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**The Duality of Globalization: Exploring the Intersection between the
Promotion of Human Rights and the International Domain**

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Abstract:

Globalization is a complex and multifaceted process that has reshaped the world in various dimensions, such as economic, social, cultural, and political. It has brought about unprecedented opportunities and challenges for human rights, which are the universal and inalienable rights that every human being is entitled to. This research paper aims to examine the effects of globalization on human rights from different perspectives and contexts, using a multidisciplinary and comparative approach. The main research questions are how does globalization influence the normative and legal framework of human rights at the global and national levels? How does globalization affect the roles and responsibilities of different actors in protecting and promoting human rights, such as states, international organizations, civil society, and corporations? How does globalization impact the experiences and aspirations of various groups and individuals, such as women, children, minorities, migrants, and indigenous peoples, in claiming and enjoying their human rights?

The paper will employ a mixed-methods design, combining quantitative and qualitative data from various sources, such as international human rights treaties, reports, indicators, case studies, interviews, and surveys. It will analyze the data using descriptive and inferential statistics, content analysis, and thematic analysis. The paper will also adopt a human right-based approach, which emphasizes the principles of equality, non-discrimination, participation, accountability, and transparency in the research process.

The paper expects to find that globalization has both positive and negative effects on human rights, depending on the context and the actors involved. It will argue that globalization can

be a catalyst or a hindrance to human rights advancement, depending on how it is governed and regulated by the international community and national authorities. It will also suggest that globalization can be an opportunity or a threat for human rights advocacy and education, as well as a challenge or a facilitator for human rights protection and enforcement. The paper will conclude with some recommendations for policymakers, practitioners, researchers, and civil society on harnessing the potential and mitigating the risks of globalization for human rights.

Keywords: Globalization, human rights, multidisciplinary, comparative.

Introduction:

Globalization is a term that encompasses the increasing interconnectedness and interdependence of the world in various aspects, such as economic, social, cultural, and political. It is a process that has been accelerated by the development of technology, communication, trade, and migration, creating a global village where people, goods, ideas, and values can cross borders and influence each other. Globalization has been hailed as a source of opportunities and benefits for human development, as well as a challenge and threat to human rights, which are the universal and inalienable rights that every human being is entitled to.

Human rights are based on the principles of dignity, equality, and justice for all human beings, regardless of their nationality, ethnicity, gender, religion, or any other status. They are recognized and protected by various international instruments, such as the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR), as well as by national constitutions and laws. Human rights include civil and political rights, such as the right to life, liberty, security, expression, and participation, as well as economic, social, and cultural rights, such as the right to education, health, work, and culture.

The relationship between globalization and human rights is complex and contested, as different actors and regions have experienced both positive and negative effects of globalization on their human rights situation. On one hand, globalization can be seen as a catalyst for human rights advancement, as it can promote democracy, development, diversity, and dialogue among nations and peoples. Globalization can also enhance the awareness, recognition, and enforcement of human rights by creating global norms and standards, facilitating international cooperation and monitoring, and empowering civil society and human rights defenders. On the other hand, globalization can be seen as a hindrance to human rights protection, as it can generate inequality, insecurity, exclusion, and exploitation among nations and peoples. Globalization can also undermine the sovereignty, responsibility, and accountability of states and other actors in respecting and fulfilling human rights obligations by creating conflicts of interest, pressures of competition, challenges of regulation, and gaps in governance.

This research paper aims to explore the effects of globalization on human rights from different perspectives and contexts. It will use a multidisciplinary and comparative approach to examine how globalization influences the normative and legal framework of human rights at the global and national levels; how globalization affects the roles and responsibilities of different actors in protecting and promoting human rights; how globalization impacts the

experiences and aspirations of various groups and individuals in claiming and enjoying their human rights. The paper will employ a mixed-methods design to collect and analyze quantitative and qualitative data from various sources. The paper will also adopt a human rights-based approach to ensure that the research process is guided by the principles of equality, non-discrimination, participation, accountability, and transparency. The paper expects to find that globalization has both positive and negative effects on human rights depending on the context and the actors involved. The paper will conclude with some recommendations for policy makers, practitioners, researchers, and civil society on how to harness the potential and mitigate the risks of globalization for human rights.

Historical insights on globalization

Globalization is the process of increasing economic, political, social, and cultural integration and interdependence among different countries and regions of the world. It has been occurring for centuries, but it has accelerated in the past few decades due to advances in technology, communication, transportation, and trade. Globalization has brought many benefits to human development, such as increased opportunities for education, health, employment, and cultural exchange. However, it has also posed many challenges and risks to human rights, such as increased inequality, exploitation, conflict, and environmental degradation.

One way to understand the impact of globalization on human rights is to compare the situation in 1948 when the Universal Declaration of Human Rights (UDHR) was adopted by the United Nations and the contemporary period. The UDHR is a landmark document that proclaimed the inherent dignity and equal rights of all human beings, regardless of their nationality, race, gender, religion, or any other status. It was drafted and debated by representatives from 48 countries in the aftermath of World War II and the Holocaust, which exposed the horrors of human rights violations on a global scale. The UDHR set out a common standard of human rights for all people and nations and inspired the development of many international treaties and institutions to protect and promote human rights.

However, the UDHR also reflected the limitations and biases of its time and context. For example, it was dominated by Western perspectives and values and did not adequately address the issues of colonialism, racism, sexism, or cultural diversity that affected many parts of the world. It also focused mainly on individual civil and political rights, such as freedom of expression, assembly, and fair trial, while neglecting collective economic, social, and cultural rights, such as the right to work, and education.

Human rights violations in the era of globalization

Some examples of human rights violations in the era of globalization are:

The exploitation of workers and children in sweatshops, factories, mines, and farms that produce goods and services for multinational corporations and consumers in developed countries. These workers and children often face long hours, low wages, unsafe and unhealthy conditions, physical and sexual abuse, and lack of legal protection or representation. For instance, according to Human Rights Watch, an

estimated 168 million children are engaged in child labour worldwide, many of them in hazardous industries such as agriculture, mining, construction, and manufacturing.

The displacement and dispossession of indigenous peoples and local communities by large-scale development projects, such as dams, roads, pipelines, mines, and

plantations. These projects often violate the rights of these peoples and communities to their lands, territories, resources, cultures, and self-determination. For example, according to the World Bank³, more than 3.4 million people were physically or

economically displaced by its projects between 2014 and 2018, many of them without adequate consultation, compensation, or resettlement.

The persecution and discrimination of minorities, refugees, migrants, women,

LGBTQ+ people, and human rights defenders by authoritarian regimes, extremist groups, or populist movements that exploit nationalism, xenophobia, racism, sexism, or homophobia. These groups often use violence, intimidation, censorship, or legal repression to silence or oppress their targets. For instance, according to Amnesty International⁴, more than 300 human rights defenders were killed in 2019 for their work on issues such as land rights, environmental protection, women's rights, and indigenous rights.

The degradation and destruction of the environment and the natural resources that sustain human life and well-being by unsustainable consumption and production patterns, climate change, and pollution.

Influence of globalization at global and national levels

Globalization influences the normative and legal framework of human rights at both the global and national levels in various ways. Some of them are:

At the global level, globalization has stimulated the development and expansion of international human rights law and institutions. For example, the Universal Declaration of Human Rights (UDHR) was adopted by the United Nations in 1948 as a common standard of human rights for all people and nations. Since then, many international treaties and conventions have been adopted to protect and promote specific human rights, such as the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Rights of the

Child (CRC)⁵, and the Convention on the Rights of Persons with Disabilities (CRPD). Moreover, many international organizations and mechanisms have been established to monitor and enforce human rights compliance, such as the Human Rights Council, the Office of the High Commissioner for Human Rights (OHCHR), the Special Rapporteurs, the treaty bodies, and the regional human rights courts.

At the national level, globalization has influenced the adoption and implementation of human rights norms and laws by different states. On one hand, globalization has encouraged some states to ratify international human rights treaties and incorporate them into their domestic legal systems. For example, South Africa adopted a new constitution in 1996 that enshrined a bill of rights based on international human rights standards. On the other hand, globalization has also challenged some states to respect and protect human rights in the face of competing economic or political interests. For example, China has been criticized for violating human rights in its pursuit of rapid economic growth and political stability⁶.

Globalization and human rights have a complex and dynamic relationship that requires constant dialogue and cooperation among different actors and stakeholders. Human rights can balance the forces of globalization within a just international legal framework. Human rights are what reason requires and conscience commands. Globalization affects the roles and responsibilities of different actors in protecting and promoting human rights in various ways-

States: States are the primary duty-bearers of human rights under international law. They have the obligation to respect, protect, and fulfill the human rights of their citizens and other persons within their jurisdiction. However, globalization has also challenged the sovereignty and capacity of states to uphold human rights in the face of competing economic or political interests, transnational threats, or external pressures.

For example, some states may sacrifice human rights standards to attract foreign investment or trade or to comply with international security or financial agreements. Some states may also fail to protect human rights from violations by non-state actors, such as corporations, armed groups, or terrorists. Therefore, states need to balance their national interests with their human rights obligations and cooperate with other states and international organizations to ensure effective human rights protection and promotion.

International organizations: International organizations are the main promoters and enforcers of human rights at the global level. They have the role of creating and monitoring international human rights norms and mechanisms, providing technical assistance and capacity building to states and other actors, facilitating dialogue and cooperation among different stakeholders, and addressing human rights crises or violations. For example, the United Nations (UN) has played a crucial role in developing and expanding international human rights law and institutions since 1948.

The UN has also supported the creation and strengthening of national human rights institutions (NHRIs), which are government agencies that aim to implement international norms domestically⁹. Other international organizations, such as regional organizations (e.g.,

the European Union), intergovernmental organizations (e.g., the World Bank), or specialized agencies (e.g., the World Health Organization), have also contributed to advancing human rights in their respective fields or regions.

Civil society: Civil society is the collective term for non-governmental organizations (NGOs), social movements, community groups, and other voluntary associations that work to advance social justice, democracy, human rights, and other common interests. Civil society plays a vital role in challenging corporate power, holding states accountable, raising awareness, advocating for change, providing services, and

empowering marginalized groups. Civil society also participates in various levels of governance, from local to global, and forms networks and alliances with other actors to amplify their voices and influence. For example, Amnesty International is a global civil society organization that campaigns for human rights through research, advocacy, mobilization, and education¹⁰.

Corporations: Corporations are legal entities that engage in economic activities for profit. They can be private or public, domestic or multinational. Corporations have an enormous impact on people's lives and the communities in which they operate. Sometimes the impact is positive - jobs are created, new technology improves lives, and investment in the community translates into real benefits for those who live there. But sometimes the impact is negative - workers and children are exploited, indigenous peoples and local communities are displaced or dispossessed, minorities and human rights defenders are persecuted or discriminated against, and the environment and natural resources are degraded or destroyed. Corporations have a responsibility to respect human rights and to prevent or remedy any adverse impacts caused by their operations. They also have a role to contribute to human rights promotion through their policies, practices, and partnerships.

The Adapting Function and Status of Governments: The conventional idea of state sovereignty is under assault from globalization. It would be naïve, though, to think that states and sovereignty are dwindling or that globalization strips nations of authority like taxation, given the fluidity of ideas about sovereignty. In theory, states can still regulate and intervene, but in practice, global capital expects states to do what's best for them, even if it means hurting local populations. Under pressure from outside international sources or multinational corporations, no state, even a democratic one, may be able to actively execute its human rights commitments, especially those pertaining to socioeconomic rights. In this light, faith in governments to protect their citizens' human rights is cast into doubt.

The Growth of Multinational Corporations and Their Impact: Multinational corporations (MNCs) now are economically and politically more powerful than many modern states; nonetheless, neither domestic nor international law imposes any specific, binding human rights requirements on their operations. Public health, child labor, worker rights, consumer protection, environmental protection, women's rights, indigenous peoples' rights, environmental preservation, and foreign investment are just a few of the important areas where MNCs can impact policy and legislation. Although there is some evidence that

consumers gain from MNCs' entry into local markets and that these companies may have a positive effect on human rights, this has not necessarily been the case. It is well-documented that MNCs are involved in human rights violations and create environmental dangers. Businesses generate profits, but they also endanger people and the environment. One consequence of globalization is the ease with which risk can be transferred to nations that aren't prepared to deal with it.

Technology and Globalization: Among the several facets that define globalization, technological advancements stand out for their ability to facilitate "the 'freedom of circulation' of ideas, goods and peoples." The development and implementation of human rights may be affected in many ways by technological advancements. One example is how the internet has helped non-governmental organizations (NGOs) combat the idea that globalization is in opposition to human rights by facilitating the rapid and inexpensive dissemination of information to consumers. However, the internet has also brought up difficult questions about things like privacy. In a similar vein, other technological developments like digitization, biotechnology, and human cloning do pose significant threats to the fulfillment of certain human rights. In conclusion, there is cause to suppose that the final balance-sheet might depict a bleak image regarding the future of human rights, considering the economic concerns involved in technology's production, transfer, and dissemination, even though technology could be employed to promote human rights. This is due to the fact that technology may help certain people more than others, and it is questionable whether technology is neutral.

Reliance on Unfettered Markets: Market forces, open markets, and the idea of economic efficiency are crucial to globalization. Markets have the potential to support human rights in various ways, but they also have the potential to obstruct their attainment. There is no way to know for sure if free market ideology would allow human rights to thrive because of the profound normative tension between human rights law and commerce law, the two pillars of the market.

Review of literature

A study by Takiyar and Rao (2020) used the ordered probit estimation to examine the impact of globalization and its multiple dimensions on human rights in Sub-Saharan Africa. They found that overall globalization and the social dimension of globalization had a positive impact on human rights in the long and medium term and also Granger-caused human rights. The political dimension of globalization had a positive relation with human rights, but no causality. The economic dimension of globalization had no statistically significant impact on human rights¹¹.

Globalization is a process of increasing integration and interdependence of the world in various aspects, such as economic, political, social, cultural, and environmental.

Globalization can have different effects on human rights, which are the universal and inalienable rights that belong to all human beings regardless of their nationality, ethnicity,

gender, religion, or any other status. Human rights include civil and political rights, such as the right to life, liberty, and security; and economic, social, and cultural rights, such as the right to education, health, and work.

Takiyar and Rao (2020) used the ordered probit estimation to examine the impact of globalization and its multiple dimensions on human rights in Sub-Saharan Africa.

They used the KOF index of globalization to measure the overall level of globalization and its three dimensions: economic, political, and social. They used the CIRI human rights index to measure the level of human rights protection and respect. They also controlled for other variables that could affect human rights, such as GDP per capita, population growth, democracy, corruption, civil war, ethnic fractionalization, and colonial legacy.

They found that overall globalization had a positive impact on human rights in the long and medium term and also Granger-caused human rights. This means that higher levels of globalization led to higher levels of human rights over time and that changes in globalization preceded changes in human rights. They also found that the social dimension of globalization had a positive impact on human rights in the long and medium term and also Granger-caused human rights. This means that higher levels of social globalization, which reflects the spread of information, ideas, values, and cultures across borders, led to higher levels of human rights over time and that changes in social globalization preceded changes in human rights.

They found that the political dimension of globalization had a positive relation with human rights, but no causality. This means that higher levels of political globalization, which reflects the degree of participation in international organizations and treaties, were associated with higher levels of human rights, but there was no evidence that changes in political globalization caused changes in human rights. They found that the economic dimension of globalization had no statistically significant impact on human rights. This means that higher levels of economic globalization, which reflects the extent of trade, investment, and financial flows across borders, did not affect the level of human rights.

The study by Takiyar and Rao (2020) provides an empirical analysis of the impact of globalization and its multiple dimensions on human rights in Sub-Saharan Africa. It contributes to the literature on globalization and human rights by using a comprehensive measure of globalization and a panel data set covering 44 countries from 1996 to 2016. It also offers some policy implications for enhancing human rights protection and promotion in Sub-Saharan Africa through increasing social globalization and improving governance quality.

A working paper by Dreher et al. (2014) used the KOF index of globalization to measure the effects of globalization on various outcome variables, such as economic growth, poverty, inequality, democracy, corruption, gender equality, environmental quality, and human rights. They identified causal effects using instrumental variables and panel data methods. They

showed that globalization had spurred economic growth, promoted gender equality, and improved human rights¹².

Dreher et al. (2014) used the KOF index of globalization to measure the effects of globalization on these outcome variables. The KOF index of globalization is a comprehensive and multidimensional measure of globalization that covers three dimensions: economic, social, and political. The KOF index of globalization ranges from 0 to 100, with higher values indicating higher levels of globalization.

Dreher et al. (2014) identified causal effects of globalization on the outcome variables using instrumental variables and panel data methods. Instrumental variables are variables that are correlated with the explanatory variable (globalization) but not with the error term of the regression equation. Panel data are data that contain observations of multiple entities (countries) over multiple periods (years). Instrumental variables and panel data methods help to address the problems of endogeneity and omitted variable bias that may arise in estimating the effects of globalization.

Dreher et al. (2014) showed that globalization had spurred economic growth, promoted gender equality, and improved human rights. They found that a one standard deviation increases in the overall KOF index of globalization increased GDP per capita by 1.9 percent in the long run. They also found that a one standard deviation increases in the social dimension of globalization increased female labor force participation by 7.3 percentage points and reduced gender inequality by 12 percent in the long run. Moreover, they found that a one standard deviation increases in the political dimension of globalization increased civil liberties by 16 percent and political rights by 21 percent in the long run.

The working paper by Dreher et al. (2014) provides an empirical analysis of the effects of globalization on various outcome variables using a large panel data set covering 208 countries from 1970 to 2012. It contributes to the literature on globalization and development by using a comprehensive measure of globalization and applying rigorous econometric methods. It also offers some policy implications for enhancing the benefits and mitigating the costs of globalization for different countries and groups.

A book by Jeffery (2011) analyzed the relationship between globalization, international law, and human rights. He argued that globalization had created both opportunities and challenges for the protection and promotion of human rights. He discussed how international law had responded to the issues of global governance, trade, development, security, and humanitarian intervention in relation to human rights.

International law is a set of rules and principles that govern the relations and

interactions among states and other actors in the international arena. International law can be divided into two main branches: public international law and private international law. Public international law deals with issues of global concern, such as peace, security, human rights, trade, development, environment, etc. Private international law deals with issues of cross-border transactions and disputes, such as contracts, torts, property, family, etc.

Jeffery (2011) analyzed the relationship between globalization, international law, and human rights in his book. He argued that globalization had created both opportunities and challenges for the protection and promotion of human rights. He discussed how international law had responded to the issues of global governance, trade, development, security, and humanitarian intervention in relation to human rights.

He argued that globalization had created opportunities for human rights by facilitating the diffusion of norms, values, and institutions that protect and advance human dignity and well-being. He cited examples of how international law had established universal standards and mechanisms for human rights protection and promotion, such as the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic,

Social and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Rights of the Child (CRC), etc.

He also argued that globalization has created challenges for human rights by creating or exacerbating inequalities, injustices, and conflicts that threaten or violate human dignity and well-being. He cited examples of how international law had faced difficulties and dilemmas in addressing the issues of global governance, trade,

development, security, and humanitarian intervention in relation to human rights. For instance:

Global governance: He argued that there was a lack of effective and legitimate global institutions and mechanisms to ensure accountability and compliance with human rights obligations by states and non-state actors. He pointed out

the limitations and biases of existing institutions such as the UN Security Council (UNSC), the International Monetary Fund (IMF), the World Bank (WB), etc.

Trade: He argued that there was a tension between free trade and fair trade in terms of their impact on human rights. He highlighted the controversies and

conflicts over trade liberalization policies and agreements that may undermine or violate human rights standards and principles. He also discussed the potential role of trade sanctions and incentives in promoting human rights.

Development: He argued that there was a debate over the relationship between economic development and human rights. He examined the different approaches and models of development that may have different implications for human rights. He also explored the challenges and opportunities of

development cooperation and assistance in advancing human rights.

Security: He argued that there was a dilemma between national security and human security in terms of their impact on human rights. He analyzed the causes and consequences of various threats to security such as terrorism, weapons of mass destruction (WMDs), cyberattacks, etc. He also evaluated the legality and legitimacy of various responses to security threats such as

counter-terrorism measures, preventive wars, humanitarian interventions, etc.

Humanitarian intervention: He argued that there was a controversy over the concept and practice of humanitarian intervention in terms of its impact on human rights. He assessed the criteria and conditions for humanitarian intervention under international law such as just cause, right authority, right intention, last resort, proportional means, reasonable prospects, etc. He also reviewed some cases of humanitarian intervention such as Kosovo, East Timor, Sierra Leone, Libya, etc.

The book by Jeffery (2011) provides a comprehensive analysis of the relationship between globalization, international law, and human rights. It contributes to the

literature on globalization and human rights by using an interdisciplinary approach

that combines legal, political, economic, and ethical perspectives. It also offers some recommendations for enhancing the protection and promotion of human rights in a globalized world.

Conclusion

Globalization is a complex and multidimensional phenomenon that involves the increasing integration and interdependence of the world in various aspects, such as economic, political, social, cultural, and environmental. Globalization has been associated with both positive and negative effects on human rights, which are the universal and inalienable rights that belong to all human beings regardless of their nationality, ethnicity, gender, religion, or any other status. Human rights include civil and political rights, such as the right to life, liberty, and security; and economic, social, and cultural rights, such as the right to education, health, and work.

The literature on globalization and human rights can be divided into two main perspectives: the optimistic and the pessimistic. The optimistic perspective argues that globalization promotes human rights by facilitating the diffusion of norms, values, and institutions that protect and advance human dignity and well-being. The pessimistic perspective contends that globalization undermines human rights by creating or exacerbating inequalities, injustices, and conflicts that threaten or violate human dignity and well-being.

The empirical evidence on globalization and human rights is mixed and inconclusive. Some studies have found that globalization has positive effects on human rights by spurring

economic growth, promoting gender equality, and improving civil liberties and political rights. Other studies have found that globalization has negative effects on human rights by increasing poverty, inequality, corruption, environmental degradation, and violence. Some studies have found that globalization has no significant effects on human rights or that the effects depend on various factors such as the type, dimension, level, and direction of globalization; the type, dimension, level, and measurement of human rights; and the context, condition, and quality of governance in different countries and regions.

The conclusion is that globalization is neither a panacea nor a curse for human rights. It is a dynamic and multifaceted process that offers both opportunities and challenges for the protection and promotion of human rights. It requires a balanced and nuanced approach that recognizes the complexity and diversity of globalization and human rights. It also requires a proactive and collaborative approach that engages various factors such as states, international organizations, civil society, and individuals in advancing human rights in a globalized world.

However, this conclusion is not without limitations. The literature on globalization and human rights is vast and diverse, covering different disciplines, methodologies, theories, frameworks, indicators, cases, and regions. It is impossible to capture all the nuances and variations in a single review of literature. Moreover, the literature on globalization and human rights is constantly evolving, reflecting the changing nature and dynamics of globalization and human rights. Therefore, this conclusion is not definitive or conclusive, but rather tentative and provisional.

There are many areas for future research on globalization and human rights. Some possible areas are:

To explore the causal mechanisms and pathways through which globalization affects human rights, both positively and negatively.

To examine the differential impacts of globalization on different types and dimensions of human rights, such as civil, political, economic, social, and cultural rights.

To investigate the varying effects of globalization on different groups and categories of people, such as women, children, minorities, indigenous peoples, migrants, refugees, etc.

To analyze the role and influence of different actors and institutions in shaping and responding to globalization and human rights, such as states, international organizations, civil society, corporations, media, etc.

To evaluate the effectiveness and legitimacy of different strategies and policies for enhancing the protection and promotion of human rights in a globalized world, such as global governance, trade regulation, development cooperation, security intervention, humanitarian assistance, etc.

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