CHAPTER III
RIGHT TO DEVELOPMENT IN THE ERA OF ECONOMIC GLOBALISATION

A. Introduction

Though there are many ways to trace the intellectual and scholarly debates on development and its theoretical baggage's but in this chapter an attempt has been made to map out contours of economic globalisation and how it offers an opportunity to strengthen the claims of right to development on the one hand and deeply embedded political, cultural and economic consequences for realisation of these humanist claims in the times of democracy, war and multitudes on the other. However, these linkages between economic globalisation and right to development are not merely located in the realms of legal jurisprudence rather emerge from deeper readings of body of knowledge produced by social scientists and interventions of higher judiciary in India and elsewhere in world. Thus, in this chapter, issues, debates and social, political and economic concerns of right to development have been problimatized and at the same historical, material and political aspects of globalisation in general and economic aspects of globalisation in particular have been analysed.

Globalisation today has engulfed the world as never before. Though it is not an altogether new phenomenon but the intensity and the speed at which it has changed and affected the world is unprecedented. In every sphere of life be it economic, political, social or cultural it is leaving its mark on. It will be no exaggeration if we say that no part of the life on this earth today has escaped from the influence of globalisation. In spite of being such a huge
phenomenon there is no single, all-encompassing definition of globalisation.¹

But as globalisation has become part of all the aspects of human life it has also taken on varied hues, definitions. For the economist globalisation is essentially the emergence of a global market. For the historian, it is an epoch dominated by global capitalism. Sociologists see globalisation as the celebration of diversity and the convergence of social preferences in matters of lifestyle and social values. To the political scientist it represents the gradual erosion of state sovereignty. But discipline specific studies explain and capture only a part of the phenomenon. Thus, there is need to look at multi-disciplinary engagements about globalisation so that it can be articulated as a process and substantiate contents of it from a nuanced perspectives.²

The phenomenon which has influenced so hugely cannot go uncontested. So, globalisation has become hotly contested and discussed issue in current political, social and human rights discourses. At one level it has been hugely applauded for delivering good to the people and society at large by ushering in a new era of economic growth, technological advancement and by bridging the geographical boundaries, but at the other level it is blamed as a major reason and source of all the contemporary ills. While for some it is the very expression of social and economic modernisation, for others it poses an obstacle to the governance of the planet and a threat to social cohesion.³ More over economic globalization now dominates

international relations and development strategy consists of liberal trading regimes with a reduced role for the state. International relations now involve states, the market, multinational corporations and international organizations. This kind of globalization over emphasis on market-centric logic does not capture the aspirations of welfare-state thus it turns out into uneven development projects and offers a lopsided view of society and trajectories of change. Specifically, the realization of the right to development, where the economic self determination and global solidarity is one of the core principles. Economic globalisation is may put various kinds of challenges in its smooth implementation where the non state actor has emerged as more powerful agents of development who are playing a major role in both human rights as well as in development. In this whole process of economic globalisation World Bank and International Monetary Fund have emerged as principal symbols of economic globalisation. It is in this back ground and its attendant logic one needs to analysis the fallout and concerns of development and its complex relation with globalisation.

B. Promises and discontents of Globalisation

Globalisation in any case cannot be ascribed in terms of simple value-judgements: it is a process that carries possibilities and threats alike. Possibilities, because it should not be forgotten that the broadening of international markets, which was one of the mainstays of the globalisation route, laid the foundations for one of the fastest periods of growth in the world economy, between 1950 and 1973. The increasing convergence among the developed economies over the

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5 Id. at 1-2.
last few decades is fuelled by the same trend, and has hinged crucially upon the spread of technology and the opening of borders fostered by moves towards globalisation. Its effects are not limited to the developed countries but have also reached some of the Pacific Rim and Latin American economies. Last in this list of positive factors associated with globalisation is the emergence of an increasingly widespread awareness of what is involved in good governance of the planet and of the rights upon which international action must rest. The series of international summits promoted by the UN, and the fact that a new more precise definition of human rights is beginning to take root, are evidence of this awareness.  

At the same time, it must be acknowledged that globalisation also entails threats and risks. The globalisation route broadens the bases for economic growth, while at the same time stimulating the polarising dynamic implicit in the market economy. The opening up of the economy stimulates processes of economic convergence, but it also fuels the various phenomena of exclusion as those areas or regions that lack the wherewithal to take advantage of the spread of technological changes that underpin such convergence. In addition, opening up to international markets gives a new base for economic dynamism, but this growth also implies greater instability in that the economy becomes more vulnerable to international pressures, speculation, or market contagion. And in the end globalisation reduces the scope for state-level decision making and forces governments to justify their interventions in the domestic economy since these interventions may jeopardise social cohesion at the national level. Thus while on the one hand globalisation raises

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Supra note 3 at 349-350.
expectations of income redistribution, on the other hand social spending is reduced and societies become more unequal.\(^8\)

Thus, one can infer from above statement that it revolves around the globalisation as complex process and its ideological contestations are positive as well as negative but direction in which it is being taken as one of the fundamental concerns of scholars engaged in discourse.

The primary responsibility of protection of human rights is that of the state and it should take every measure to protect the rights of its citizens because of their command over the resources and activities within their area of jurisdiction. But human rights discourse gives importance to all other agents to help and co-operate with the state to fulfil these rights. It is based on the principle of international cooperation, which has been recognised in the different covenants of the bill of rights and also by the United Nations charter, where all members of the international community have pledged to do their best to fulfil these rights\(^9\) but at the same time as it has been noted earlier also that the forces of economic globalisation has changed the rules of the game and in this changed scenario, the enforcement mechanism of the institutions governing the international economy is much more effective in comparison to other available mechanisms to implement human rights.\(^10\) The International Monetary Fund and the World Bank are two such powerful intergovernmental organisations in the world. The International Monetary Fund (IMF), which preserves receipts, payments, and currency valuation throughout the world, could contribute greatly to

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\(^8\) Id. at 350.


human rights by attaching stipulations to their loans regarding human rights and the same happens with the World Bank. The World Bank has had mild reforms in regards to working in human rights conditions into its development projects, but the potential to do more for human rights is there. Both of these institutions assist countries economically or with development funds, so why these set of institutions are not taking equal cognizance of human rights.

The International Monetary Fund and the World Bank are both intergovernmental institutions that were created to support the structure of the world's economic and financial order. The governments of their member nations govern each organisation, and both institutions are focused on strengthening the economies of member nations. The differences between the two are as follows. The International Monetary Fund's purpose is to preserve a regular system of receipts and payments between nations, while the World Bank, with the official name of International Bank for Reconstruction and Development, is a development institution involved in providing development projects for countries needing assistance. Both of these institutions, since they contribute much to the economies and development of each nation, have the ability to influence the governments to improve human rights as well as assist countries in need in order to repair infrastructure, stabilize economies, and provide humanitarian aid. The International Monetary Fund (IMF), which preserves receipts, payments, and currency valuation throughout the world, could contribute greatly to human rights by attaching stipulations to their loans regarding human rights.1

Since, the end of the Cold War, newly empowered international financial institutions have expanded beyond their

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traditional realms to assist in structural economic and political development and transformation. Joseph Stiglitz notes that the IMF was originally supposed to limit itself to matters of macroeconomics in dealing with a country, to the government's budget deficit, its monetary policy, its inflation, its trade deficit, its borrowing from abroad; and the World Bank was supposed to be in charge of structural issues – what the country's governments spent money on, the country's financial institutions, its labour markets, its trade policies. But with increase in the power and the influence of such institutions as they have now a major role to play in the implementation and protection of human rights as well. But the human rights activists feel that they have failed to do so or they don’t have the will to protect the people on the margins of society. However, they are taken as the protectors of the rights of the corporations, especially those which operate internationally. As Joseph Stieglitz summarizes in Globalization and Its Discontents: “Today these institutions have become dominant players in the world economy in setting the agenda of dominant discourses about development and its efficacy from the perspectives of economics and ideology of capitalism and its expansions in different areas such as rhetoric of human rights and humanist developments and many more abstracts claims with a falsified logic. Not only countries seeking their help but those seeking their “seal of approval” so that they can better access international capital markets must follow their prescriptions, prescriptions which reflect their free market ideologies and theories. The result for many people has been poverty, and for many countries social and political chaos”. Michel Foucault's conceptions of punishment, reward, and judgment prove extremely

12 Supra note at 279.
useful in analysing and interpreting the new environment created by globalisation. The method employed by international financial institutions and Western powers to accelerate global development is one that Foucault might label “normalizing judgment”. When neoliberal political and financial institutions determine what nations will be punished, what Foucault might label “a suspension of rights”, and what nations will be rewarded (granted loans, aid, and trade preferences), there exists an ideal or optimum nation-state in their imaginations. This conception of “the ideal nation-state” is regarded as “normality”. The idea of ideal state in the eyes of these institutions is the one which complies with their set standards which are based on western developed nations. By invoking Foucault’s method of analysing the discourse of construction of normal and abnormal is political design and it is based on power relation and positing some-thing normal as true and other as a false is power therefore the logic of globalisation operates as legitimate and illegitimate thus it’s construction of capitalist ideology on the hand and its justifications from different masks on the other.14

The world trade organisations and international monetary fund acknowledges the fact that the globalisation with its interconnectedness and interdependence has brought inequalities and inequities. Amartya Sen, says that ‘the market economy does not work by itself in global relations--indeed, it cannot operate alone even within a given country’. Yet, for some proponents of globalization the aim is to expand market relations, push back state and interstate interference, and create a global free market. This political project can be seen at work in the activities of transnational organizations like the World Trade Organization (WTO), the International Monetary Fund (IMF), and the Organization for Economic Cooperation and Development (OECD), and has been a

significant objective of United States intervention. The various social, economic, cultural and environmental rights of the developing nations are totally ignored by these institutions. 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 wellbeing 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”. It may be said that little effort is made on the part of international community which is at the advantageous position and which can be instrumental in the protection of these rights. The IMF and the World Bank are two very powerful and influential institutions that distribute billions of dollars each year to countries in need. They have the ability to persuade governments to make radical reforms their economies, and even resettle millions of people at a time. Unfortunately, the IMF and the World Bank fail miserably to improve the human rights in the countries they are trying to assist. They refuse to include human rights in the conditions by which they may force upon governments. Human rights supporters and unions even claim that lending agencies, such as the IMF and the World Bank, remove the rights of workers and unions in order to make the market more attractive to the private sector, because corporations tend to have a non-union preference. They reflect an agenda that serves only to promote dominant corporatist interests that already monopolize the arena of international trade. As specialized institutions of the UN, they are independent for their operations, they must, however, respect Human Rights. Mary Robinson stresses the


fact that “A key characteristic of economic globalization is that the actors involved are not only states, but private power in the form of multinational or transnational corporations. It is now the case that more than half of the top economies in the world are corporations not states, and international investment is increasingly private”. She states that there is a trend towards holding companies accountable through legal rules for the human rights and environmental impact of their policies. She further elaborates her argument and maintains that corporations should ensure that they uphold and respect human rights as reflected in the Universal Declarations of Human Rights and are not themselves complicit in human rights abuses. The primary and fundamental arguments these scholars including Robinson are pushing towards inclusion of human rights perspective to strengthen and broaden the ambit of development and making it more inclusionary rather than exclusionary that has become by its market-centric capitalist logic.

With the fall of the socialist Soviet Union in 1989, the concept of globalization has entered the international relations discourse more emphatically. The three major outcomes of globalisation are integration of world markets and ‘the greater integration of market and the advent of a global economy has created a higher level of economic and social interdependence among nations and peoples and convinced them of the benefits of a greater sense of community and a shared prosperity’, second growing role of international organisations and multinational corporations. Governing and controlling bodies such as WTO and IMF are much more effective in getting the human rights implemented in their true sense by the various transnational corporations. In making a comparison to existing national and international enforcement mechanism vis-a-vis international

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organisations such as IMF, WTO and other non-state actors those try to influence the decision making process in furthering economic aspects of globalisation and also pretending these organisations are sensitive and sympathetic towards people and citizens who are located in the margins of specific countries.\textsuperscript{18} As Joseph Stiglitz summarizes, in Globalization and Its Discontents: Today these institutions have become dominant players in the world economy. Not only countries seeking their help but those seeking their “seal of approval” so that they can better access international capital markets must follow their prescriptions, prescriptions which reflect their free market ideologies and theories. The result for many people has been poverty, and for many countries social and political chaos.\textsuperscript{19}

The third is shrinking of world boundaries due to rapid increase in telecommunication and transportation modes ensuring quick information travel within no time throughout the world through internet which has ‘reduced the ability of despotic rulers to hide their human rights violators face the condemnation and sanctions of the rest of the international community’. The support the people of Arab world in their recent revolt against the rulers of their respective countries and transmition of message which awakened the people around the world and the debate it initiated through various social networking sites is a remarkable achievement of globalisation.

The people in favour of globalisation see it as an opportunity to establish Democracy and Development. Thomas Friedman claims: The driving idea behind globalization is free-market capitalism – the more you let market forces rule and the more you open your economy to free trade and competition, the more efficient and flourishing your

\textsuperscript{18} Supra note 10 at 279.

The economy will be \textsuperscript{20} The liberals hope that with the spread of democracy and binding of the world markets there will emerge a new world where there will be no conflicts and struggles due to economic and security competition. They dream of a Utopia as a result of globalisation. The diffusion of liberal ideas throughout the globe is expected to “uplift” the underdeveloped nations of the world.\textsuperscript{21}

Many liberal proponents of globalization view the dominance of global capitalism and the rise of liberal democracy as an important stage in mankind’s historical development. Globalisation seems to promise to uplift the underdeveloped nations and developing nations of the world through the process of liberalised market economies, democratic form of governance and having an access to the world trade. According to neoliberal theory, the spread of free-market capitalism and democracy throughout the world eventually will result in a community of prosperous and homogenous nation-states that forgo war and violent conflict in favour of trade.\textsuperscript{22} Since the end of the Cold War, newly empowered international financial institutions like World Bank and IMF have expanded beyond their traditional realms to assist in structural economic and political development and transformation.

The globalization in contemporary context, is part of an “ever more interdependent world”\textsuperscript{23} where political, economic, social, and cultural relationships are not acting in isolation but are intermingled and intertwined. It is radically transforming the political and social and economic institutions in holistic sense and moreover, it’s an

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\item Supra note 13 at 13.
\item Id. at 4.
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outcome of a liberal belief but contested one from the perspective of marginal and subaltern discourse of citizenship. The former Secretary-General of the United Nations noted: [t]echnological advances are altering the nature and the expectation of life all over the globe. The revolution in communications has united the world in awareness, in aspiration and in greater solidarity against injustice. But progress also brings new risks for stability: ecological damage, disruption of family and community life, greater intrusion into the lives and rights of individuals. The opening up of the economy stimulates processes of economic convergence, but it also fuels the various phenomena of exclusion as those areas or regions that lack the wherewithal to take advantage of the spread of technological changes that underpin such convergence. In addition, opening up to international markets gives a new base for economic dynamism, but this growth also implies greater instability in that the economy becomes more vulnerable to international pressures, speculation, or market contagion. And narratives are substantiated by great economic depression in pre-globalisation times and contemporary makers of economic upheavals are good enough signs to narrate the story of economic globalisation and its developmental promises and resultant discontents those emanates in a form of peoples resistance movements and different regions of India and elsewhere in world. A few striking resistance movements against economic globalisation in India can be seen in context of Nandigram in West Bengal and POSCO in Orissa. Economic Globalisation is associated with economic interdependence, deregulations and a dominance of a liberalized marketplace. A state now cannot work in isolation for the sake of its people it has to take into account the demands of multinational companies, international relations with other states and the market and other international agencies while framing its

policies. Here globalisation interferes with the various developmental goals of a state 'specifically, the realisation of the right to development'. The critics of globalisation see it as another tool of exploitation in the hands of neo-colonial powers who view the developing countries as source of cheap labour and natural resources which can be exploited to their benefits. There is an intense relation between inequality and globalisation. The goal of getting maximum profits and accelerated growth in economy often ignore the people on margins and the policy makers ignore them too. This inequality exists both among the countries in the world and within the people of a particular state. Kenneth Waltz has said that a peaceful, problem free world is impossibility, and, in fact, can function as a negative force in human affairs in the present situation.

The integration of markets for goods and services and all the other factors of production, the modern modes of communication like internet and mobile phones, faster and cheaper modes of transportation, free market economies and removal of trade barriers, free flow of people, ideas, capital and goods have made our world what Kenichi Ohmae calls 'the borderless world' or what Marshal McLuhan calls 'a global village'. This 'new world orders, with its own institutions and configurations of power have replaced the previous structures associated with the nation-state. No doubt that opening of markets has led to growth acceleration giving the developing countries an access to the international markets, foreign capital inflow helps the economy and production has grown manifolds but with this growth there are some major issues which needs to be given due importance. With the increase in production and growth and bridging the gap between international boundaries the gap between the haves and have-nots, the rich and the poor has

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5 Kenneth Waltz, *Man, the State, and War*, at 19 (1959).
widened. The major concern of the adversaries of the globalization is that it ‘leads to a more iniquitous distribution of income among countries and within countries’ and ‘that globalization leads to loss of national sovereignty and those countries are finding it increasingly difficult to follow independent domestic policies’. The United Nations Development Programme pointed out in its 1999 Human Development Report that:

“[r]apid technological change and globalization are transforming the world at unprecedented pace, but the benefits are going to the rich and strong rather than the weak and poor. The gap between the wealthy and poor is growing even larger”. The greater emphasis on privatisation and opening of economy for foreign capital have given way to rising poverty and unemployment, the maltreatment of unskilled labour and women in society, rampant child labour, illiteracy, exploitation of indigenous people, burgeoning corruption, non-transparent bureaucracy, which are the major concerns of human rights protecting agencies. These opportunities and dangers arise because globalization is “an economic, political, social, and ideological phenomenon which carries with it unanticipated, often contradictory, and polarizing consequences”. According to the article 2 of Declaration on the Right to Development, human person is the central subject of development and should be the active participant and beneficiary of the right to development; all human beings have a responsibility for development and they should therefore promote and protect an appropriate political, social and economic order for development; and states have

27. See: Responding to globalisation; India’s Answer 4th Raman Bhai Patel memorial lecture on excellence in education by Dr. C. Rangarajan, Chairman, Economic Advisory Council to the Prime Minister, New Delhi, Feb 25, 2006.
the right and the duty to formulate appropriate national development policies that aim at the constant improvement of the well-being of the entire population and of all individuals.\textsuperscript{30} Though the human rights are now on the internationalised and there are various agencies and organisation which are working towards the fulfilment of human rights it is still the responsibility of the individual state to implement them. The tall promises of globalisation cannot be fulfilled without paying price for it. But the price paid should not exceed the benefits derived from them. The cost we are paying as nation and individually in the form of violation done by various agents of globalisation is much higher a price. The exploitation done in the backdrop of growth is much larger than it is seen with the naked eye. In case of India the industrialisation led by corporations has done much harm. The government rather than acting as mediator between the poor and the big business and rather than playing the role of a saviour to protect the rights of its own people has played an agent of private corporations.\textsuperscript{31} The industrial houses exploit both the natural resources and human resources without paying any heed to their rights. There is no dearth of examples which can be quoted to prove the point made above. It all started with the transformation of Indian governance pattern from Licencesing Policy Government (LPG) to Liberalisation, privatisation and Globalisation (LPG) in 1991 when India opened its door and let the forces of globalisation have its play in her market. But at that time probably the political leaders due to the deteriorating economic conditions could not see the dim side of liberalisation and were swayed away by the promises made by the international forces of globalisation. They could not see the threats posed by these forces to the sovereignty of the nation and the liberty


\textsuperscript{31} Amit Bhaduri, “Alternatives in Industrialization” in The face you were afraid to see, 131(2009).
of its people. And later on they unknowingly became the puppets in the hands of these forces. The aftershocks of this tumultuous process can be felt now in the form of various kinds of protests by the people in various parts of the country. Thus one can infer from above discussion, that basically tried to captures multitudes of globalisation on the one hand how it percolates down as an ideology of domination and expansion of fetish consumerist economy on the other hand, and it has got an interesting and intriguing connect with two registers of LPG’s in context of India and narrates and pin it down the irony and tragic story of globalisation in masking and unmaking promises and discontents on the one hand and story of governance and reforms on other. However, it cannot be done until we look at issues and debates about these legal, political and socio-economic promises of Right to Development that touches the ground of experiences of Indian citizenry and also concerns of democracy and it problematization from the perspectives marginal and subaltern masses.

C. Unmasking the Globalisation in the context of Right to development: Issues and debates from India

The global expansion of corporations has been promoted by states. States have granted corporations rights through trade agreements, bilateral investment treaties and domestic liberalization. These growing importances of corporate influence in bilateral agreements between the states are very much visible at present. Recently when the American President visited India almost 400 corporate representatives were accompanying him. The development of neoliberal economy and the subsequent reduction of the state have led many observers to predict a shift to a market-driven international economy. Obviously, such a shift would have profound implications...
for the implementations of an international development policy and human rights law. 32

Even India is not untouched by this global phenomenon and in approximately in last two decades India has adopted a model of development which seems to be structured to protect and promote the interests of big corporate houses. One of such pattern of development is now days visible in the form of special economic zones where a good bye has been said to almost all the welfare legislations for the labour and indigenous people. The acquisition of lands for mining, for IT parks and finally for SEZs has done irreparable harm to the people for whom their land is their primary source of livelihood and to the environment. The corporate interests dominate economic globalization and influence the policy of individual states. SEZ’s were exempt of many restrictions and duties which were enforced on companies outside the SEZ’s. MNC’s who operated within in the SEZ’s enjoyed many benefits like Low taxes, cheap skilled labour, cheap raw material, advanced infrastructure and many more such benefits. The SEZ’s were a big puller of new businesses and industries. States started introducing huge SEZ’s within their state to attract more and more companies. But there is an ugly side to the big promises made by this development they tend to be greedy at times. The most affected two things have been the human rights which are constantly violated and the environment. They dump their wastes without proper treatment and pollute the environment. The wages they pay to Indian employees are far less than what they are worth for their abilities. Corporations pay much lower taxes. If they had to pay the default amount of taxes an Indian industry would have to pay, then India’s budget would be carrying much more money than it is carrying now. That is why the issue of trade and human rights has

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32 Supra note 4 at 6.
become a central concern. Recent human rights discourse has been devoted to the study of multinational corporations and their direct effect on human rights. The advocates of globalisation have not addressed the inequalities which have made it difficult to realise the non-market goals especially the realisation of the right to development. To have a say in implementation of human rights or simply to forbid the corporations to violate human rights the states have to be self dependent in every sense. Since cold war developed economies have always been at the centre of the world where modern technology and expertise have been located. The countries on the periphery have to depend on these developed nations to march ahead and compete. This has resulted in a political upheaval in these countries. The poorer countries are facing a shift from nation state to the corporations. Dependent relationship makes it difficult for states to regulate foreign investment in order to address human rights concerns. This worries the advocates of human rights and the role of MNCs is the most crucial issue entering in human rights discourse and which needs to be addressed procedurally, and at the same legal/political advocacy from the structure of government and also it should emerge from the aspirations of people’s movements. However, translatability of these concerns in an ambiguous stance unless supported by educational pedagogy to deepen democracy and its promises.

Multinationals corporate houses have multifaceted influence on our communities. First, they look to establish or contract operations

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35 Supra note 4 at 2.
36 Ibid.
(production, service and sales) in countries and regions where they can exploit cheaper labour and resources. While this can mean additional wealth flowing into those communities, this form of 'globalization' entails significant inequalities. Large scale unemployment is one major problem the local people face and those employed get minimal wages and worker's rights and conditions are not protected. For example, a 1998 survey of special economic zones in China showed that manufacturers for companies like Ralph Lauren, Adidas and Nike were paying as little as 13 cents per hour (a 'living wage' in that area is around 87 cents per hour). In the United States workers doing similar jobs might expect US$10 per hour.37

The negative effects of corporations on human rights and issues related with development can be divided into two categories. First, the human rights can be violated by corporations themselves or with the help of other agencies. This typically involves civil and political rights, such as the right to personal security. For example, a corporation may hire state security forces to protect its facilities that engage in torture as occurred in Myanmar in association with Unocal Corp. Also, a corporation may directly violate rights by prohibiting collective bargaining or discriminating against minorities. The second category involves the stage where the corporation take a back seat and indirectly exploits. This involves the favours they enjoy by influencing the states. Corporations can undermine the state’s ability to fulfil human rights law. They use their influence to encourage governments to adopt policies of liberalization, deregulation and privatization that ignore human rights consequences.38 This second effect concerns mostly economic, social and cultural rights, which are vital in developing states. Corporations are the backbone of economic growth which is very much essential for fulfilment of the

38 Supra note 4 at 6.
right to development. Increasingly, corporations are more economically powerful and influential than the developing host-states from which they extract their profits. These states seem unable, without international cooperation, to fulfil the human rights obligations required to complete the right to development process. The states are not ready to make any joint effort to curb the negative influence of these corporations because they all need foreign investment to develop and compete in international market.39 Today development is impossible without FDIs and all the developing nations in order to have more and more of it tries to create an atmosphere conducive to it and at the same time they try not to risk the human rights at the cost of it but it is doubtful if states are able to control the two critical aspects – whose development and at what cost?40 Sometime this urge to attract more and more developed nations leads to “race to bottom’ regarding human rights, including environmental and labour standards.41 The need to attract capital inflow or prevent capital flight can determine the adoption of policies which have major human rights implications42 The reduction in unit costs by cutting wages, lengthening working hours at the same wage, restricting worker’s rights, reducing pensions and social security by casual labour43 giving unprecedented concessions in various ways to corporations operating from SEZ’s, giving concessions in mining rights mostly over tribal lands, even forcible sale of tribal and agricultural land at well below market price44 are some favours which are enjoyed by the corporations and which cause major harm to human rights of the people. The social, economic and cultural rights of the people face the neglect in the face of economic

39 Id. at 7.
40 244, HR Justice and Constitutional Empowerment.
41 245, HR Justice and Constitutional Empowerment.
42 Supra note 10 at 277.
43 Supra note 31 at 108.
44 Id., at 109.
globalisation as the rapid pace of economic liberalisation and integration outstrips the capacity and commitment of states to deal with the implications of these developments.\textsuperscript{45} It is important to underline here that in a country like India it has to be the form a bottom line below which no one can fall no matter what the economic justification may be. Human rights should be guided by the entitlement of those alienated by the globalization process rather than the property rights of those benefiting from it.\textsuperscript{46} It has to be seen that how the right to development ensure the protection of rights of those who have pushed on the periphery and become marginalized in the process of development.

In this section, efforts have been made to map out the trajectory of appropriation and language of subversion created by MNC’s and other industrial outfits such as SEZs to gain immunities of multiple kinds for development projects and being without mindful or without addressing the concerns of human rights and rights based development aspirations where marginal and subalterns can participate in the making and unmaking of democracy a reality with humanist face.

D. Impact of Globalisation on various components of Right to Development

The human rights advocates see the globalisation playing a major role in the field of almost all human rights be it development, education, health, women and child rights, intellectual property rights, environmental rights etc. there is a need to address all these rights with equal devotion and focus. Globalisation is seen as the closer integration of the countries and peoples of the world, breaking down all barriers and leading to a freer flow of goods, services,
capital and knowledge, one would assume that globalisation would bring prosperity to all corners of the globe and with it would come democracy, freedom and human rights. But this is not the true picture. The world today is facing more violations of human rights.47

Education in the 21st century is widely viewed as a necessary condition for the promotion of human development, and thus identified as a basic human right. Educational rights are included in many national constitutions written since the global spread of human rights ideas. In the wake of privatization policies and the turning of education into a profit generating enterprises in the developing countries the right to education has been adversely affected. Due to the reduced governmental expenditure on education the quality of public free education has suffered a lot. Investors established educational institutes covering all the range from kinder gardens to universities offering better but much more expensive quality of education for the elites and motivated mainly by profit. However, most developing countries still suffer a high rate of illiteracy and graduates of the governmental low quality educational institutions are not well prepared for the labour market so they suffer unemployment. Today, in the face of globalization, global migrations, the explosion of knowledge and the concomitant emergence of a knowledge-intensive economy, and above all the compelling obligation to fight poverty by all means throughout the world, education may require serious re-thinking. The adverse consequences of inadequate education policies for poor people are amplified by globalization. A huge state funding is coming in the name of elementary education but the states are not enthusiastic to fix up the accountability in terms of Outcome. As a result state

sponsored educational institutions for elementary education have reached at the verse of collapse. Realising the ruined conditions of these institutions, corporate houses are not ready to support them financially. The corporate houses ensure the paying capacity of the parents first before admitting any student. Consequently; the students from under privileged societies are bound to join government school without any future. A sharp difference can be seen in every society due to the existence of dual system of education. The popular belief that education should serve economic purposes has been supported and promulgated by several supernational organizations, such as the World Bank and the Organisation for Economic Cooperation and Development (OECD). This shift has been accompanied by a tidal wave of managerialism, including the following: the ideology of “the market knows the best”, reliance on performance indicators, corporate managerialism, commercialization of research, and the commodification of knowledge. These have unquestionably become a dominant “ethos” in the university sector. To just further elaborate, this argument concerning university as a site of knowledge production becoming almost like a factory and terms and conditions of work and knowledge formations are controlled and regulated by CEO’s and other bodies such as UGC, etc and privatisation and technical and vocational courses are encouraged and subjects such as humanities and social sciences are at the brink of extinction and that’s Martha Nusbaum a legal and political philosopher asserts in her recent book, “Humanities not for Sale” and she explains that the onslaught of globalisation has created an IIT’s mentalities where everything is measured and mapped on the basis of packages it draws

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towards its students, not research and values of democracy and tolerance amongst citizenry.

In the case of a right to health, there is increasing evidence that globalisation itself will lead to greater levels of disease that is preventable and avoidable, as the movement of people, goods and ideas continues to increase on a global scale. In a recent report, the WHO estimates that nearly a quarter of disease and injury is connected to environmental degradation and decline attributable to globalisation. For example, the report notes that 90% of Malaria deaths (1.5 to 2.7 million annually) are caused by the colonisation of rainforests and the construction of large open-water irrigation schemes, both of which increase human exposure to disease-carrying mosquitoes. French observes that more than 30 infectious diseases have been identified in humans for the first time in the past two decades, most of which can be attributed to changes in human behaviour within the framework of globalisation, which alters the established balance between microbes and their hosts (French, 2000). Among these is the HIV/AIDS pandemic, which thrives when economic conditions force many workers to migrate in search of employment, bringing forms of social fragmentation that loosen family ties and the abandonment of traditional sexual mores and taboos. As with many other social, economic and political issues, the consequences of globalisation for health show both positive and negative attributes. On the positive side, the conditions of globalisation support the development of new technologies, including the provision of improved social conditions that underpin better health, new drugs and new treatments, although many of these are

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more concerned with addressing the health security of the wealthy, as noted earlier. However, on the negative side, globalisation brings developments in social relations that threaten the health of both rich and poor alike. For example, changing patterns of global trade bring increased exposure to infectious disease and social changes that threaten the health of populations, perhaps through severing family ties, reducing access to nutrition, and unplanned urbanisation.52

He further explains that the right to health must also include access to safe water, adequate sanitation systems, education, food, housing and the conditions for a healthy occupational environment.

Economic globalization represents both an unmet opportunity and a significant challenge for the fulfilment of social and economic rights, including the right to food.

Globalisation has worsened the situation. Food exports have led to declining food security in poor exporting nations. By definition, export-oriented food production diverts labour and capital away from local communities. Large tracts of land are converted into high value cash crops for export, industrial zones, golf courses, and tourist resorts, etc. Change of land use erodes the capability of the farmers to produce their own food, as well as often having terrible effects on the environment.

Globalisation is destroying food security in Third World countries. TNCs taking over food production and distribution has further marginalised farmers’ and peasants’ role in agriculture and continues to destroy their knowledge and skills. Globalisation as an ideology has rapid influence on agriculture not just by marginalisation of alternative agriculture rather destroying the possibility of agricultural labour, because it has changed the very

fabric of society by land acquisition bill and taking away land from farmers and alluring them for profit and making them pauper. Recent violent clashes between farmers and government machinery is a good enough examples to show, how this process is supported by market and industry on the one hand and people resistance movements on the other. These violent sites are markers of economic globalisation and creating a frame of picture of complex nature, where collaboration of government with TNC’s articulate an argument and justifications for globalized political economy and law and legality becomes subservient to the process of globalisation and it seems there is no possibility of rolling back this process and as a consequence, right to development as a fundamental human rights just carrying a symbolism and rhetoric and not reality. However, one cannot deny the possibilities of coming up new civil society movement and people's resistance against these ideological dispositions.

The industrialisation and globalisation of food and fibre imperils the natural world. And TNCs and developed countries have attempted to patent all forms of intellectual and natural resources including, farmers’ seeds, and medicines for public health. Patents are the precursor for commodification and private ownership of genetic/biological resources and traditional knowledge and processes and they are trying sabotage the whole process in legality. TNC business threatens the health, nourishment, rights, livelihood, and spirituality of communities and the earth. International institutions and treaties have accelerated the process of agricultural industrialisation and globalisation while valuing the rights of corporations over those of people. Food production will be drastically decreased and the food market will be completely out of the control of ordinary people. It will increase the debt burden of poor countries thus further aggravating food insecurity. Food aids

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and food imports from the North will perpetuate long-term food insecurity in the South. This is economic re- or neo-colonisation of countries of the South through GATT (WTO), international trade agreements, IMF, and WB and is more dangerous than the direct colonisation of the past. This total control of economies and must be fought against. Such colonialism is in fact much more complex and difficult to deal with, especially for countries with weaker economies. Food security or food self reliance is another word for national sovereignty.

Globalization as it is taking place today is increasing the divide between the rich and the poor. It has to be steered so that it serves not only commercial interests but also the social needs of development. Global business thrives on, and therefore encourages and imposes, high levels of homogeneity in consumer preferences. On the other hand, for development to be locally appropriate and sustainable, it must be guided by local considerations which lie in cultural diversity and traditions. Therefore recognition at the policy level, of the significance of diversity, and the need to preserve it, is an important precondition for sustainable development. In an increasingly globalizing economy, developing countries, for needs of the appropriate skills, are often at a disadvantage in negotiating and operating multilateral trade agreements. Regional cooperation for capacity building is therefore necessary to ensure their effective participation in all stages of multilateral trade. Globalization is driven by a vast, globally spread, human resource engine involving millions of livelihoods. Their security is sometimes threatened by local events causing global distortions (e.g. the impact of the WTC attack on jobs in India or, in a wider context, sanctions against countries not conforming to ‘international’ prescriptions in human rights or environment related matters). Mechanisms to safeguard trade and livelihoods, especially in developing countries, must be evolved.
and negotiated to make globalization an effective vehicle of sustainable development. War and armed conflict are a major threat to sustainable development. It is imperative to evolve effective mechanisms for mediation in such situations and to resolve contentious issues without compromising the larger developmental goals of the conflicting parties.  

All the above discussions is not to deny the advantages provided by such a world, but rather to underline the need for organised decisions and ethical values in ordering international relations. The capacity of the market to operate in those areas in which it has proven effective should not be ought to rightly rejected, nevertheless it should be kept in mind that that the market is the only legitimate institution through which to distribute resources and coordinate society. Here, one should look for the possibilities offered by the growing cross-border relations among different social actors, but also calls for the establishment of democratic, effective, and inclusive international institutions, in line with the need for international level coordination and public action that the new world stage demands. A programme, in short, that hinges on the dynamic potential that would be unleashed by the full recognition, in all its dimensions, of human rights, including the right to development.

After discussing the various dimensions of economic globalisation and its impact on Indian social and cultural fabric, this chapter has explored the sociological linkages and how it creates a world where inequalities of various kinds of sharpened further and create an uneven world of economic resources and extreme poverty and series of violations of basic human rights including right to development but at the same time it also captures the positive

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55 Supra note 3 at 350.
aspirations of peoples struggles where there is commitment for another possible world, though these discontents and positive aspirations are not just emanating from vacuum rather emerge from real life interventions including collective interventions of peoples movement.