EUROPEAN & INTERNATIONAL LAW

AALS Annual Convention Plenary Panel: Impact of Globalization on Human Rights

By Aryeh Neier

[Editors' Note: From the plenary panel that presented at this year's Association of American Law Schools Annual Convention on January 4, 2003, in Washington, DC. The remarks of the panelists appear exclusively in German Law Journal with the kind permission of the authors and the AALS.]

There are various ways in which globalization can and does promote human rights. I want to focus on one of the ways in which globalization, because of the way it is managed by the most highly developed countries, has a very deleterious impact on human rights. Highly developed countries have managed globalization in a number of ways such that it has increased wealth disparities between the center and the periphery and the effect has been to heighten resentment for the center from the periphery. Unfortunately, that resentment sometimes manifests itself in the rejection of what are seen as Western values, including human rights. In fact, a number of leaders of countries on the periphery find it convenient to manipulate public opinion in order to foster hostility towards the West and in the process, hostility towards efforts to improve their human rights practices.

In discussing the way globalization is managed, I am going to focus on the single issue of agricultural subsidies and tariffs. Though the West preaches free trade to the rest of the world, it does not practice it. The latest figures released jointly by the International Monetary Fund and World Bank reveal that the 27 OECD countries (the most highly developed countries in the world) paid out \$231.7 billion in agricultural subsidies last year. When coupled with the fact that those countries also imposed agricultural tariffs that accounted for another \$80 billion, the total subsidization of agriculture by the world's richest countries amounted to \$311 billion or 1.3% of GDP. As it happens, agricultural products are among the few areas where it would be possible for the least developed countries to compete in the market. That is, they are not going to be able to compete selling technology to the West. Almost their only real opportunity is to sell agricultural products. But they cannot do it to a significant extent because of the \$311 billion that the West spends to deny them that opportunity. The 27 OECD countries in the last year gave out .24 % of

GDP in development assistance. Worldwide development assistance from the highly developed countries is less than one-fifth of the total involved in those countries' agricultural subsidies and tariffs. The U.S. was the worst of all; the U.S. gave out one-tenth of one percent of its GDP in development assistance, which ranks last among the 27 most highly developed countries. Countries such as Luxemburg and Portugal gave significantly more aid, as a percentage of GDP, than the United States. In fact, the small fraction of a percent of GDP provided by the United States as development aid dramatically pulls down the average assistance provided by the OECD countries.

The U.S. and other Western governments complain that a lot of development assistance is wasted and that is a strong argument for not giving out development assistance. On the other hand, the U.S. preaches the gospel that commerce is actually the way for countries to make headway but it blocks the opportunity for the poor countries to compete in the single commercial sector in which poor countries might hope to be active: the selling of agricultural products. With respect to subsidies, leaving aside the tariffs, the U.S. alone paid out \$49 billion in agricultural subsidies in the year from which these figures were drawn. If all development assistance ended tomorrow and free trade were in fact allowed, I suspect that underdeveloped countries would get more revenue through commerce, significantly more, than they would get through development assistance.

Now, as to the question of resentment. I want to refer to particularly to Zimbabwe, Venezuela and Indonesia. In the case of Zimbabwe, which is a human rights disaster today, President Mugabe could not survive with his horrendous regime if he did not have significant support from other African governments. The reason he is able to obtain that support is that they see Mugabe poking Britain and the United States in the eye, rejecting their efforts to preach human rights to him. And then he is cheered on elsewhere in Africa, especially because he has focused attention on his efforts to appropriate what were white farms. That plays very well for him in stimulating resentment against the West and resentment against efforts to promote human rights. In the case of Venezuela, it is predominantly the poor in Venezuela who support the regime of President Hugo Chavez and its authoritarian tendencies. They welcome Chavez's attempt to associate Venezuela with Castro's Cuba. In Indonesia, this takes a different form. Indonesia has suffered from horrendous communal violence of a sort that it never had previously. This communal violence is primarily promoted by radical Muslim groups, such as one called Laskar Jihad, and is particularly aimed at Christian communities in places like the Moluccas and Ambon and Central Sulawesi because the Christians, even though they are Indonesians like the Muslims, are seen as representing the West in Indonesia. By attacking the Christian Indonesians, groups such as Laskar Jihad can claim to be attacking the West. Thousands of people are being killed in this communal violence.

The argument that I would make is that if the West wants to defend Western values, and Western values are under attack, it has to allow globalization to proceed in a manner that does not fuel the politics of resentment. This calculus seems to be of particular gravity for the United States, which is, as could not now be more obvious, directly endangered by the rejection of Western values around the world. It is the politics of resentment in the periphery that today accounts for a significant level of human rights abuses and that limits the impact of what are seen as Western institutions in being able to influence practices in those countries so as to be able to curb abuses of human rights.