

GLOBAL ETHICS SERIES

SERIES EDITOR: CHRISTIEN VAN DEN ANKER

GLOBALIZATION
AND HUMAN RIGHTS
IN THE
DEVELOPING WORLD

EDITED BY
DERRICK M. NAULT AND
SHAWN L. ENGLAND



Globalization and Human Rights in the Developing World

Global Ethics Series

Series Editor: Christien van den Anker, Reader, Department of Politics, University of the West of England, UK

Global Ethics as a field builds on longer traditions of ethical reflection about (global) society and discusses ethical approaches to global issues. These include but are not limited to issues highlighted by the process of globalization (in the widest sense) and increasing multiculturalism. They also engage with migration, the environment, poverty and inequality, peace and conflict, human rights, global citizenship, social movements, and global governance. Despite fluid boundaries between fields, Global Ethics can be clearly marked out by its multidisciplinary approach, its interest in a strong link between theory, policy, and practice and its inclusion of a range of work from the strictly normative to the more empirical.

Books in the series provide a specific normative approach, taxonomy, or an ethical position on a specific issue in Global Ethics through empirical work. They explicitly engage with Global Ethics as a field and position themselves in regard to existing debates even when outlining more local approaches or issues. The *Global Ethics Series* has been designed to reach beyond a liberal cosmopolitan agenda and engage with contextualism as well as structural analyses of injustice in current global politics and its disciplining discourses.

Titles include:

Carlos R. Cordourier-Real
TRANSNATIONAL SOCIAL JUSTICE

Anna Grear
REDIRECTING HUMAN RIGHTS
Facing the Challenge of Corporate Legal Humanity

Shahram Khosravi
'ILLEGAL' TRAVELLER
An Auto-Ethnography of Borders

Ivan Manokha (*editor*)
THE POLITICAL ECONOMY OF HUMAN RIGHTS ENFORCEMENT

Darrel Moellendorf
GLOBAL INEQUALITY MATTERS

Derrick M. Nault and Shawn L. England (*editors*)
GLOBALIZATION AND HUMAN RIGHTS IN THE DEVELOPING WORLD

Global Ethics Series

Series Standing Order ISBN 978-0-230-01958-4

(*outside North America only*)

You can receive future titles in this series as they are published by placing a standing order. Please contact your bookseller or, in case of difficulty, write to us at the address below with your name and address, the title of the series and the ISBN quoted above.

Customer Services Department, Macmillan Distribution Ltd, Houndmills, Basingstoke, Hampshire RG21 6XS, England

Globalization and Human Rights in the Developing World

Edited by

Derrick M. Nault

Instructor, University of Calgary, Canada

Shawn L. England

Assistant Professor, Mount Royal University, Canada

palgrave
macmillan



Introduction, selection and editorial matter © Derrick M. Nault and Shawn L. England 2011

Individual chapters © contributors 2011

Softcover reprint of the hardcover 1st edition 2011 978-0-230-29220-8

All rights reserved. No reproduction, copy or transmission of this publication may be made without written permission.

No portion of this publication may be reproduced, copied or transmitted save with written permission or in accordance with the provisions of the Copyright, Designs and Patents Act 1988, or under the terms of any licence permitting limited copying issued by the Copyright Licensing Agency, Saffron House, 6-10 Kirby Street, London EC1N 8TS.

Any person who does any unauthorized act in relation to this publication may be liable to criminal prosecution and civil claims for damages.

The authors have asserted their rights to be identified as the authors of this work in accordance with the Copyright, Designs and Patents Act 1988.

First published 2011 by
PALGRAVE MACMILLAN

Palgrave Macmillan in the UK is an imprint of Macmillan Publishers Limited, registered in England, company number 785998, of Houndmills, Basingstoke, Hampshire RG21 6XS.

Palgrave Macmillan in the US is a division of St Martin's Press LLC, 175 Fifth Avenue, New York, NY 10010.

Palgrave Macmillan is the global academic imprint of the above companies and has companies and representatives throughout the world.

Palgrave® and Macmillan® are registered trademarks in the United States, the United Kingdom, Europe and other countries.

ISBN 978-1-349-33228-1

ISBN 978-0-230-31696-6 (eBook)

DOI 10.1057/9780230316966

A catalogue record for this book is available from the British Library.

Library of Congress Cataloging-in-Publication Data

Globalization and human rights in the developing world / edited by

Derrick M. Nault, Shawn L. England.

p. cm.

Includes bibliographical references and index.

1. Human rights—Developing countries. 2. Globalization—
Developing countries. 3. Human rights and globalization—
Developing countries. I. Nault, Derrick M. II. England, Shawn L.
JC599.D44G56 2011

323.09172'4—dc22

2011012071

10 9 8 7 6 5 4 3 2 1
20 19 18 17 16 15 14 13 12 11

Contents

<i>List of Tables</i>	vii
<i>Preface</i>	viii
<i>Notes on Contributors</i>	ix
1 Introduction <i>Derrick M. Nault</i>	1
Part I Globalization, the State, and Human Rights	
2 Globalization and the Commercialization of Humanity: The State, Trafficking in Persons, and Human Rights Challenges in Africa <i>Browne Onuoha</i>	35
3 Exclusionary Globalization: Sanctions, Military Rule, and Non-Democratization in Myanmar <i>Patrick Strefford</i>	59
Part II Transnational Corporations and Human Rights	
4 Transnational Corporations and the Protection of Human Rights: Non-Financial Reporting as an Option <i>Onyeka Osuji</i>	83
5 The Duty to Protect Against Human Rights Violations Committed Abroad by Transnational Corporations and their Subsidiaries <i>Biagio Zammitto</i>	118
Part III Financial Flows, Human Rights, and the Global South	
6 Do Official Development Aid and Foreign Direct Investment Promote Good Governance in Africa? <i>Adugna Lemi</i>	141

- 7 The “Creditors in Competition”: Chávez and the Bank of the South versus the IMF 171
Rab Paterson

Part IV Genocide in Global Perspective

- 8 The Role of Globalization in the Causes, Consequences, Prevention, and Punishment of Genocide 193
Maureen S. Hiebert

- 9 Confronting “Linguistic Genocide”: Language Repression in Kurdistan 223
Evangelos Voulgarakis, Bei Dawei

- Index* 249

List of Tables

6.1	Impacts of official government aid on governance: IV estimation without control for country effects and heteroscedasticity	151
6.2	Impacts of FDI on governance: IV estimation without control for country effects and heteroscedasticity	152
6.3	Impacts of official development aid and FDI on governance in Africa: results from panel-heteroscedastic model (GLS)	154
6.4	Impacts of official development aid and FDI with lags on governance in Africa: Results from panel-heteroscedastic model (GLS)	156
6.1a	Mean of governance indicators by country: 1975–2002	164
6.2a	Mean values (in millions of dollars) of FDI, ODA, and other official flows: 1975–2002	166
7.1	Loans to Latin American nations (in US\$ billions)	175

Preface

This volume is the product of a conference entitled *Globalization and Human Rights in the Developing World* that was held at the University of Calgary in Calgary, Alberta, Canada, on March 21–22, 2009. Organized under the auspices of the Asia Association for Global Studies (AAGS), a scholarly association based in Osaka, Japan, the event saw scholars from 21 nations present papers on a wide range of themes related to the impact and significance of globalization for the human rights of peoples in Asia, Africa, the Middle East, and Latin America.

The event and this resulting book were made possible through the combined efforts of many people. Dr. Tamara Seiler, former Head of the Department of Communication and Culture, was instrumental in securing much-needed financial support as well as helping publicize the conference. Dr. Aradhana Parmar, on behalf of the Development Studies Program at the University of Calgary, also helped locate funding and provided much-appreciated moral support. Janet Keeping, of the Sheldon Chumir Foundation, delivered a thought-provoking keynote speech that set the tone for the gathering. Dr. Denise Brown, coordinator of the Latin American Studies Program at the University of Calgary, welcomed delegates with warmth and enthusiasm to the university while also arranging for a contingent of Latin American specialists to present papers. Also helping to make the event a success were Bibiana Cala, Erwin Blanco, Brenda McDermott, Hans Peter Liederbach, and Keiji Fujimura. Finally, the paper presenters and attendees at the conference deserve special thanks, particularly for braving inclement weather in the form of an unexpected snowstorm on the second day of the gathering.

Derrick M. Nault
Shawn L. England

Notes on Contributors

Bei Dawei has doctorates in comparative religion from the California Institute of Integral Studies (CIIS) and philosophy from the University of South Africa (UNISA). An assistant professor in the foreign language department of Hsuan Chuang University in Hsinchu, Taiwan, he is interested in such subjects as Western esoteric traditions, new religious movements, Central Asia and Tibet, artificial languages, linguistic human rights, Western/Eastern cultural interactions, and alternate history.

Shawn L. England specializes in Latin American political history. His research, based on archival investigations in Mexico City, analyzes the complexities underlying the military professionalization that developed concurrent with the solidification of Mexico's revolutionary state in the years 1920–1940. His interest in Mexico's civil-military relations is intimately connected to his concern regarding militarization more generally, and the dire threat this process often poses to human rights throughout the world. In addition to his work on military rule in Mexico, Dr. England has also investigated the area of federal policy concerning indigenous peoples in both the United States and Canada. He has taught Latin American history and international relations at the University of Calgary in Calgary, Canada and was recently appointed as an assistant professor in the Department of History at Mount Royal University, also in Calgary.

Maureen S. Hiebert is Assistant Professor of Political Science and Law and Society at the University of Calgary, Calgary, Alberta, Canada. She currently teaches courses in comparative politics (Asia) and socio-legal studies. Her research interests include comparative genocide theory and methodology, the Holocaust, the Cambodian genocide, comparative politics, processes of elite decision-making, international humanitarian law, and international criminal law. Recent publications include: "The Three 'Switches' of Identity Construction in Genocide: The Nazi Final Solution and the Cambodian Killing Fields," *Genocide Studies and Prevention* (2008); "Theorizing Destruction: Reflections on the State of Comparative Genocide Theory," *Genocide Studies and Prevention* (2008);

and “Genocide in Chile? An Assessment” (co-authored with Pablo Policzer), in *State Violence and Genocide in Latin America: The Cold War Years* (2010).

Adugna Lemi is an Assistant Professor of Economics at the University of Massachusetts Boston. He currently teaches courses in economic development, international trade, and international political economy, both at the graduate and undergraduate levels. His publications mainly focus on the determinants of US FDI in Africa, the role of economic and political volatility, the role of taxation in intra-firm trade, and poverty in Africa in general and in Ethiopia in particular. His works have appeared in the *African Finance Journal*, *International Trade Journal*, *Journal of Economic Development*, *Eastern Economic Journal*, *Journal of Global Awareness*, and *Journal of Agricultural Economics*. He is currently researching the issue of poverty dynamics in Africa as well as the impact of capital flows on governance in Africa.

Derrick M. Nault is a former visiting professor of Seoul National University, Korea and Kwansei Gakuin University, Japan. The founder and former president of the Asia Association for Global Studies (AAGS), a scholarly organization based in Japan, Dr. Nault is currently its Director as well as the Editor in Chief of the *Asia Journal of Global Studies* (AJGS), the association’s official journal. In addition to assuming these duties, Dr. Nault lectures in world history and development studies at the University of Calgary in Calgary, Canada. His research interests include globalization, development, and human rights from a historical perspective, particularly with regard to nations of the Global South.

Browne Onuoha is an Associate Professor of Political Science at the University of Lagos in Lagos, Nigeria. His areas of specialization are comparative politics, public policy, and political economy. His latest publication is *Transition Politics in Nigeria, 1979–1999* (2002) (co-edited with Dr M. M. Fadakite). Currently, he is conducting research on policy reforms in Africa and security concerns in the Gulf of Guinea in West Africa.

Onyeka Osuji is a lecturer in Law at the University of Exeter, Cornwall Campus, United Kingdom. He has published numerous articles and book chapters. His published articles have been on the subjects of corporate social responsibility, non-financial reporting, transnational

corporations, and globalization. He has published in such journals as the *Journal of Business Ethics* and the *Journal of Knowledge Globalization*.

Rab Paterson is a lecturer at the International Christian University in Tokyo and a part-time lecturer at Dokkyo University's Faculty of International Liberal Arts where he teaches courses on international affairs, globalization, and media studies. He is also in the final stages of his PhD at Waseda University's Graduate School for Asia Pacific Studies where his research focuses on missile defense and its role in US foreign policy in Asia. His publications and presentations have been on subjects such as US foreign policy, missile defense, globalization, media studies, and direct democracy. He is currently researching the spread of direct democracy in the developing world as a challenge to US economic and political hegemony.

Patrick Strefford is a lecturer in International Relations at Kyoto Sangyo University, Japan. Since graduating in political science from the Graduate School of International Cooperation Studies, Kobe University, Patrick has published articles on the humanitarian crisis in Myanmar, on international assistance to Myanmar, and on Japanese ODA to Myanmar/Burma. His research interests include foreign aid and development, Japanese ODA, and economic and political development in Myanmar. He is currently working on a survey of Japanese government-financed foreign students in Japan.

Evangelos Voulgarakis specializes in symbols of national and religious heritage in contemporary times. He has examined modern interpretations of ancient Greek democracy and drama for the purpose of social activism and conducted research on comparative religious rhetoric in relation to femininity and national identity. His doctoral dissertation was entitled *The Perception and Utilization of Symbols of American Heritage by the United States Neo-militia Movement and its Critics*. Since 1999, he has taught American and British history courses in the UK in addition to the history of English literature, Greek mythology, and other courses on language-related subjects at the Chih Lee Institute of Science and Technology in Taiwan. Dr. Voulgarakis' current research focus is linguistic human rights as well as immigration policies and trends in Greece. He is a member of the editorial team of the *Asia Journal of Global Studies* (AJGS), the official journal of the Asia Association for Global Studies (AAGS).

Biagio Zammitto has been an attorney at the Brussels Bar for the last five years. He decided to focus his career on human rights issues by dedicating his research to the role of transnational companies in a globalized world and to the international liability of states, both of which were the subjects of a memorandum he wrote at the end of his Master's in Human Rights for Professor Olivier De Schutter, UN Special Rapporteur on the right to food.

1

Introduction

Derrick M. Nault

Globalization as an area of scholarly inquiry has generated a voluminous literature (Berger and Huntington, 2002; Bhagwati, 2007; Held and McGrew, 2007; Scholte, 2005; Steger, 2003). So too has human rights (Davies, 1988; Freeman, 2002; Griffin, 2008; Power and Allison, 2006), a vast field with an even longer history (Hunt, 2007; Ishay, 2004). It comes as somewhat of a surprise, therefore, to discover that relatively few books have explicitly focused on the interrelationship of globalization and human rights.¹

Perhaps the lack of works on globalization and human rights might be explained by the ubiquitous and often imprecise use of the term “globalization.” As might be expected when large numbers of people discuss an issue by employing a word that can mean “anything, everything and nothing” (Munck, 2000, p. 84), not all that has been written on globalization is informative or insightful. In fact, some critics have gone so far as to dismiss debates on globalization as “globaloney” (Veseth, 2006), “global babble” (Abu-Lughod, 1997), and intellectual “folly” (Rosenberg, 2002). But if much theorizing on globalization has been vague or unhelpful, this in itself does not offer sufficient justification for jettisoning the term. Indeed, as Scholte (2005) observes, it could suggest the reverse—that much more work remains to be done in terms of refining concepts and gathering evidence to assess the meaning and implications of globalization (p. xvii).

In spite of its contested nature, globalization remains a useful term for describing a process that commenced around the sixteenth century CE. Since the time of Columbus’ first explorations, all the world’s major regions have been increasingly drawn into a global system of commercial, cultural, and ecological exchanges that has drastically transformed how human beings live and view the world around them. The Spanish

2 *Globalization and Human Rights in the Developing World*

Conquest, the transportation of slaves from Africa to the Americas, the establishment of British East India Company rule in South Asia, the Partition of Africa by the European powers, and World Wars I and II are but a few examples of the power of globalization to interpenetrate and shape human lifeworlds. In our own time, technological advances in transportation, information technology, and communications mean that an earthquake-related disaster in Haiti can generate sympathy and attract millions of dollars in donations from around the world ("Haiti Donations Exceed \$644 Million," 2010), a volcanic eruption in Iceland can cause devastating economic losses for a flower industry in Kenya (Pflantz, 2010), a 47-year-old spinster from Scotland can become a worldwide singing sensation as a result of an online video clip from a British talent show (Parry, 2009), and the leader of a small fundamentalist Islamic group can orchestrate a terrorist plot from a remote region of Afghanistan that kills nearly 3000 persons in the United States and continues to influence the foreign policy of the world's most powerful nation (Wright, 2007).

As the above examples attest, globalization has been taking place for several centuries and continues to have far-reaching implications for human populations worldwide. However, there are still areas of inquiry in the scholarly literature on globalization that remain insufficiently developed. One such gap in the literature concerns human rights. The Universal Declaration of Human Rights (UDHR), proclaimed by the United Nations in 1948, may maintain that "the inherent dignity and... the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world" (as cited in Morsink, 2000, p. 313), yet how human rights can be enforced internationally, what human rights-related institutions and policies are appropriate on a global scale, and how human rights are affected by contemporary worldwide economic, political, and cultural exchanges are issues that globalization researchers have barely begun exploring. Indeed, the noted political scientist and human rights expert Jack Donnelly has opined that "a surprisingly small percentage" of works within the "immense" literature on globalization have explicitly focused on the relationship of globalization to human rights (Donnelly, 2007, p. 210). Monshipouri, Englehart, Nathan and Philip, (2003) concur, adding that "The linkage between human rights and globalization is far from obvious and theories that link them are underdeveloped" (p. xxvi).

The purpose of this edited volume is to explore the relevance of globalization for human rights in the developing world, also known as the Global South. The reason for this focus is simply that the dignity,

well-being, and freedom of individuals are most at risk in countries that have yet to achieve developed nation status. Unemployment, socio-economic inequality, inadequate access to healthcare and education, and limited or absent political freedoms pose threats to human rights in both developed and developing nations, but they present particularly grave challenges for peoples in Sub-Saharan Africa, Asia, the Middle East, and Latin America—the world regions that are covered in this book. It is here where populations arguably have the most to lose or gain through globalization. If globalization is managed effectively, it potentially could lift millions out of poverty while granting them greater political freedoms; if, on the other hand, it forms part of a hegemonic project that merely advances Western or other narrow economic and political interests, then vast numbers of the world's citizens stand to see what limited rights they may currently hold eroded yet further. In addition to examining what impact globalization is actually having on human rights in the Global South, what actions should be taken to support and extend rights in the developing world in an era of globalization is also a question that this book seeks to answer.

Defining human rights

Given the theme of this volume, it is appropriate to first define what is meant by human rights. Human rights can be defined in numerous ways, but they are generally thought of as rights that people possess by virtue of being human. Such rights are said to apply to everyone, irrespective of gender, religion, ethnicity, occupation, level of wealth, or national origin. Universal for all times and places, regardless of what governments may do or what laws may be in place, human rights can never be abrogated or taken away. They are essential for and due to everyone if they are to live dignified lives. As defined by Schmitz and Sikkink (2002):

Human rights are a set of principled ideas about the treatment to which individuals are entitled by virtue of being human. Over time, these ideas have gained widespread acceptance as international norms defining what was necessary for humans to thrive, both in terms of being protected from abuses and provided with the elements to live a life in dignity The human right discourse is universal in character and includes claims of equality and non-discrimination. (p. 517)

To further understand what is meant by human rights it is helpful to divide rights into categories. A distinction is often made between two “generations” of human rights—so-called first-generation and second-generation rights. The former refer to political and civil rights. Generally speaking, these rights are meant to protect individuals from state oppression in the form of torture, lack of free speech and political assembly, and arbitrary arrest and detention. First-generation rights derive their name from the fact that they were the first to appear in official documents, the American Declaration of Independence (1776) and French Declaration of the Rights of Man and of the Citizen (1789) being two well-known examples (Wellman, 1999, p. 16). Second-generation rights, as their name implies, are of more recent origin. Inspired by working-class struggles for social justice in industrial Europe in the nineteenth century (Ishay, 2004, pp. 118–172), this generation of rights is economic and social in orientation, emphasizing the right to employment, an adequate standard of living, education, healthcare, and social security.

More recently, a third-generation of rights, linked to independence and post-independence movements in the former “Third World” has been proposed. The aims of these rights are group-oriented and include the right to development, the right to peace, the right to a clean environment, and others. Kabasakal Arat (2006) notes that third-generation rights are often invoked on behalf of people in developing nations who are “struggling against poverty, perpetual warfare, and deteriorating environmental conditions” (p. 39). Karel Vasak, a former chief legal officer with the United Nations Educational, Scientific and Cultural Organization (UNESCO), is credited with initially proposing these rights in the late 1970s. Vasak referred to them as “solidarity rights,” emphasizing that they could only be achieved through the combined efforts of individuals, states, groups and organizations in civil society, and the international community (Brems, 2001, p. 482).

Different opinions exist in terms of the validity of these human rights categories as well as the rights themselves. The authors of the UDHR, for example, saw first- and second-generation rights as indivisible (Donnelly, 2003, p. 67). Others maintain that only first-generation rights are acceptable notions as they can be realistically implemented and enforced. Cranston (1973/2002) is of this opinion, arguing that as the first category of rights merely require governments to exercise restraint by not interfering in citizens’ lives, they are readily legislated; however, he maintains that “This is no longer the case when we turn to the ‘right to work,’ the ‘right to social security,’ and so forth,” with such claims especially “vain and idle” for peoples in developing nations (p. 50).

Heinze (1995) observes that if certain reservations have been expressed toward the concept of second-generation rights, the response to third-generation rights has often been one of “outright contempt” (p. 83). An argument often made against the most recent addition to the human rights pantheon is that they represent a possible dilution and devaluation of core rights. To quote Heinze (1995): “[C]ritics fear that if ‘everything,’ every ‘good cause,’ becomes elevated to a human right, then human rights lose their distinctiveness among human goods. The more rights there are, the less, it is feared, each right is worth” (p. 83). Other arguments made against third-generation rights are that such rights are not feasible, given the limited resources of the international community, or that advocating them will only lead to disillusionment when such rights go unfulfilled (Wellman, 2002, p. 383).

While scholars will continue to debate how human rights should be defined, the view that certain rights should be supported over others merits a critical response. Indeed, rather than prioritizing or disregarding particular rights, all three generations of rights should be seen as mutually supportive. That these generations of rights are interdependent has been increasingly recognized by UN member states in international agreements. The Vienna Declaration of Human Rights in 1993, for example, states that “all human rights are universal, indivisible and interdependent and interrelated,” calling on the international community to “treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis” (as cited in Donnelly, 2003, p. 188). Critics may be right to point out difficulties in implementing certain generations of rights, but that does not make the aims of such rights any less valid, nor does it make the eventual construction of a workable international legal framework supportive of such rights impossible or something for which we should not strive.

In assessing the validity of particular generations of rights, it is also important to note the power relations behind particular rights emphases. During the Cold War, US reluctance to support economic and social rights while advocating civil and political rights starkly contrasted with Soviet policy, which favored the former over the latter. The support each side gave to particular rights was not based on the inherent value of certain rights over others but rather on ideological and geopolitical considerations (Cumper, 1999, pp. 6–7). In a similar vein, Washington’s apparent indifference regarding poor nations’ “right to development” does not indicate that such a third-generation right is impractical or undesirable in itself, but rather that conservative forces within the United States fear the creation of a more just and equitable

world order in which their interests would not prevail (Felice, 2003, pp. 49–50).

We must not, therefore, accept criticisms of any generation of rights at face value. Rather, the economic and political influences behind such viewpoints should first be assessed, and we should search for ways around obstacles that may impede the realization of all generations of rights. The idea that only certain rights deserve our support, while more desirable than a vision of a world where individuals are accorded no rights, is surely too narrow a focus if we are truly serious about creating a more just, peaceful, and sustainable world.

The origins of human rights

Having defined human rights, we now turn to the question of where human rights come from. On this note, the usual response is that human rights have Western origins. Natural law theories from the seventeenth century, eighteenth-century revolutions in Europe and the American colonies, or the leading role played by the United States and other Western nations in the founding of the United Nations in 1945 are just a few examples from world history that have been cited to support the belief that human rights are a Western innovation. The American human rights theorist Jack Donnelly, one of the most ardent exponents of the Western origins thesis, states: “[T]he Western origins of human rights is a simple historical fact. Human rights initially emerged—were created or ‘discovered’—in Europe . . .” (Donnelly, 1999a, p. 69). Mayer (2002) similarly accepts that “The human rights principles utilized in international law came from the West and are of relatively recent vintage” (p. 120).

While the West has undeniably made vital contributions to the evolution of human rights theory and practice, the notion that it alone “created” or “discovered” human rights and the corresponding principles for international laws is unhelpful and misleading in two respects. First, if human rights are truly universal, it is important to find common ground among cultures and civilizations when determining how rights have evolved over time. Authors who do not accept a shared history of human rights among the world’s peoples inadvertently give credence to cultural relativist arguments that contemporary human rights norms represent a Western imposition on non-Western societies. Second, an emphasis on human rights’ Western origins obscures how the historical struggles of peoples in the Global South against Western imperialism and colonialism have helped shape present-day human rights discourses

and international legal frameworks. In this regard, human rights were not something simply invented in the West and bequeathed to people in the developing world. They were fought for through protest and resistance throughout world history. In other words, the human rights concepts and practices we know today did not germinate in self-contained Western settings from where they flowed outward to the global community.

Ethics and human relations: early contributions

An appropriate starting point for understanding the origins and evolution of human rights is to first look for the earliest expressions of ethics in human relations. Although pre-modern ethics and today's human rights concepts and practices are by no means synonymous, it can nonetheless be argued that human rights in their present form would not exist if pre-modern precursors were not expressed in the form of specific moral codes and even legal frameworks. To argue, therefore, that early affirmations of human dignity bear no relation to human rights as we now know them (Donnelly, 1990b, p. 256) fails to acknowledge their crucial role in the evolution of human rights concepts.

Many world religions in this regard possess ethical features with roots anticipating contemporary human rights discourse by hundreds of years (Traer, 1991). Buddhism, Christianity, and Islam are three prominent examples of religions with non-Western origins that are compatible with human rights. Each of these religions asks adherents to show compassion for fellow human beings, refrain from inflicting harm on others, and perform charitable works. Of course, the language of human rights is not fully developed in early writings associated with these and other world religions, yet they nonetheless contain embryonic features of what we presently understand as human rights.

Buddhism, with origins in India that date back to 500 BCE, is based on five precepts, four of which correlate with human rights. The five precepts are as follows: (1) Do not kill; (2) Do not steal; (3) Do not engage in sexual misconduct; (4) Do not make false speech; and (5) Do not take intoxicants. As argued by Keown (2002), "A direct translation of the first four precepts yields a right to life, a right not to have one's property stolen, a right to fidelity in marriage, and a right not to be lied to" (p. 192). Keown argues further that other rights "such as the rights to liberty and security can either be deduced from or are extant within the general corps of Buddhist teachings," citing the "right not to be held in slavery" as "implicit in the canonical prohibition on trade

in living beings" (p. 192). He rightly concludes that human rights were "not 'imported' into Buddhism but were implicitly present" (p. 192).

Given the West's Judeo-Christian heritage, the ethical foundations of Christianity have occasionally been cited as evidence of human rights' early Western origins (D'Souza, 2007, pp. 67–82). Here, a correlation is made with contemporary human rights ideas and biblical scriptures. Among passages from the Bible that are seen as relating to human rights are those that refer to the sanctity and dignity of all human beings, injunctions for the able to help the poor and suffering, and codes forbidding the taking of human life, deception, theft, and other acts that inflict harm on others. Such references can be interpreted to mean that the Christian religion has had a significant impact on the evolution of human rights thought. However, to suggest that Christianity's roots are strictly Western is somewhat misleading as the earliest centers and believers of Christianity were not in fact located in the West but in Palestine, Syria, Iraq, and Africa (Hart, 2009, p. 443). In this sense, Christianity's contribution to human rights, while important, should be seen as part of a global heritage, not something that can be attributed to Western civilization *per se*.

Turning to Islam, various Islamic scholars have argued that Islam is not only compatible with human rights but that Western contributions to human rights are derived from Islamic traditions. While such claims cannot be proven without doubt (Mayer, 2002, p. 122), passages from the Qur'an do contain directives on justice, the sanctity of life, religious freedom, and tolerance (Ishay, 2004, p. 34). According to Hassan (2005), the Qur'an also "consistently affirms women's equality with men and their fundamental right to actualize the human potential that they share equally with men" (p. 57). Elsewhere, Hassan (1999) interprets passages from the Qur'an as implying a "right to life," "right to respect," "right to justice," "right to freedom," "right to privacy," "right to acquire knowledge," "right to sustenance," and "right to work" (p. 54). Finally, the Qur'an stresses the unity of humankind, describing the world's diverse races and languages as an expression of God's will. No race or culture is viewed as superior to another, with piety seen as more important than one's origins (Kinberg, 2006, pp. 458–459).

In addition to the above precursors to human rights, numerous scholars have suggested that traditional societies, such as those that once existed in Africa, established behavioral norms and legal codes that are relevant for human rights. Claude E. Welch, Jr (1984), for example, argues that long before the advent of Europeans, Africans valued "the right to life, the right to education, the right to freedom of

movement, the right to receive justice, the right to work, and the right to participate in the benefits and decision making of the community” (p. 11). Mutua (2002) mentions the Akans of West Africa and the Akamba of East Africa as two traditional societies that had notions of such rights. According to Mutua, “The belief prevailed in both societies that, as an inherently valuable being, the individual was naturally endowed with certain basic rights” (p. 76). Decisions affecting Akan communities were based on deliberations within an elected council followed by discussions with constituents, who could dismiss leaders they felt did not respect their opinions and needs. When an Akamba person appeared in court, he or she did so before a council of elders and a jury. The jurors, who were conversant in Akamba law, did not hand down judgments but advised the defendant as to what arguments they might use to plead their case. After deliberations in this fashion, elders would render a verdict and call for appropriate settlements such as payment in cattle, land, or labor (pp. 76–77).

That pre-modern, non-Western peoples had the capacity for understanding and respecting rights of some kind can further be gathered from accounts of enlightened leaders who based their rule on ideals of peace and tolerance. Among the most remarkable figures in this respect was Ashoka the Great, who ruled over most of India from 304 to 232 BCE. On stone tablets scattered throughout his kingdom, Ashoka promoted wise governance, righteous behavior, and acceptance of all religious faiths. The Mughal Emperor Akbar governed India in a similar spirit in the sixteenth century CE, when he decreed that “No man should be interfered with on account of religion, and anyone is to be allowed to go over to a religion that pleases him” (as cited in Sen, 2005, p. 18). Notably, at the time Akbar was promoting religious pluralism in India, the Inquisitions in Europe—which witnessed the mass persecution, killing, and expulsion of Jews and Muslims—“were in full bloom” (Sen, 2001, p. 139).

To be sure, to suggest that human rights have existed in their present form since time immemorial would be an exaggeration. Indeed, pre-modern societies—whether Western or non-Western—were more often characterized by their indifference to than support of human rights. Nevertheless it can be argued that the inklings of human rights notions were in evidence in many regions of the non-Western world long before pivotal events such as the European Enlightenment and the American and French Revolutions. Noting these precursors to human rights is important, for it demonstrates the potential of all members of the human family to understand and support human rights, not just those

in Western nations. As will be discussed below, recognizing how subjugated peoples struggled against Western domination is also crucial for understanding how the story of human rights is one shared by all of humanity.

Human rights struggles

As the Spanish were the first Europeans to colonize regions of the New World, commencing their rule in what is today the Caribbean and Latin America, it is here where ethical questions concerning the domination of peoples in foreign lands were first raised. The sixteenth-century Dominican priest Bartolomé de Las Casas, moved by the sufferings of indigenous peoples in Hispaniola and Cuba at the hands of Europeans, was among the first critics of Spanish colonial rule, writing scathing commentaries on settlers' barbarities while calling on King Charles V to implement drastic reforms. The New Laws for the Indies that were promulgated by the Crown to curb Indian slavery and abuses under the *encomienda* system were not singlehandedly brought about by Las Casas, yet contemporary historians generally agree that the changes were heavily influenced by his writings and petitions to the Crown (Zamora, 1993, p. 40).

Moreover, as a result of Las Casas' and other priests' criticisms of Spanish rule, Charles V convened a meeting in 1550 at Valladolid for a series of debates between Las Casas and the theologian Juan Ginés de Sepúlveda, which were among the earliest in existence on human rights. Defending the natives against Spanish aggression, Las Casas argued that Indians were rational members of the human family who did not deserve inhumane treatment. Sepúlveda, on the other hand, depicted Native Americans as barbarians, heathens, and inferiors that the Spanish were bound by duty to enslave and forcibly convert to Christianity. While no official decision resulted from the debate, the questions raised by Las Casas nonetheless prompted the Spanish to reflect on issues of social justice in their colonies. Moreover, the human rights tradition in Latin America can be considered as beginning with Las Casas. For his role in the debates and his other activities, he is aptly referred to as the "Father of human rights" (Duffey, 2001, p. 6).

At the time of Las Casas' protests and petitions, capitalism was just beginning to spread from Europe to other regions of the globe. In this regard, the enslaved Indians that the Dominican priest sought to protect were among the front lines of those exploited to meet an escalating demand for luxury goods and raw materials emanating from Western

Europe. By the seventeenth century, however, it would not be Indians but Africans who would provide the greatest source of slave labor to fuel the growth of capitalism. With Europeans in the Americas finding that Africans were resistant to the diseases devastating Indian populations, easier to control than local slaves, and relatively cheap to replace, an industry was spawned whereby European traders increasingly visited points along the West African coast to secure supplies of African slaves for plantations and mines in the Americas. By the time the slave trade was completely abolished in the late nineteenth century, it was estimated that at least 10 million Africans had been taken from their homelands, transported across the Atlantic Ocean, and sold into slavery (Thomas, 1997, p. 861).

Accounts on the end of the slave trade have tended to emphasize the role outsiders or outside forces played in the process. On the one hand, a great debt is said to be owed to the anti-slavery campaigns of European and American abolitionists (Miers, 2003, p. 4). On the other hand, the changing character and needs of global capitalism are stressed, with the argument being that the key reason for the slave trade's demise was that free labor was more cost-efficient than slave labor (Williams, 1944/1994). Less frequently discussed is how slaves and former slaves induced change through public persuasion and resistance, in the process transforming the slave trade into an international human rights issue.

In Great Britain, Olaudah Equiano was the most well-known former slave who used his ability to speak and write in English to convey his abolitionist viewpoints. An Igbo who was captured as a boy in what is today Southern Nigeria and sold into slavery in Barbados, then Virginia, and finally England, Equiano eventually was able to learn how to read and write, and purchased his freedom. In 1789, he wrote *The Interesting Narrative of the Life of Olaudah Equiano, or Gustavus Vassa, the African, Written by Himself*, which discussed his memories of Africa and, important for the abolitionist cause, the horrors of the middle passage and slavery (Equiano, 1789/2003). Equiano was a prominent member of the Sons of Africa, an abolitionist group of African men in England who included Ottobah Cugoano and Ignatius Sancho, two other former slaves who also expressed their anti-slavery viewpoints in books, articles, petitions, and public speeches. Equiano and the group were instrumental in raising awareness of the plight of slaves, working closely with and greatly influencing British abolitionists and anti-slavery associations (Gordon, 2000, p. 58).

In the Caribbean and Americas, resistance to slavery assumed numerous forms.² However, runaway communities and their potential to

destabilize slave-based economies proved particularly troubling to slave owners. Europeans' greatest fears were realized in Saint Domingue (today Haiti) shortly after the outbreak of the French Revolution in 1789, when the former slave Toussaint L'Ouverture led a series of uprisings aimed at toppling the colonial plantation system. Although L'Ouverture died in a French prison, other leaders continued the anti-slavery struggle, winning Saint Domingue's freedom in 1803. The effects of this victory would reverberate throughout the Caribbean, the Americas, and Africa. Frederick Douglass, the African American abolitionist and former slave, asserted in 1893 that "the freedom that has come to the colored race the world over" was "largely due to the brave stand taken by the black sons of Haiti ninety years ago." Douglass praised the work of American and British abolitionists and slave societies, but nonetheless stressed that "we owe comparably more to Haiti than to them all" (as cited in Davis, 2001, p. 3).³

Donnelly (2007) observes that "a dramatic event that crystalizes awareness often is crucial to making a problem an active subject of international concern and action" (p. 4), suggesting that the Holocaust was the "catalyst that made human rights an issue in world politics" (p. 4). While the Holocaust shocked world opinion and resulted in genocide being declared a crime punishable under international law,⁴ it was in fact the transatlantic slave trade and its abolition that first galvanized global public opinion and led to significant changes in international relations and human rights. The first notable development occurred in 1807, when Great Britain passed the Act for the Abolition of the Slave Trade. With this Act, the British navy was granted the authority to actively suppress the slave trade by boarding suspect vessels and releasing captives. Britain subsequently signed a series of bilateral treaties that granted signatory nations similar inspection and release rights. International courts were also convened on both sides of the Atlantic to monitor cases involving slave-trading vessels (Fyfe, 1986, pp. 179–180). The Slavery Abolition Act of 1833 dealt yet another blow to the slave trade by abolishing slavery throughout the British Empire. It took some time for these measures to be felt worldwide, but along with slave resistance and public opinion they helped end the slave trade and slavery in French colonies in 1848, in Cuba in 1860, in the southern United States in 1865, and in Brazil in 1888.

While efforts to end the slave trade raised awareness of human rights issues on a global scale, the anti-slavery struggle turned out to be the beginning of a longer battle of oppressed peoples against Western imperialism and colonial rule. Although Latin American nations had

achieved their independence from Spain and Portugal by 1824, by the 1880s the Indian subcontinent was firmly under British rule, Africa was on the verge of being partitioned by the European powers, and regions of East Asia had already fallen prey to what was to be the first wave of numerous European expansionist ventures. Examples of human rights abuses linked to Western nations' domination of their formal and informal empires are too numerous to recount here. However, among the most blatant were Great Britain's Opium Wars in China (1839–42, 1856–60), the mutilation and murder of Africans who did not meet rubber quotas in King Leopold's Congo (1885–1908), the genocide perpetrated by Germans against the Herero people in German South West Africa (modern-day Namibia) (1904–7), the British massacre of unarmed Indians at Amritsar in 1919, and institutionalized racial segregation in South Africa.

Rather than representing a humanitarian act on the part of colonial powers, the independence of India in 1947, Ghana in 1957, and numerous African nations in the 1960s was the result of years of protests and resistance on the part of oppressed peoples. In India, the Non-Cooperation Movement of 1919–20 witnessed a concerted assault against the Rowlatt Acts, a body of laws that restricted press freedoms and allowed for the arbitrary arrest of suspected political dissenters. Gandhi's Salt March in 1929, which ended in the arrest of 90,000 Indians as well as their leader, symbolically sought greater economic freedoms for Indians by attempting to break Britain's monopoly on salt. With Great Britain still reluctant to meet Indians' demands for further autonomy and improved human rights, the Quit India Movement, launched in 1942, sought complete independence for India. At this time, Gandhi implored his countrymen to "act as if you are free and are no longer under the heel of this imperialism," stressing that "We shall either free India or die in the attempt; we shall not live to see the perpetuation of our slavery" (as cited in Gandhi, 2008, p. 467).

The struggle for independence in Africa involved similar acts of defiance against colonial authority and assertions of human dignity. As early as 1915 in the midst of World War I, John Chilembwe, a mission-educated African, questioned why Africans should fight and die in a war that was not in their interests, and led an abortive rebellion in Nyasaland in which he sacrificed his life for the cause of African independence (Collins and Burns, 2007, pp. 331–332). In the 1930s, the Nigerian publication *West African Pilot*, inspired by African Americans' civil rights struggles, decried the hypocrisy of colonial rule in Africa.⁵ Among the most well-known advocates of African independence was