



EIUC STUDIES ON
HUMAN RIGHTS AND
DEMOCRATISATION

Economic Globalisation and Human Rights

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CAMBRIDGE

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CAMBRIDGE
UNIVERSITY PRESS

CAMBRIDGE UNIVERSITY PRESS
Cambridge, New York, Melbourne, Madrid, Cape Town, Singapore, São Paulo

Cambridge University Press
The Edinburgh Building, Cambridge CB2 8RU, UK

Published in the United States of America by Cambridge University Press, New York

www.cambridge.org
Information on this title: www.cambridge.org/9780521878869

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First published 2007

Printed in the United Kingdom at the University Press, Cambridge

A catalogue record for this publication is available from the British Library

ISBN-13 978-0-521-87886-9 hardback

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ECONOMIC GLOBALISATION AND HUMAN RIGHTS

Economic globalisation is one of the guiding paradigms of the twenty-first century. The challenge it implies for human rights is fundamental, and key questions have up to now received no satisfying answers. How can human rights protect human dignity when economic globalisation has an adverse impact on local living conditions? How should human rights evolve in response to a global economy in which non-statal actors are decisive forces? *Economic Globalisation and Human Rights* sets out to assess these and other questions to ensure that, as economic globalisation intensifies, human rights take up the central and crucial position that they deserve. Using a multidisciplinary methodology, leading scholars reflect on issues such as the need for global ethics, the localisation of human rights, the role of human rights in WTO law, and efforts to make international economic organisations more accountable and multinational corporations more socially responsible.

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SERIES EDITORS' PREFACE

The present book is the first in the new series of EIUC Studies in Human Rights and Democratisation. The European Inter-University Centre for Human Rights and Democratisation in Venice, Italy is the principal European Human Rights and Democratisation Centre supported by almost 40 renowned European universities, the European Union, the Region of Veneto, the City of Venice and other strategic partners. Professors, researchers, teachers and experts from all over Europe and from different scientific disciplines and partner organisations are active in the Centre's programmes and teaching activities. One of the main objectives of the EIUC is to create a fertile environment for research and research cooperation and the transformation of the results of that cooperation into realistic policies. The EIUC studies aim to publish the best scholarly work on Human Rights and Democratisation resulting from that process of academic cooperation in the Venice Centre and its member universities. The series is not limited to lawyers' discourse alone. It encompasses the scientific disciplinary and interdisciplinary dialogue on Human Rights and Democratisation as practiced in research and teaching in the Centre's activities.

The first book reflects in approach and outcome the overall aim of the EIUC series to enrich the academic discourse on Human Rights and Democratisation with innovative contributions which also facilitate the transfer of academic and institutional expertise into the public sphere. By means of a multidisciplinary methodology the authors identify the relevance of human rights for economic globalisation. The contributions as well as the introduction and conclusions provide a comprehensive and original guidance on the interrelation between areas of international commercial activities and institutional responsibilities as well as the normative environment in which such activities are embedded. EIUC owes gratitude to the volume editors and the authors of the present volume. Wolfgang Benedek, Koen de Feyter, Fabrizio Marrella have been able together with the other EIUC professors to collaborate successfully in the

process of multidisciplinary research on a new, fragmented and ever-changing subject setting a significant example for future project cooperation in the field. We would also like to express our thanks to the EIUC Board and the EIUC Assembly members who have been supporting the project of a new series with dedication and patience.

The series would not exist without the support of Finola O'Sullivan from Cambridge University Press. We would like to thank her for her guidance, encouragement and assistance.

Horst Fischer
Fabrizio Marrella
Florence Benoit-Rohmer
Michael O'Flaherty

PREFACE

The challenge that economic globalisation as one of the 21st century's guiding paradigms implies for human rights is fundamental. While the scientific discourse on globalisation has intensified and an ever growing body of research in economic globalisation can be ascertained, key questions have up to now found no satisfying answers.

Economic Globalisation and Human Rights sets out to address this gap. Questions that delimitate the multifaceted impact of globalisation on the very conception of human rights, and on their future, include: How can human rights protect human dignity when economic globalisation has adverse impacts on local living conditions? To what extent and into which direction should human rights evolve in response to a global economy in which non-statal actors are decisive forces? In this collection leading scholars assess these and other questions. Using a multidisciplinary methodology the contributors aim at ensuring that, as economic globalisation intensifies, human rights take up the central position that they deserve as a global value system. Reflecting on issues ranging from the need for a global ethic to the localisation of human rights, from the role of human rights in the WTO and the World Bank to efforts to make international economic organisations more accountable and multinational corporations more socially responsible, the contributors show that economic globalisation cannot be an end in itself, but is shaped and enriched by the globalisation of human rights.

We are proud that this volume is the first in a series initiated by the European Inter-University Centre for Human Rights and Democratisation in Venice, Italy, and coordinated by Horst Fischer, to whom we are grateful for his tireless efforts. We would also like to extend our thanks to Finola O'Sullivan of Cambridge University Press for her support and assistance. Gratitude is further owed to Julie Self for her thorough and thoughtful copy-editing. We also gratefully acknowledge the valuable contribution of our editorial assistant,

Matthias C. Kettemann of the University of Graz, for the completion of this book.

October 2006

Wolfgang Benedek
Koen De Feyter
Fabrizio Marrella

ABBREVIATIONS

3D	3D → Trade – Human Rights – Equitable Economy (NGO)
AB	Appellate Body of the WTO
ACHR	American Convention on Human Rights
AComHPR	African Commission on Human and Peoples' Rights
ACRWC	African Charter on the Rights and Welfare of the Child
ACtHPR	African Court of Human and Peoples' Rights
ADI	American Declaration of Independence
ADRDM	American Declaration on the Rights and Duties of Man
AI	Amnesty International
AU	African Union
BIICL	British Institute of International and Comparative Law
BTA	Bilateral Trade Agreements
CA	Appeal Court (several jurisdictions)
CAAU	Constitutive Act of the African Union
CAS	Council of Arab States
CAT	Committee Against Torture/Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CCRF	Canadian Charter of Rights and Freedoms
CDES	Centro de Derechos Económicos y sociales
CEDAW	Committee on the Elimination of Discrimination Against Women/Convention on the Elimination of All Forms of Discrimination against Women
CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
CETS	Council of Europe Treaty Series
CHR	Commission on Human Rights
CLAS	Council of the League of Arab States
CMW	Committee on Migrant Workers
CoE	Council of Europe

CP-Tech	Consumer Project on Technology
CRC	Committee on the Rights of the Child/Convention on the Rights of the Child
CS	Civil Society
C-SAFE	Consortium for Southern Africa Food Security Emergency
CUP	Cambridge University Press
DFID	Department for International Development
DPPED	Declaration on the Protection of all Persons from Enforced Disappearance
DSB	Dispute Settlement Body
DSU	Dispute Settlement Understanding
ECHR	European Convention on Human Rights and Fundamental Freedoms
ECJ	European Court of Justice
EComHR	(former) European Commission of Human Rights
ECtHR	European Court of Human Rights
EEC	European Economic Community
EFTA	European Free Trade Association
EIUC	European Inter-University Centre for Human Rights and Democratisation
EPO	European Patent Office
ETC	European Training and Research Centre for Human Rights and Democracy, Graz
ETS	European Treaty Series
EU	European Union
FTA	Free Trade Agreement
GA	(United Nations) General Assembly
GATS	General Agreement on Trade in Services
GATT	General Agreement on Tariffs and Trade
GEO	Global Environmental Outlook
HAI	Health Action International
HIV	Human Immunodeficiency Viruses
HIPC	Heavily Indebted Poor Countries
HRC	Human Rights Committee/Human Rights Council
HRW	Human Rights Watch
HURIST	Human Rights Strengthening: UNDP/OHCHR
IAComHR	Inter-American Commission on Human Rights
IACtHR	Inter-American Court of Human Rights
ICC	International Criminal Court

ICCPR	International Covenant on Civil and Political Rights
ICEDAW	International Convention against all forms of discrimination against women
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICISS	International Commission on Intervention and State Sovereignty
ICJ	International Court of Justice/International Commission of Jurists
ICPD	International Conference on Population and Development, Cairo, 1994
ICPD+5	International Conference on Population and Development Five-year review, 1999
ICPD+10	International Conference on Population and Development Ten-year review, 2004
ICRC	International Committee of the Red Cross
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
ICSID	International Center for Settlement of Investment Disputes
ICTR	International Criminal Tribunal for Rwanda
ICTSD	International Centre for Trade and Sustainable Development
ICTY	International Criminal Tribunal for the former Yugoslavia
IDLO	International Development Law Organisation
IFRC	International Federation of Red Cross and Red Crescent Societies
IGBC	Intergovernmental Bioethics Committee of UNESCO
IGO	Intergovernmental Organisation
IHRR	International Human Rights Reports
ILA	International Law Association
ILM	International Legal Materials
ILO	International Labour Organisation
IMF	International Monetary Fund
INGO	International Non-Governmental Organisation
IO	International Organisation

IP	Intellectual Property
IPRs	Intellectual Property Rights
IRIN	Integrated Regional Information Networks (part of OCHA)
ITO	International Trade Organisation
LDC	Least/less developed country/countries
MDGs	Millennium Development Goals
MIGA	Multilateral Investment Guarantee Agency
MNC	Multinational corporation
MSN	Médecins sans Frontières
NALEDI	National Labour and Economic Development Institute
NGO	Non-Governmental Organisation
NIEO	New International Economic Order
OAU	(former) Organisation of African Unity
OCHA	UN Office for the Coordination of Humanitarian Affairs
OECD	Organisation for Economic Co-operation and Development
OHCHR	High Commissioner for Human Rights
OIC	Organisation of the Islamic Conference
PTO	Patent and Trademark Office (United States)
SACC	South African Constitutional Court
SACU	Southern African Customs Union
SARS	Severe Acute Respiratory Syndrome
SC	(United Nations) Security Council
SCC	Supreme Court of Canada
SCI	Supreme Court of India
SCR	Supreme Court Reports (Canada)
SG	(United Nations) Secretary-General
SIPCs	Severely indebted poor countries
TAC	Treatment Action Campaign
TPRM	Trade Policy Review Mechanism
TRALAC	Trade Law Centre for Southern Africa
TRIPS	Trade-Related Aspects of Intellectual Property Rights
UDHR	Universal Declaration of Human Rights
UK	United Kingdom
UN	United Nations
UNAIDS	United Nations Joint AIDS Programme
UNAMIR	United Nations Mission to Rwanda
UNCTAD	United Nations Conference on Trade and Development

UNDHA	United Nations Department of Humanitarian Affairs
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
UNESCO	United Nations Economic, Social and Cultural Organisation
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund
UNPR	United Nations Press Release
UNRISD	United Nations Research Institute for Social Development
UNTS	United Nations Treaty Series
UNUP	United Nations University Press
UNW	UN Wire
USA	United States of America
USAID	United States Agency for International Development
USIP	United States Institute of Peace
USSC	United States Supreme Court
VCCR	Vienna Convention on Consular Relations
VCLT	Vienna Convention on the Law of Treaties
VDPA	Vienna Declaration and Programme of Action of the World Conference on Human Rights
WB	World Bank
WCHR	World Conference on Human Rights
WHO	World Health Organisation
WIPO	World Intellectual Property Organisation
WTO	World Trade Organization