinite differences, and diversity that is marked not by isolation but by shared atoms over millennia as well as minute-by-minute exchanges

of oxygen and carbon dioxide between plants and animal. All of us, living and non-living, are one phenomenon stretching over billions of years and containing untold numbers of strange, diverse, and forms of matter -- including our own. The universe is a body, to use a poor analogy from our own experience, but it is not a human body; rather, it is matter bodied forth seemingly infinitely, diversely, endlessly, yet internally as one. <sup>15</sup>

Radical inter-relatedness and interdependence of all creation is of paramount significance as we perceive reality. “By reality,” writes Samuel Rayan, “is meant everything; the earth and all that it contains, with all the surprises it holds for the future; people and their creations; the conditions in which they live, their experience of life as gift, their celebration of it, no less than their experience of oppression and death, and their struggles and hopes and wounds and songs’.”<sup>16</sup>

Leonardo Boff goes further and affirms that “ecology constitutes a complex set of relationships. It includes everything, neglects nothing, values everything, is linked together. Based on this we can recover Christianity’s most early perception; its conception of God.”<sup>17</sup> For him, “world is a mirror of Trinity.”

This provides a new perspective on Christology. Our tendency in modern theology to subsume all the new questions of theology under a framework that may be described as ‘Christocentric Universalism’ is perhaps not the most helpful paradigm. Too much weight is put on this. Christ-in-relation seems to be a better way of

affirming the Trinitarian concern of the process of transformation and renewal. A spirit-filled theology that responds to the pathos of people and their liberative stirrings should be evolved. The characteristic posture of the spirit is openness and an ability to transcend limits. The affirmation of the solidarity of the poor is the spirit's creative activity. To discern the spirit's working, we need 'Christic' sensitivity, but it can never be wholly interpreted by Christological formulations.

If radical interrelatedness is the characteristic of the reality and therefore of the divine, then openness to the other is the essential mode of response to God. The openness becomes the seed for creating new relationships and a new order.

The struggle today is for open communities. Again the awareness of the need for the communities is not new. But today we face a situation where the identity struggle of different groups is projecting the shape of communities as classed, each group defines its boundaries over against the other. The question is how can we build a global solidarity of open communities. A community of communities that accepts a plurality of identities in a non-threatening, but mutually affirming way is the core of our vision.<sup>18</sup> In fact, the Church is meant to be this solidarity. Leonardo Boff writes:

The ecclesial community must consider itself part of the human community which in turn must consider itself part of the cosmic community. And all together part of the Trinitarian Community of the Father, the Son and the Holy Spirit.<sup>19</sup>

We have a long way to go if we take this vision seriously. The churches are so introvert that they are incapable of becoming a sacrament of this community of open communities in this world.

Mission has to take seriously this task of recreating communities. It means a critical awareness of the process and structures that are inimical to an open community. Forces that threaten life, practices that seldom promote justice and love, and above all an attitude of apathy towards change.

### **Liberative solidarity: A form of Global Mission**

A holistic vision of reality is the basis for non-hierarchical open communities. But this vision of wholeness should have a concrete direction. In the prophetic vision of a community, compassion is the concrete dimension of it (Micah 6:5). It is solidarity that is liberative and life-affirming.<sup>20</sup> Justice and loving mercy are the words used by the prophet. Together they may be translated into liberative solidarity. The logic of justice as developed in the West emphasizes rights and rules, and respect for the other. It is a balancing of duties and rights. But the prophet's justice includes caring. Justice expressing compassion is the biblical emphasis. Prophets were not talking about balancing interests and rights, but about caring, the defending of the poor by the righteous God. This emphasis comes with poignancy when we consider our responsibility to the earth. It is a defenseless and weak partner of humans in creation. Caring love comes from compassion by standing at the place where the poor are and being in

solidarity with them. It is this solidarity that makes us raise questions about the dominant models of globalization.

It also points to a new direction for the global community that celebrated sharing and hope. Jesus rejected the imperial model of unity, which in his time was represented by the Roman empire and the power-wielders of Jerusalem temple. He turned to Galilee, to the poor and the outcasts, women and the marginalized. He identified with them. His own uncompromising commitment to the values of the kingdom and his solidarity with the victims of society made him an enemy of the powers-that-be. Conflict was very much a part of his ministry. It resulted in death. On the cross, he cried aloud, "My God, my God, why have you forgotten me?" It is a cry of desperation, a cry of loneliness. But it is a moment of solidarity --- a moment when he identified with the cries of all humanity.

In solidarity with the suffering, Jesus gave expression to his hope in the liberating God who has his preference in defending the poor and the dispossessed. It is in this combination of total identification with the depth of suffering and the hope that surpassed all experiences that we see the clue to Jesus' presence in our midst and the future he offers us. New wine, a new logic of community that comes from a solidarity culture was projected against the old wine, the old culture.

The promise of God's future in such a solidarity culture is an invitation to struggle, advocacy for the victims, and compassion. People who are

drawn to the side of the poor come into contact with the foundation of all life. The Bible declares that God encounters them in the poor. With this step from unconsciousness to consciousness, from apathetic hopelessness regarding one's fate to faith in the liberating God of the poor, the quality of poverty also changes because one's relationship to it changes.<sup>21</sup>

The solidarity culture is sustained by spirituality, not the spirituality that is elitist and other-worldly, but that which is dynamic and open.

In our struggle for a new global order we need to mobilize the superior resources of all religious traditions, not only the classical religions, but the primal religious traditions as well. In fact, the classical religions tend to project a type of spirituality that is devoid of a commitment to social justice. There are, however, notable exceptions. We begin to see a new search for the liberational form of spirituality in these religions. See, for example, the writings of Swami Agnivesh and Asgar Ali Engineer.<sup>22</sup> Tagore's words express this kind of spirituality:

Here is thy footstool, and there rest thy feet where live the poorest, lowliest, and the lost.

When I try to bow to thee, my obeisance cannot reach down to the depth where thy feet rest among the poorest, the lowest and the lost. (*Gitanjali*).

But a distinct challenge comes from the Indian spirituality tradition. Its focus upon inferiority is to be

considered important when we talk about a commitment for action. Amalarpavadoss in all his writings emphasized this. Freedom also means liberation from pursuit, acquisition, accumulation and hoarding of wealth (*arta*), unbridled enjoyment of pleasures comfort (*kama*), without being regulated and governed by righteousness and justice (*dharma*), without orientation to the ultimate goal (*moksha*).<sup>23</sup>

Mention has already been made about the spirituality of indigenous groups. Their holistic vision and communitarian value systems are essential for the emergence of a new global order. They are the signs of freedom we long for. “Where the Spirit of the Lord is, there is freedom” (Paul). Our longing for a free and open order is a spiritual longing. Only when communities live with mutual respect, when they together eliminate all caste atrocities, when they together remove and hunger, when all their religions sing the song of harmony, when they together celebrate God-given unity -then the Spirit is free. Towards that global solidarity, let us commit ourselves.

This reflection on liberative solidarity can be concluded by mentioning two concrete expressions of it.

One, the emergence of Dalit theology in India. Dalits are the oppressed groups, marginalized for centuries by the social and cultural systems. Today Dalit consciousness based on a new found identity has provided the impetus for a Dalit theology. Prof. A.P. Nirmal describes the methodology as follows:

Dalit theology wants to assert that at the heart of the Dalit people's experience is pathos or suffering. This pathos or suffering or pain is prior to their involvement in any activist struggle for liberation. Even before a praxis of theory and practice happens, even before a praxis of thought and action happens, they (the Dalits) know God in and through their suffering. For Dalit theology "Pain or Pathos is the beginning of knowledge." For the sufferer more certain than any principle, more certain than any action is his or her pain-pathos. Even before he or she thinks about pathos; even before he or she acts to remove or redress or overcome this pathos, pain-pathos is simply there. It is in and through this pain-pathos that the sufferer knows God. This is because the sufferer in and through his or her pain-pathos knows that God participates in human pain. This participation of God in human pain is characterized by the New Testament as the passion of Jesus symbolized in his crucifixion.<sup>24</sup>

Two, a few months ago I visited a Buddhist monk in the southern provinces of Sri Lanka. I had heard about his intense involvement in the struggles of the people for freedom and justice. Three of us, theologians, sat at his feet listening in rapt attention to the stories of his involvement - how at the risk of his own life he had to defend young activists. He was constantly in clash with the powers-that-be. At the end, one of the group asked him, "Sir, how do you explain the motivating power that sustains you in all these?" He thought for a moment and then said, "I do not know, perhaps I am inspired by the

compassionate love of Buddha.” And then looking intently on us he asked, “Don’t you think Jesus also teaches us about compassion.” I ventured to say, “Yes, but there is a big difference between the response of some of us Christians to our Christ, and your response to your Buddha.” I do not see the same intensity of commitment to the passion of Jesus in our churches. That is the crux of the problem. Can compassion, another name for liberative solidarity, unite us?

### Notes:

1. Mahatma Gandhi’s famous strategy for creating an awareness of the evil of the colonial rule was the call to boycott foreign-made clothes and to wear clothes made from home-spun materials.

2. The Wretched of the Earth, (Harmandsworth: Penguin Books), 1988, p.250).

3. Numerous writings are available from scientists and ecologists. It is important to note that the church has taken this up as an area of concern. World Council of Churches materials are made available to the churches for study and reflection. See Eco Theology (Ed. David Hullmann, Geneva: WCC, 1994).

4. C. T. Kurien, Global Capitalism and the Indian Economy, Tracts for the Times/6 (New Delhi: Orient Longman, 1994), pp. 57-78.

5. It is recognized that the tropics hold a rich reserve of the planet’s biological diversity. A variety of species that exist here are being eliminated by destruction of

tropical forests. The UN has expressed concern over this and efforts are underway to preserve them; through the World Wildlife Fund, the World Bank and other agencies. But many Third World leaders argue how these efforts are neglecting the point of view of the South. Bio-diversity, it is pointed out, is destroyed by the pattern of developing adopted by MNCs and others in the North. They further observe that the farmers' wisdom and techniques of preserving the diversity should be recognized and taken seriously. See Vandana Shiva and others, Bio-diversity - Social and Ecological Perspectives, World Rainforest Movement, Penang, Malaysia, 1991.

6. *Ibid.*, p.11.

7. C. T. Kurian, *op. cit.*, p.120.

8. *Ibid.*, p.123.

9. M. M. Thomas, The Nagas Towards A. D. 2000 and other Selected Addresses and Writings, (Madras: Centre for Research on New International Economic Order, 1992) p.27.

10. See the recent publication of W.C.C. Eco Theology (Ed. David Hullmann,- 1994).

11. C. I. Kurien, *op cit.*, p.123. Also see, Amartya Sen. Beyond Liberalization: Social Opportunity and Human Capability (New Delhi:Institute of Social Science, 1994). This eminent economist compares India's policy for liberalization with that of China and observes that the force of China's market economy rests of solid

foundations of social changes that has occurred earlier, and India cannot simply jump on to that bandwagon without paying attention to the enabling social changes - in education, health care and land reforms - that made the market function in the way it has in China (pp. 26-27).

12. M. M. Thomas, *op. Cit.*, p.27.

13. K. C. Abraham (Ed.) Spirituality of the Third World, New York: Orbis Books, 1994, p.1.

14. Speaking to a group of German pastors the other day I remarked that all theologies were contextual theologies. Predictably my comment was that Barth had rejected a kind of contextual theology found in the liberal tradition. But they had to agree that Barth was concerned about the word in the European situation obtaining after the World War and the crisis of liberalism. Further it was pointed out that his own experience in his parish made a big difference in the manner in which he theologized. Kosuke Koyama's contribution in developing contextual theology in Asia should be acknowledged.

15. Sally McFague, The Body of God, (Fortress Press, 1993) special mention has to be made about Sally McFague's another Models of God (Fortress, 1987). Also refer Jurgen Moltmann, God in Creation: A New Theology of Creation and the Spirit of God; (San Francisco: Harper and row, 1985). Elizabeth Schussler Fiorenza, In Memory of Her: A Feminist Theological Reconstruction of Christian Orgins, (New York: Cross

Roads) Felix Wilfred, From the Dusty Soil, (University of Madras: Department of Christian Studies, 1995), p.258f.

16. J. R. Chandran (Ed.) Third World Theologies in Dialogue, Bangalore: EATWOT-INDIA, 1991, p.47.

17. *Voices from the Third World*, Vol. XVI, No. 1, p.115.

18. 5. J. Samartha has expressed this concern in his discussion on pluralism. “The new global context the church has to define its identity and role in history in relation to, rather than over against other communities. What, for example, is the relationship between the Buddhist *saugha*, the Christian *ecclesia* and the Muslim *ummah* in the global community? When every religion has within it a dimensions of universality is it to be understood as the extension of one’s universality overcoming other particularities? In what sense can the community we seek become a community of communities’ that can hold together unity and diversity in creative tension rather than in debilitating conflict?” (Samartha, One Christ - Many Religions, Indian edition: SATIARI, Bangalore, 1993, p.<sup>13</sup>)

19. *Voice from the Third World*, Vol. XVI No. 1, p.115.

20. Preferential option for the poor is the characteristic mode of response in liberation theology. In some situations it may be misconstrued as patronizing attitude. Liberative solidarity has the advantage of entering into a different relationship with the poor. Their experience and their spirituality hold the key for a

future order. To acknowledge our indebtedness to the poor is to seek a new future.

21. Dorothee Solle, On Earth as in Heaven, USA: Westminster, p.16.

22. See especially Asghar Ali Engineer, Islam and Liberation Theology:Essays on Liberative Elements in Islam, (New Delhi: Sterling Publishers, 1990).Here the influence of liberation theology cannot be ignored. All the religions are challenged to take seriously the emphasis on liberation. One may quote the stirring words of Deane William Fern at the close of his essay “Third World Liberation Theology: Challenge to World Religions in Dan Cohn-Sherbok, World Religions and Human Liberation, (New York: Orbis, 1992), p.19.

“Liberation theology issues a call not only to Christianity, but to the other religions of the world as well. Are these religions willing to show ‘a preferential option’ for the poor? Can the communities of the poor which are irrupting throughout the Third World be the basis for a new “people’s theology” which seek to liberate humanity from all forms of oppression: poverty, servitude, racism, sexism, and the like? Can justice and spirituality become partners in a world embracing enterprise? Can the struggle for justice and belief in God come to mean one and the same thing? Herein lies the stirring challenge of Third World Christian liberation theology”.

24. Theology of Development, (Bangalore: NBCLC, 1979), p.15.

25. A. P. Nirmal (Ed.) A Reader in Dalit theology,  
U.E.L.C.I., Madras, 1990